

# ANNUAL REPORT

2015

## OFFICE OF THE DISTRICT ATTORNEY



ANDREA AMIDON NODOLF  
DISTRICT ATTORNEY  
DUNN COUNTY, WISCONSIN  
STAFF

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District Attorney	Andrea Amidon Nodolf	w/DA since 11/14
Legal Secretary	Marcia Finder	W/DA since 5/85

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Assistant District Attorney	Andrew Maki	w/DA since 3/93
Legal Secretary	Pam Rudie	w/DA since 10/93

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Assistant District Attorney	Holly Wood Webster	w/DA since 4/11
Legal Secretary	Darlene Bochman	w/DA since 2/04

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Secretary I	Aimee Cronk	w/DA since 10/14
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Crime Victim/Witness Coordinator	Barb Lande	County 7/77 w/DA since 4/85 V/W since 8/93
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Victim/Witness Assistant	Debbie Harmon	P-T V/W since 7/13
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Victim/Witness Assistant	Deanna Arntson	P-T V/W since 2/13
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## DUNN COUNTY DISTRICT ATTORNEY'S OFFICE

615 Stokke Parkway, Suite 1700  
Menomonie, WI 54751

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**District Attorney**  
Andrea Amidon Nodolf

**Assistant District Attorneys**  
Andrew J. Maki • Holly D. Wood Webster

March 7, 2016

**Re: Annual Report of the Office of the Dunn County District Attorney**

Dear County Board Members:

### Department Overview

The Office of the District Attorney ("Office") had an extremely busy year in 2015 with many complex and challenging cases and several positive changes. 2015 represented the highest number of cases filed by this Office in its entire history with 3,477. This Office successfully prosecuted 367 felony cases and 540 misdemeanor cases. Additionally, our Victim/Witness Program served 519 new victims.

The total number of misdemeanor and felony cases filed by this Office decreased slightly from last year, due in part to recently implemented alternate charging decisions designed by this Office to be smart on crime and spend valuable time and resources on medium to high risk offenders and violent/community damaging cases. The total number of cases however tells only a portion of the story. 2015 saw a disturbing increase in certain types of cases that require large amounts of prosecutor time and resources. As examples, the number of sexual assaults increased from 2 cases in 2014 to 12 cases in 2015. The number of cases for sexual assault of a child increased from 4 cases to 10 cases.

The number of possession of methamphetamine cases increased from 39 cases to 50 cases. Methamphetamine use/distribution is the cause of a significant number of both adult and CHIPS cases for this Office. Unfortunately, I believe the drug's presence is on the rise. In September of 2015 alone, this community had two drug busts that included large amounts of methamphetamine. In the first case, the Defendant was in possession of almost 50 grams of methamphetamine intended for distribution throughout the County. This investigation was jointly handled by the Menomonie Police Department and the West Central Drug Task Force ("WCDF").

Only two days later on September 9, 2015, a Defendant in Menomonie was caught by WCDF in possession of an entire pound (450 grams) of methamphetamine. This represents the single largest amount of methamphetamine ever recovered in the

history of WCDF. The Defendant is a known member of the Vice Lords Gang from the Twin Cities and was recently released from the Federal Super Max Prison. Under current Wisconsin law, the highest penalty amount for possession with intent to deliver methamphetamine is 50 grams. Given the quantity and the extremely serious nature of the case, I assisted in facilitating this case being prosecuted federally wherein the Defendant will most likely receive a longer prison sentence. The Defendant has now been federally indicted and faces a sentence of 16 to 33 years in federal prison.

2015 was a strong year for this Office from a financial perspective. With the recent implementation of SAP, I am not able to provide exact, up-to-date numbers but believe the Office was on budget for expenditures. However, to the extent there was any minor overage on expenditures, the Office exceeded its revenue projections by approximately \$14,500 which would serve as an offset to any expenditure overage.

### **Notable Accomplishments and Cases**

Beginning in early 2015, this Office began examining alternative methods of addressing certain minor criminal infractions and ordinance violations. As a result, a Pre-Charge Diversion Program ("Program") was developed through collaboration with the CJCC Deferred Prosecution Workgroup, which I serve as Chairperson. The Program is designed to divert certain first time/low risk offenders from the traditional criminal justice system and give them the opportunity to self-correct.

Evidence-based research has demonstrated that certain first time/low risk offenders are likely to self-correct when given the opportunity to do so and may not benefit from traditional behavior changing programming. The Program benefits taxpayers by providing certain offenders with a better avenue for rehabilitation and becoming better members of society, reducing the time and amount of prosecutor and court resources, and increasing public safety by allowing prosecutors to focus more time and effort on violent and medium to high risk offenders.

Appropriate offenders will be referred to the Program directly by law enforcement beginning in June, 2016. The Program is designed to address certain first time/low risk offenses, including but not limited to, disorderly conduct, possession of drug paraphernalia, and resisting an officer. However, eligibility for this Program must be approved by this Office, and will be determined by this Office's newly hired Deferred Prosecution Coordinator with prosecutor assistance. Should the offender be allowed entry to the Program, the offender will need to accomplish the following:

- Pay a \$50 service fee or complete six hours of community service (subject to finalization and approval by the County Board and CJCC);
- Remain crime free for six months;

- Participate in an educational component regarding the repercussions of the criminal justice system and having a record;
- Complete a Thinking Report; and
- Pay applicable restitution.

Provided the offender is successful in the Program, no criminal or ordinance charges will be filed. If the offender is not successful, this Office will resume prosecution and issue a complaint or citation. I would specifically like to thank the County Board for its support of this Program as well as funding the much needed Deferred Prosecution Coordinator to make it a success for the community.

In 2015, this Office began routinely utilizing the forfeiture process in certain criminal cases in order to seize cash, personal property such as vehicles, and real property in select instances. Utilization of the forfeiture process allows local law enforcement agencies to retain 50% of the proceeds with the remainder going to the State of Wisconsin's School Fund. This procedure provides the local law enforcement agencies the opportunity for an additional revenue source for budgets and programs. Additionally, this Office is examining the option of retaining a portion of the proceeds that currently go to the local law enforcement agencies as a possible revenue source to assist in funding new programs/positions within this Office.

2015 also saw the implementation of an initiative to improve and amend insufficient legislation. The first legislative amendment involved working with State Senator Harsdorf to increase the penalties for concealing a corpse. Act 147, with bipartisan support, was signed into law in early February and stemmed from my firsthand experience with a truly heinous crime involving the concealing of a corpse after a homicide while serving as the Rusk County District Attorney. The law as it existed simply did not provide a proper punishment for this vile crime and needed to be strengthened. I am very appreciative of Senator Harsdorf's willingness to correct this injustice and look forward to working together with all members of the legislature to address other law enforcement and public safety concerns so that this Office has the tools it needs to ensure our community remains a great place to live, work, and raise a family.

Unfortunately, Dunn County has recently seen two separate vehicular homicide cases resulting in the deaths of three young women. In the first case, the Defendant, Michael Sonnentag, committed a double homicide by striking a van transporting several family members and then fleeing the scene. When finally apprehended five hours after the crash, the Defendant's blood alcohol level was still a 0.146, almost twice the legal limit. Given the truly devastating nature of this case, I requested 10 years in prison followed by a lengthy extended supervision. Following a seven hour sentencing hearing wherein approximately 20 family and friends testified, some via remote access from the

Philippines, the Defendant was sentenced to 6 years in prison with extended supervision.

The second vehicular homicide case was the prosecution of Gunnar Zurek in the death of his girlfriend. Prior to trial, the Defendant pleaded to four felony counts and two misdemeanor counts. One of the felony charges was for homicide by negligent operation of a motor vehicle wherein the Defendant was estimated to be traveling at more than twice the legal speed limit at the time of the crash. In certain aspects, the Zurek case demonstrated one of the greatest threats to the public as the Defendant had a long history of placing his needs above the law and the rights of others. He had consistently demonstrated a complete lack of caring as to how his actions affect others and the community as a whole. Given the Defendant's criminal history and the pattern of continued violations of the law, some even while out on bond, the State requested a total of 10 years prison with additional extended supervision. The Court ultimately sentenced the Defendant to 6 years prison and that he spend the night in jail on the anniversary of the crash during extended supervision.

2015 also brought resolution to, and sentencing of, Beth Mittelstadt, the Defendant who was charged with attempted homicide of law enforcement and an unrelated arson. The Defendant eventually pleaded to two counts of recklessly endangering safety of police officers and one count of felony damage to criminal property. The Defendant placed the lives of three officers at risk and forced one to utilize lethal force to protect himself from the Defendant. Despite the Defendant's heinous acts, she refused to accept responsibility and attempted to minimize matters. Given the nature of the Defendant's crimes, the State requested that the Defendant be sentenced to 14 years prison followed by extended supervision. The Court ordered a sentence of 7 years prison with extended supervision.

A complete game changer is needed for these types of defendants if there is any hope of rehabilitation.

### **Operational Considerations**

This Office's numbers and time-intensive cases continue to place an inordinate amount of stress on an Office that is already challenged by inadequate levels of prosecutorial staff. According to a study performed by the Wisconsin Department of Administration utilizing a weighted caseload formula, Dunn County is in need of 2.8 additional prosecutors. In fact, this Office actually had more prosecutors in 2003 than it does now, despite the fact that the caseload and population of Dunn County has only increased since 2003.

During this last year, I have strongly lobbied our local legislators for additional prosecutorial staff, but am very disappointed and disheartened to report that the legislature has again failed to provide any additional prosecutors to any county in the State. Given the legislature's repeated failure to address prosecutorial needs, many counties throughout this State have begun supplementing their prosecutorial staffs. As local examples, St. Croix County currently funds a full-time drug prosecutor position and Barron County has contracted with a private attorney to prosecute their CHIPS and Termination of Parental Rights cases to alleviate the workloads on their district attorney offices.

I am sensitive to the County's limited budget and am very appreciative of the County resources this Office receives. Therefore, I am not making any such request for county funding of this type at this point and will be leading the push with the legislature during the next session for proper levels of prosecutor staffing. However, should the legislature again fail to address this critical need, I anticipate making a County request for a future County budget.

One possible position this Office is considering adding to its next County budget request is that of an Office Manager. This type of position is common in all of the District Attorney Offices in the surrounding counties. Recent technological advancements within the County including the new SAP system and a paperless Clerk of Circuit Court have placed additional managerial duties within this Office's system. A position of this type would provide some assistance in relieving prosecutorial stress by removing certain lower level, day-to-day managerial tasks from my plate thereby allowing me to spend more time serving as a prosecutor.

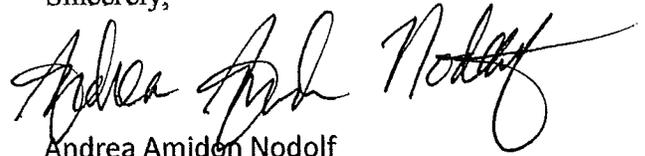
As you know, over the last year, I have been working very hard to secure additional, critically needed space for this Office. The current configuration places the victim witness room within this Office and requires victims to walk through the center of the Office to access this area. For confidentiality purposes, operational considerations, and security concerns, this room cannot be located within the Office and needs to be separate with its own secure access.

I previously recommended creating the needed space by removing a portion of the seating in unused Courtroom 4 which would still allow it to function as a proper courtroom. However, the courts proposed another location and are obtaining approval from the judicial oversight body. This approval has been pending for several months now. I appreciate the work of the County Committees and County Manager on this matter and eagerly await a resolution to provide this Office with the critical space needs it desperately requires.

**Conclusion**

I would like to thank the members of this Office for their hard work and dedication during 2015. I am very fortunate to have two excellent assistant district attorneys, a hard-working, professional staff, and dedicated Victim/Witness program. This Office works together as a team to proudly and capably serve Dunn County. It is truly an honor to hold this position and serve the residents of Dunn County. Please do not hesitate to contact me should you have any questions, comments, or suggestions. I look forward to working with you to continue making Dunn County an amazing place to work and live.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Amiden Nodolf". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrea Amiden Nodolf  
Dunn County District Attorney

CASELOAD STATISTICS  
TOTAL CASES OPENED  
 2011-2015

<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
3037	3297	3476	3399	<b>3477</b>

TOTAL CRIMINAL COMPLAINTS FILED  
 2011-2015

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
CRIMINAL TRAFFIC	326	244	246	203	294
MISDEMEANORS	682	710	709	600	540
FELONIES	317	402	438	407	367

Meth Cases:	961.41(1)(e)1 to 961.41(1)(e)4	Deliver/Mfg Meth			15
	961.41(1m)(e)1 to 961.41(1m)(e)4	Possess w/intent to Deliver Meth			19
	961.41(3g)(g)	Possession of Meth			50

THC:	961.41(1)(h)1 to 961.41(1)(h)2	Del/Mfg THC			20
	961.41(1m)(h)1 to 961.41(1m)(h)5	Possess w/intent to Del/Mfg THC			26
	961.41(3g)(e)	Possession of THC			140
	961.41(3g)(e) F	Possession of THC-2 <sup>nd</sup> & Sub.			26

Burglaries: 35

Theft 72

DC: 350

Battery 99

Substantial Battery (Felony) 6

OWI 1<sup>st</sup> 118

2<sup>nd</sup> 55

3<sup>rd</sup> 34

4 or more 21

OAR: 203

Sexual Assaults: 940.225 12

948.02 10

Criminal Damage 82

Juvenile Delinquency/JIPS 56

CHIPS 52



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**OFFICE OF DISTRICT ATTORNEY**  
**VICTIM/WITNESS ASSISTANCE PROGRAM**  
COUNTY OF DUNN

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Barbara J. Lande  
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*National Crime Victims' Rights Week*  
*April 10 – 16, 2016*

**“Serving Victims. Building Trust. Restoring Hope.”**

The Dunn County Victim/Witness Assistance Program is truly privileged and honored to be able to serve Dunn County victims of crimes. While this service comes with its rewards, it also comes with its challenges.

During the calendar year of 2015 the Dunn County Victim/Witness Assistance Program served 519 victims. During this same time period the program was staffed with one full-time and two part-time employees. Two of the positions are partially funded by state grant dollars. The remaining part-time position is completely funded by federal grant dollars. You can only imagine the excitement to learn of the opportunity to apply for additional supplemental federal grant dollars. This supplemental funding would allow for the part time position that, among other things, provides early response and crisis response, to go full-time with no additional tax burden to Dunn County residents.

In November, an application for a supplemental grant was submitted to the WI Department of Justice. As a result of an award, Dunn County received an additional \$49,411. Of this amount, \$47,941 will be used toward the transition of a part-time victim witness assistant to a full-time position and \$1,500 will be used toward additional professional training for victim/witness staff. Both the additional staffing and additional training will be very beneficial in meeting the continual growing needs of the victims receiving direct victim services.

Also occurring during 2015 were discussions regarding the re-location and expansion of the victim/witness waiting room. This new area would serve as a waiting room plus there would also be a conference room. Discussions focused around the necessity to find a location that was outside of the Dunn County District Attorney's Office and was a space that would provide for the safety and wellbeing of the victims, the safety of staff, and address confidentiality concerns. Discussions and meetings occurred with various county committees, the two Judges, the Clerk of Court, the County Manager, the District Attorney, the Public Works Director and myself as Coordinator of the Victim/Witness Assistance Program. After considerable dialogue there is an agreement in principle on a collaborative solution to this need. I'm extremely hopeful that this need is met. I commend all those who have worked so hard to bring action to this need and our vision.

This year's National Crime Victims' Rights Week theme—*Serving Victims. Building Trust. Restoring Hope.*—underscores the importance of early intervention and victim services in establishing trust with victims, which in turn begins to restore their hopes for healing and recovery. Meeting victims where they are takes resources, dedication, and persistence to establish a welcoming, compassionate, supportive and safe environment for all victims to share their stories.

The Dunn County Victim/Witness Assistance Program, with the continued support of District Attorney Andrea Nodolf and the Dunn County Board of Supervisors, will strive to ensure that victims receive the resources and services to make the transition from victim to survivor.

Respectfully submitted,

Barbara J. Lande  
Coordinator