



The Office of
Minnesota Attorney General Keith Ellison
helping people afford their lives and live with dignity and respect • www.ag.state.mn.us

May 16, 2022

Senator Warren Limmer, Chair
3221 Minnesota Senate Building

Representative Carlos Mariani, Chair
479 Rev. Dr. Martin Luther King Jr. Blvd.

Senator David Osmek, President of the
Senate
2107 Minnesota Senate Building

Representative Jamie Becker-Finn
559 Rev. Dr. Martin Luther King Jr. Blvd.

Senator Andrew Mathews
2105 Minnesota Senate Building

Representative Cedrick Frazier
439 Rev. Dr. Martin Luther King Jr. Blvd.

Senator Ron Latz
2215 Minnesota Senate Building

Representative Kelly Moller
569 Rev. Dr. Martin Luther King Jr. Blvd.

Senator Karla Bigham
2411 Minnesota Senate Building

Representative Brian Johnson
243 Rev. Dr. Martin Luther King Jr. Blvd.

Dear Conferees,

I write to thank Chair Mariani and the House for fully funding HF 3702 (Long) within the House Public Safety and Judiciary Omnibus Bill and urge Senator Limmer and the Senate Conferees to adopt the House provision for enhanced criminal enforcement in the full amount of \$1.821 million dollars. I also write to encourage adoption of the Senate position of \$100,000 in funding for prosecutor training for the Minnesota County Attorneys Association. Fully funding both is critical to public safety throughout Minnesota.

This marks the third time in three years the AGO has requested this funding from the Legislature, including twice in biennial budget years, when it has never made it through conference committee in State Government Finance. We made this request long before the current rise in violent crime in all parts of Minnesota that has left all Minnesotans concerned. This request for more prosecutors is more than a state government function, it is a matter of public safety, which lies in the purview of the Judiciary and Public Safety Committees.

Enhancing the criminal division at the AGO and funding prosecutor training for county attorneys statewide are complementary initiatives. As you know, almost all criminal prosecution in Minnesota is handled by 87 county attorneys. Well-trained prosecutors result in more timely and fair resolutions of cases and fewer appeals. There is a particular need to fund prosecutor training right now given an enormous increase in retirements and a lack of seasoned applicants.

Even with well-trained prosecutors, however, there are cases that require specialized knowledge or significant staffing resources. This is where the AGO can help. Under Section 8.01, county attorneys may request that the Attorney General's Office prosecute a criminal case for them. It is almost always the case that the county attorneys who request this help are from Greater Minnesota, where they do not lack for talent but often have small offices: indeed, 44 of Minnesota's 87 county attorney offices have only 3 attorneys or fewer. They are already at capacity in covering not only criminal matters but also civil matters such as advising county boards, so when a serious violent or complex crime occurs in their counties, they may lack for the resources and expertise to prosecute crimes like these. That is when they turn to the Criminal Division of the Attorney General's Office for help.

Unfortunately, previous administrations significantly reduced resources for the Criminal Division in the AGO, which cut into the level of service that the Office can provide county attorneys and our ability to respond to their requests. In the late 1990s, the Division had 12 full-time prosecutors, but when I took office in 2019, it was down to one full-time prosecutor.

Nonetheless, in just the last three years, and with only three full-time prosecutors — up from one when I took office — our Criminal Division has investigated, made charging decisions about, and prosecuted 38 cases of murder, manslaughter, criminal vehicular homicide, and criminal sexual conduct in 22 counties, almost all of them in Greater Minnesota, with outstanding results, as you can see in the list provided at the end of this letter. These prosecutors are making a major contribution to public safety in every corner of our state.

I have taken the liberty of attaching to this letter a comprehensive list of the 38 cases in 22 counties that the Attorney General's Office has investigated, made charging decisions about, and prosecuted since 2019, with outstanding results.

Because of the long-term reduction in Criminal Division staff, however, the AGO has not had the capacity to fully lend support in prosecuting the full range of violent or complex crimes, high-impact white-collar crimes, or other significant cross-county crimes such as sex trafficking. We have primarily assisted with homicide cases and some criminal sexual conduct cases. We are willing to do much more to help county attorneys hold violent offenders accountable and bring justice to victims and their families.

With the additional resources I have requested — \$1.821 million for an additional 7 full-time prosecutors and 2 legal assistants— we will rebuild the Office's capacity to aid counties in enforcing the criminal laws in their jurisdiction that are beyond the scope of their normal resources, as well as provide more help with criminal appeals. In addition, we will build capacity

to prosecute crimes that hurt Minnesotans' economic security. Some examples of what we may be able to assist with include:

- Non-homicide violent crimes like attempted murder, kidnapping, assault, sexual assault, robbery, and burglary;
- Human trafficking/sex trafficking;
- Complicated white-collar theft/fraud;
- Criminal vehicular homicide/operation;
- Multi-jurisdictional cases where criminal conduct occurs, or victims reside in multiple counties.

Each new AGO prosecutor could take 10-12 cases each year, thus freeing up county attorneys to focus on more common and less resource-intensive cases.

In addition, the Attorney General's Office currently handles more 100 criminal appeals for county attorneys each year; in 2021, we handled 167. Because of our limited capacity, however, we are only able to handle direct appeals of felony convictions that result from district court trials. Dedicating one or more attorneys to appeals would allow us to expand our criteria to also handle the following types of appeals for county attorneys:

- Federal habeas corpus petitions;
- Appeals from postconviction petitions;
- Plea withdrawal appeals;
- Pre-trial appeals;
- Sentencing appeals;
- Probation violation appeals.

As noted previously, the AGO assists a county attorney only *at the request of the county attorney*, pursuant to 8.01. The AGO has no original jurisdiction in criminal cases other than Medicaid fraud. The AGO must be invited to assist the County Attorney's Office when the county attorney determines the need.

I am not alone in making this request: county attorneys across Minnesota are asking you to help the Attorney General's Office help them hold violent offenders accountable. I am grateful to have the full support of the Minnesota County Attorneys Association for this request. In addition, the Legislature has previously received written and oral testimony in support of this request from individual county attorneys from Clearwater, Cook, Cottonwood, Freeborn, Hennepin, Todd, and Winona Counties. The Anoka and Ramsey County Attorneys have also spoken publicly in support of it.

Thank you for your work. I respectfully but strongly urge you to fully fund the request for \$1.821 million for enhanced criminal prosecution and \$100,000 in MCAA prosecutor training money that will help the Attorney General better partner with county attorneys to hold violent offenders accountable across our state and provide Minnesota crime victims and their families

with the justice they deserve. We cannot leave Greater Minnesota behind in addressing violent crime.

Sincerely,

A handwritten signature in blue ink that reads "Keith Ellison". The signature is written in a cursive, flowing style.

Keith Ellison
Attorney General

encl. Office of the Attorney General: Criminal Prosecutions on Behalf of County Attorneys,
2019-present

Office of the Attorney General:
Criminal Prosecutions on Behalf of County Attorneys, 2019-present

Criminal Prosecution

The AGO has a small team of prosecutors available to accept referrals and prosecute cases on behalf of county attorneys. When AG Ellison was sworn in, the office had just one full time prosecutor. Currently, despite repeated requests to the legislature to fund a larger criminal division, the AGO has three full time prosecutors. The AGO accepted the following referrals since 2019.

2019 – 10 cases

Carlton County, State v. James Francis Montano, 1st degree murder

James Montano shot his uncle A.G and his cousin H.G. in rural Carlton County. A.G. died but H.G. survived. Montano was convicted of first degree murder and attempted first degree murder.

Roseau County, State v. Jordan Milo Foss, 2nd degree asault

Foss drove his truck and chased a man on the highway while firing gunshots and eventually crashing into the victim's car. Foss was convicted of second degree assault and DWI.

Fillmore County, In re: J.M.T.

Juvenile proceeding

Freeborn County, State v. Lois Ann Riess, 1st degree murder

Lois Riess shot and killed her husband in their home in Blooming Prairie. Ms. Riess left him laying on the floor of their bathroom for several days before fleeing to Florida. There, Ms. Riess shot and killed a woman she had befriended, took her vehicle, and fled to South Padre Island, Texas, where officers finally apprehended her nearly a month after shooting her husband. Riess was convicted of first degree murder.

Becker County, State v. Morris Silas Dodd, Jr., 2nd degree manslaughter

Dodd, who was ineligible to possess a firearm, shot and killed former police officer J.N. as J.N. drove near where Dodd was deer hunting in a rural area. Dodd was convicted of second degree manslaughter and felon in possession of a firearm.

Pennington County, State v. Devin James Pulczinski, 1st degree murder

Pulczinski believed that A.E. was either informing police on him or stealing from him. He lured her to his apartment, killed her, and then started the apartment building on fire. Pulczinski was convicted of first degree murder.

Clearwater County, State v. Tristen Edward James Kilde, 2nd degree murder

Kilde got into an argument with the victim's father. When the victim intervened, he stabbed her in the heart. Kilde was convicted of second degree murder.

Todd County, State v. Dylan John Bennett, 1st degree murder

Dylan Bennett shot and killed his parents in their home outside of Long Prairie. Bennett fled and officers apprehended him five days later in Cancun, Mexico. Bennett was convicted of two counts of first degree murder.

Clearwater County, State v. Neil Dolan, 1st degree criminal sexual conduct

Dolan, a former school resource officer and Deputy Clearwater County Sheriff, engaged in multiple acts of sexual penetration with a juvenile student in Dolan's office at the school, when the student was 13 and 14 years old. Dolan was convicted of first degree criminal sexual conduct.

Aitkin County, State v. Joshua Karjala, 2nd degree murder

M.M. met with Karjala and later disappeared. Her body was discovered in the crawlspace of Karjala's home. She died of strangulation. Karjala was convicted of second degree murder.

2020 – 15 cases

Chippewa County, State v. Braxton Anderson, criminal vehicular homicide

Anderson, while driving with methamphetamine in his system, turned in front of an oncoming vehicle causing a crash that resulted in the death of his passenger. Anderson was convicted of criminal vehicular homicide.

Becker County, State v. Neil Dolan, attempted 3rd degree criminal sexual conduct

Dolan, a former Deputy Clearwater County Deputy Sheriff, attempted to engage in forced sexual penetration with an individual at the Many Point Scout Camp. Dolan was convicted of attempted third degree criminal sexual conduct.

Clearwater County, State v. Neil Dolan, 2nd degree criminal sexual conduct

Dolan, a former school resource officer and Deputy Clearwater County Sheriff, engaged in sexual contact with a juvenile student in Dolan's office at the school, when the student was 14 or 15 years old. Dolan was convicted of second degree criminal sexual conduct.

Carlton County, State v. Sheldon James Thompson, 1st degree murder

After Thompson made statements about possibly killing someone, police searched his home in Cloquet and found J.A.D. and her unborn baby dead from stab wounds, and her toddler son K.L.S. dead from blunt force trauma. Charges are pending.

Renville County, State v. Elizabeth Lynch, 2nd degree manslaughter

Lynch shot and killed her partner A.T. during a domestic altercation. Lynch was convicted of second degree manslaughter.

Hennepin County, State v. Derek Michael Chauvin, 2nd degree murder

Minneapolis Police Officer Derek Chauvin pinned George Floyd, who was already handcuffed, prone on the ground for over nine minutes, by placing his left knee on Mr. Floyd's back and his right knee on Mr. Floyd's left arm. Mr. Floyd died of positional asphyxia as a result of Chauvin's use of excessive force. Chauvin was convicted of second degree murder.

Hennepin County, State v. Thao, Lane, and Kueng, 2nd degree murder

Former Minneapolis Police Officers assisted former Officer Derek Chauvin's use of excessive force in pinning George Floyd prone to the ground for over nine minutes. The excessive force and the failure to intervene caused Mr. Floyd's death. Charges are pending.

Traverse County, In re: death of Terry McCoy, murder investigation

Terry McCoy was reported missing after people who were buying land from him arrived at his residence for a pre-arranged meeting and he was not there. His body was found three weeks later, several miles away, in the local river with his body weighted down by chains. The investigation remains active.

Todd County, State v. Ricardo Nathaniel Del Valle Martinez, 2nd degree murder

In retaliation for a suspected drug debt, Martinez, at the request of others, lured E.E. and E.E.'s brother to a remote location where their vehicle was fired upon, killing E.E. and wounding the brother. Del Valle Martinez was convicted of second degree murder.

Clearwater County, State v. Christopher James Colgrove, 1st degree murder

Colgrove ran into a residence to hide while running from police. Inside, he fatally stabbed the lone female occupant twice while she was trying to get away from him. Colgrove was convicted of first degree murder.

Grant County, State v. Victor Manuel Morales, 2nd degree murder

Morales got up in the night and used a 20-pound dumbbell to kill his sleeping girlfriend. He then started the apartment on fire. Morales was convicted of second degree murder.

Ramsey County, In re: shooting of Joseph Washington, police use of force investigation

A St. Paul Police Officer shot and injured Joseph Washington as officers were trying to apprehend him in St. Paul. After reviewing all relevant evidence and expert reports, this Office concluded that there was not probable cause to support any criminal charges against the officer.

Freeborn County, State v. Devin Matthew Weiland, Attempted 1st degree murder

Weiland lured a police officer to his apartment complex where he fired upon the squad, wounding the officer. During an eight-hour standoff with law enforcement, two other victims were wounded by Weiland's gunfire before he surrendered. Charges are pending.

2021 – 10it cases

LeSueur County, State v. Hardy Robert Wills-Traxler, 2nd degree murder

Wills-Traxler lived in an apartment with his father, and during a confrontation he stabbed his father in the chest, killing him. Wills-Traxler then started the building on fire and fled. Charges are pending.

Morrison County, State v. Jonathan Samael Greyblood, 2nd degree murder

Greyblood strangled his wife to death in the middle of winter, then drove out of town to dump her body over a bridge on top of a frozen river. He then lied to family and friends about her whereabouts. Greyblood was convicted of second degree murder.

Hennepin County, State v. Kimberly Potter, 2nd degree manslaughter

Former Brooklyn Center Police Officer Kimberly Potter shot and killed Daunte Wright during a traffic stop. Potter indicated she was going to use her Taser on Wright but pulled her handgun instead. Potter was convicted of second degree manslaughter.

Pennington County, State v. Eric James Reinbold, 2nd degree murder

Within four months of being released from prison on a weapons conviction, Reinbold stabbed his wife to death. He fled into the woods and eluded law enforcement for three weeks. Charges are pending.

Cottonwood County, State v. Ralph Apmann, 2nd degree murder

Apmann was at a bar with the victim when they went outside to smoke. Apmann claimed the victim hit him and Apmann put the victim in a choke hold until the victim passed out. Apmann then left. The victim was found dead by other bar patrons. Charges are pending.

Cook County, State v. Jacob Colt Johnson, 2nd degree murder

Johnson shot and killed R.B. in the twin cities and drove the body to Superior, Wisconsin. Johnson recruited Robert West to help cover up the murder, and they dismembered the body and placed it in concrete-filled containers. They brought the body to Grand Portage, MN and with the help of Tommi Hintz, discarded it in Lake Superior. Charges are pending.

Cook County, State v Robert Thomas West, Tommi Lynn Hintz Accomplice after the fact

Johnson shot and killed R.B. in the twin cities and drove the body to Superior, Wisconsin. Johnson recruited Robert West to help cover up the murder, and they dismembered the body and placed it in concrete-filled containers. They brought the body to Grand Portage, MN and with the help of Tommi Hintz, discarded it in Lake Superior. Charges are pending.

Beltrami County, State v. Janell Lorraine Johnson, 2nd degree murder

Johnson shot and killed her sister's husband J.F. during an argument on Christmas eve. Charges are pending.

Clearwater County, State v. Neil Dolan, 1st degree criminal sexual conduct

Dolan, a former school resource officer and Deputy Clearwater County Sheriff, engaged in sexual contact with a juvenile student in Dolan's office at the school, when the student was 15 years old. Charges are pending

2022

Kanabec County, State v. Jackson Duce Johnson, 2nd degree murder

Johnson killed his partner C.M. in a hotel in Mora. C.M.'s body was found in a hotel room with obvious signs of assault and a bag over her head. She died of asphyxia and strangulation. Charges are pending.

Pope County, In re death of Tyler Kirckof, murder investigation

Tyler Kirckof died from a fentanyl overdose after attempting to buy heroin. Lengthy investigation has identified potential suspects for supplying the fentanyl to Kirckof.

Hennepin County, In re death of Amir Locke

Officers from the Minneapolis Police Department's SWAT team executed a no-knock search warrant at an apartment in Minneapolis. Amir Locke was sleeping on a couch in the apartment. As the officers entered the apartment, Locke appeared to wake and raise a handgun. An officer then shot and killed Locke. After reviewing investigative interviews, reports, body worn camera videos, and a report from a nationally recognized use-of-force expert, this Office determined that there was not probable cause to charge the officer with any crimes.

Morrison County, State v. Wassather, 2nd degree murder

While on DOC supervision for first degree criminal sexual conduct, Wassather beat his live-in girlfriend to death. Charges are pending.

Renville County, State v. Houston Allen Morris, 2nd degree murder

Morris was in a relationship with R.F. and has a history of domestic abuse. During an argument, Morris attacked R.F. in the presence of her 13-year-old son. The son attempted to protect his mother and was fatally stabbed. R.F. also suffered stab and bite wounds. Charges are pending.

Clearwater County, State v. Dolan, 2nd degree criminal sexual conduct

Dolan, a former school resource officer and Deputy Clearwater County Sheriff, engaged in sexual contact with a juvenile student in Dolan's office at the school, when the student was 13 years old. Charges are pending.