

## CRIMINAL PROSECUTION PROCESS

Charges are filed against an individual who allegedly committed a crime by filing a complaint or citation with the court. The complaint contains a brief statement of the facts and sets forth the crimes the defendant has committed based on those facts. Depending on the charge(s) filed, the defendant will follow one of two basic paths in proceeding through the criminal justice system.

CRIMINAL INCIDENT  
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INVESTIGATION  
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ARREST

<u>MISDEMEANOR CHARGE</u>	<u>GROSS MISDEMEANOR /FELONY CHARGE</u>
ARRAIGNMENT	FIRST APPEARANCE
PRE-TRIAL HEARING*	OMNIBUS/PRE-TRIAL HEARING*
TRIAL	TRIAL
SENTENCING	SENTENCING

*\*The Defendant may plead guilty at these hearings and proceed directly to sentencing.*

*Note: This is the standard process. Additional hearings may be scheduled at the request of either party.*

## PURSUING IMPROVEMENT AND PREVENTION

The County Attorney plays an important role in seeking new laws to strengthen law enforcement, criminal justice, child protection, victims rights, and other areas. The County Attorney also participates in efforts to prevent or reduce crime in the local communities and statewide.

### ASSISTANTS TO THE COUNTY ATTORNEY

The County Attorney could not perform the many duties required without assistant county attorneys and support staff. The County Attorney must supervise assistants, establish policies and guidelines to be used by them, and perform necessary administration to ensure that the duties and responsibilities of the office are properly completed. Listed below are the Assistant County Attorneys appointed by County Attorney Reiter:

#### CRIMINAL:

David Hemming .....Asst. Co. Attorney II  
Aimee Cupelli.....Asst. Co. Attorney  
Brian Duginske.....Asst. Co. Attorney  
Kathryn Kelly ..... Asst. Co. Attorney  
Lacy Schumacher ..... Asst. Co. Attorney  
David Classen .....Asst. Co. Attorney

#### CIVIL:

Aimee Cupelli.... .....Asst. Co. Attorney II  
Jeanine Putnam.....Asst. Co. Attorney  
Jeffrey Fuge .....Asst. Co. Attorney  
Taylor Mehr.....Asst. Co. Attorney

# Duties of the County Attorney

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Minnesota Statutes

Chapter § 388



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*In each of Minnesota's 87 counties, a county attorney is elected to handle numerous criminal and civil legal responsibilities. Following is a brief description of the duties of the county attorney and the county attorney's relationship to the county board.*

## **CIVIL ADVICE\***

The County Attorney is the legal advisor for the county board of commissioners, county officials and county departments. The county attorney is not authorized to provide civil legal advice to private citizens in his or her capacity as county attorney. As the legal advisor for the county, the county attorney serves in a role that is similar to that of an in-house corporate counsel. The county attorney provides legal advice to the county board and county departments in areas involving waste management, defending challenges to property tax values, representing the Human Services Department on welfare appeals, enforcing county environmental and health ordinances, and forfeiting property used in connection with criminal activity. Additionally, the county attorney's office assists the county in buying property; negotiating leases and contracts; and in defending against personal injury, workers compensation, employment, civil rights and other law suits.

*\* The Chisago County Attorney's Office cannot provide legal advice to citizens*

## **JUVENILE PROSECUTION**

The County Attorney is the prosecutor in all cases involving juvenile offenders. These range from curfew violations to the most serious felony criminal behavior. County Attorneys may also oversee diversion programs which allow juvenile offenders to receive consequences involving minor offenses without going to court. These programs are intended to hold the juvenile accountable and often include an educational component to reduce repeat offenses. Due to public safety concerns in more serious offenses, the County Attorney may ask the Court to certify a juvenile to stand trial as an adult. Upon conviction, the juvenile could then receive all potential adult sanctions, including a prison sentence.

## **ADULT PROSECUTION**

The County Attorney prosecutes felony crimes (crimes which carry a maximum penalty of more than one year in prison) which occur within the county. Examples of these crimes include murder, sexual assault, drug offenses, serious property offenses, and child abuse. Misdemeanors and gross misdemeanors (crimes which carry a maximum penalty of less than one year) are also prosecuted by County Attorneys. Prosecution may involve reviewing the investigation of law enforcement officers, filing criminal complaints, presenting cases before a grand jury, representing the state in court hearings and trial, and making sentencing recommendations.

## **FAMILY SERVICES**

The County Attorney initiates CHIPS (Child In Need of Protection and Services) petitions to protect abused or neglected children in the county.

The County Attorney starts legal proceedings to protect the health and safety of vulnerable adults within the county when they are in need of assistance. The County Attorney also files involuntary commitment actions to provide necessary treatment for individuals who are mentally ill, chemically dependent, or mentally retarded.

When a family is receiving public assistance, the county attorney brings actions to obtain or enforce child support obligations, or to establish paternity of a child, in order to obtain reimbursement for assistance and other costs to taxpayers. Parents not receiving federal or state monetary assistance may also apply for and receive these child support enforcement or paternity establishment services by the county attorney at minimal cost.

## **VICTIM/WITNESS ASSISTANCE**

County Attorneys provide assistance and support to the victims and witnesses who play a vital role in the criminal justice system. They advise crime victims of their legal rights and the status of their case, and will request restitution for losses suffered.