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Criminal sexual conduct cases are often very difficult to prove beyond a reasonable doubt. The cases occur behind closed doors with only the victim and the defendant present. The crimes aren't witnessed by anyone else. Frequently, the victim discloses the abuse in a delayed manner, a considerable time after the abuse. Rarely is there physical evidence or corroboration that the sexual abuse occurred. Pursuant to statute, there is no requirement that the testimony of a victim be corroborated. Criminal sexual conduct cases come down to the testimony of the victim and truly consist of a she said/he said scenario. It is common for the abuse to be committed by a family member causing conflict within the family and requiring the victim to confront a member of her family. Many times when we meet with a victim to prepare her to testify in court, the victim realizes she is unable to confront her abuser in court. These are some of the significant limitations prevalent in criminal sexual conduct cases.

Our office is aggressive in charging out criminal sexual conduct cases, possibly initiating prosecution when other agencies would decline charges. Repeatedly, we have seen juries in Wright County reject criminal sexual conduct cases by returning not guilty verdicts. On a case by case basis, we have offered on occasion a stay of adjudication as a means to resolve a difficult case. The stay of adjudication affords some certainty in what happens to a defendant and avoids the very real possibility of a case resulting in an acquittal. An offender receiving a stay of adjudication, is placed on probation with and monitored by the Department of Corrections for many years. The offender is required to complete a psycho/sexual evaluation and follow recommendations from it that often include the completion of sex offender treatment. Probation restrictions generally prohibit the offender from having contact with the victim or other minor children. The offender is required to meet with and have regular contact with his probation officer. If the offender violates probation, he can be brought back to court and face adjudication on the offense.

Ideally, every criminal sexual conduct case would result in the offender being convicted but in reality the limitations associated with the cases prevent that result. Under certain circumstances, our office has found it to be an effective strategy to occasionally offer a stay of adjudication allowing us to impose conditions on an offender in a criminal sexual conduct case that otherwise likely would have resulted in an acquittal without any restrictions or consequences.