



# Cottonwood County Attorney

Nicholas A. Anderson, County Attorney  
Casey Schofield-Mork, Assistant County Attorney  
220 10<sup>th</sup> Street, Windom, Minnesota 56101  
Phone: 507-831-5040 FAX: 507-831-4839

January 9, 2023

Re: Attorney General's Budget and Support for Rural County Attorneys

Dear Committee Members,

I write in my capacity as the County Attorney for Cottonwood County, Minnesota, to support the Minnesota Attorney General's budget proposal. Funding the Attorney General's full request means increased support for county attorneys in small offices, which equates to more equal justice for our rural constituents harmed by serious crime.

As an office with only two attorneys, we must both represent county officials in all civil matters and handle criminal matters. We are expected to be knowledgeable in all areas of law. As a smaller office that duty falls on me. As we do not necessarily handle matters with the same regularity as larger offices, this can take a significant portion of my time to get myself up to speed on a topic. We also prosecute the crimes referred to us by local law enforcement. We handle every level of crime in the county. As has been reported throughout the state, our numbers increased dramatically in 2021. We had 464 adult criminal matters in 2021, up from 409 in 2020.

The same crimes occur in our county that occur in larger counties, just with less frequency and numbers. Crimes such as murder, sex and human trafficking, serious financial crimes, and large-scale drug manufacture and sales do occur. Because of their rarity, small-office County Attorneys find themselves wanting for greater expertise and support to access that expertise for these specialized prosecutions. Additionally, the amount of evidence these prosecutions create, can overwhelm a small office that is already being overwhelmed with the increase in digital evidence. Meanwhile, the State Public Defender's office can pull its most experienced defense attorneys from central offices to represent defendants in these cases.

The nature of our varied and full law practices means that we could find ourselves without the capacity for the most complex and difficult prosecutions, but rural Minnesotans who have suffered as victims of serious crimes in small communities deserve the same level of justice as Minnesotans living in larger communities with larger prosecutor offices and greater specialization.

The solution is for the Attorney General's office to provide assistance when requested, and not just for murder cases. The AG needs greater capacity in its criminal division to provide the assistance upon request by rural county attorneys. Currently, only a few attorneys in the AG's criminal division handle every murder case referred by county attorneys in small offices.

With additional funding, the office could expand its caseload in number and variety of crimes, increasing the aid provided to small counties. I have been around long enough to remember a time the Attorney General's Office handled difficult drug cases in small counties. In fact, when I was a brand new prosecutor, the office handled a couple of serious methamphetamine sales cases, where the methamphetamines were discarded before the defendant could be apprehended. It is fair to say that without their help, there would not have been convictions, and we would not have the precedence created by *State v. Olhausen*, 681 N.W. 2d 21 (Minn. 2004).

I would be more than happy to further discuss how the Attorney General's office has been of assistance to my office, and how I could foresee additional help in the future.

Sincerely,

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

Nicholas A. Anderson