

Jefferson County charged 11 in homicides since 2013

By Ryan Whisner Union regional editor | Posted: Thursday, November 5, 2015 7:46 am

JEFFERSON — The peaceful image of Jefferson County, free from the serious crimes metropolitan areas such as Madison and Milwaukee are experiencing, appears to have been shattered.

The Jefferson County District Attorney’s Office currently is prosecuting 11 criminal defendants for nine different murders that have occurred during the past two years.

“The sheer number of homicide defendants and homicide cases currently being processed is really stunning,” Jefferson County District Attorney Susan Happ said, adding that filing charges in even more cases is under review.

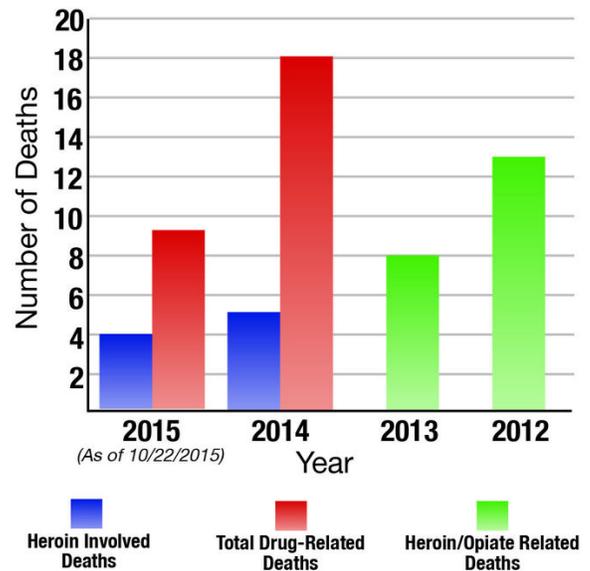
Happ said that, having come from private law practice before being elected district attorney in 2008, she asked the assistant district attorneys how often homicide cases arose. The answer: an average one to two per year, most often involving a homicide by intoxicated use of a motor vehicle.

But no more. Of the nine homicides since 2013, two are vehicular homicides — one related to heroin and the other, marijuana. Five of the deaths involve heroin-related overdoses or the defendant being intoxicated with heroin while driving.

“If you take away the heroin, it would be down to two homicides in both 2014 and 2015,” Happ said.

Of the 11 defendants currently being prosecuted, seven are associated with crimes related to heroin.

Drug Deaths in Jefferson County



DRUG DEATHS

DRUG DEATHS — The term “drug-related” refers to all deaths with drugs listed as a contributing factor, including opiates, heroin, benzos, and other illicit drugs. “Heroin-involved” refers to all deaths in which heroin was listed as a contributing factor. “Heroin/opiate-related” deaths were recorded by the former county coroner’s office during 2012-13.

“It’s everyone’s issue because people are dying,” Happ said of the rising heroin epidemic. “People who are addicted are stealing everything that is not bolted down. There are victims of those crimes, whether they are family or people in the public.”

According to records from the former Jefferson County Coroner’s Office, there were 13 heroin- or opiate-related overdose deaths in 2012 and eight such deaths in 2013.

Jefferson County Medical Examiner Nichol L. Wayd said that Jefferson County had 18 drug-related deaths in 2014, which included five heroin-involved deaths. This year through Oct. 22, there have been nine drug-related deaths, among them four heroin-involved deaths.

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“No county is safe,” Happ said of the growing heroin use. “It’s a poison.”

With five full-time prosecuting attorneys and 11 defendants, it has gotten to the point of Happ and each assistant district attorney being assigned two or three homicide cases in addition to their other workloads.

“Then it becomes ‘who is going to deal with that investigation when it starts and where are they going to be when it gets to the point where maybe we can charge the defendant?’” Happ said.

In August, Assistant District Attorneys Brooke Teuber and Theresa Beck each was involved in the prosecution of Michael Henderson, charged in the May 2014 Watertown shooting death of his ex-girlfriend Heather Stewart.

“It is not just the two weeks they spent in trial, (but) it is all of the motions and legal arguments and then just the witness preparation,” Happ said, pointing to the caseload.

The former law library in the district attorney’s office serves as the attorneys’ “war room.” Similar to what might be seen on the legal dramas on television, there is a white board with photos and witness lists as the attorneys go over evidence and review anticipated testimony prior to trial.

Happ said Teuber and Beck spent weekends and nights preparing for the case leading up to the Henderson trial.

“They are just so labor intensive,” the district attorney said of murder trials.

The homicide cases relating to the heroin overdoses are no different, she said.

Proving that an overdose is the result of a particular drug from a specific dealer often can be difficult. Law enforcement officers must investigate fatal overdoses as potential homicides, collecting cell phone data, fingerprints and other evidence.

In fact, these investigations often can take much longer than others. Two of the heroin-related overdose homicides currently being prosecuted date back to 2013.

“The families have been waiting to see if anything will come from it,” Happ said.

Conversely, she emphasized the defendants should be aware that just because a year or two goes by does not mean law enforcement is not going to be able to put the pieces together.

“Every time we get a suspicious death, we wait for the toxicology (report) and then the investigation continues,” the district attorney said. “I really like puzzles. We’ll do the work, but we can’t always prosecute and track down the people who are dealing the drugs that lead to the deaths.”

The investigation becomes a complicated analysis of toxicology and the nature of the relationship between the defendant and the victim. The prosecutor must educate a jury that the dead are not at fault because they are “just addicts who shoot up or snort heroin and die.”

The people who make and sell the drugs truly are the ones to blame, she said.

By statute, first-degree reckless homicide charges can be brought if a death was caused during the manufacturing, distribution or delivery of a controlled substance, no matter whether the person killed was involved in any process associated with the controlled substance.

“The law recognizes that we understand there is some responsibility for the person who uses, but that ultimately, the person who deals needs to be responsible for that homicide because every time they deal, it is like handing someone a loaded weapon and playing Russian roulette,” Happ said.

In general, the district attorney observed, Jefferson County Circuit Court’s judges are starting to understand that concept and she is optimistic that the general public is, as well.

As district attorney, Happ does review all the homicides and then determines how to assign and spread them out among the prosecutors.

“It varies by the type of case,” Happ said. “Typically, the heroin overdose deaths are different, because they’ve been under investigation for a while.

However, in some instances, such as a homicide by operating a motor vehicle while intoxicated, the defendant is suddenly on the bail list.

“I think you just take the next case and you try and spread out the number of homicides among the attorneys because they are so intensive,” she said.

In the Henderson case, Happ was home sick the day his victim's body was found. Assistant District Attorney Brooke Teuber went to the crime scene and was working with investigators from the start.

Happ said it just made sense that Teuber would keep the case in which she had invested her time.

"If an attorney had already been working with law enforcement, it makes sense from an efficiency standpoint that that attorney keeps the file because they've already done the work up front," Happ said.

For example, usually in the overdose death investigations, the attorneys have been working on search warrants and subpoenas and already have spent a lot of time on the case.

"There is a tipping point," Happ said. "You try and look at who has so many homicides."

At the time she was interviewed, Happ noted that there were four search warrants and subpoenas pending on two different overdose deaths.

Happ said she also carefully tracks the sexual assaults, child pornography and the "traveler" cases — involving people who come to Jefferson County with intent of having sex with either real or fictional underage children — because all of those tend to be more labor intensive.

"I will review those types of files for assignment," she said. "We try and have me look at it because the intensity of the cases, vary."

The district attorney noted that if she wants the prosecutors to do good work and be good advocates for the victims, she also has to be wary of burnout.

"You can tell when you pick up a file, a sexual assault or even a homicide, if it is a case that is likely to go to trial," Happ said. "There are certain cases which are more litigious."

She said the goal is to manage the caseload in a way that maintains efficiencies.

"We don't just want to cycle people through and be fast," Happ said. "We want to look at why is the defendant here, why is the child in our office and what can we do to make it so they are not coming back, but be mindful of the need to be efficient and the caseload concerns. It's a challenge, but I think we manage it pretty well."

Among the four assistant district attorneys, Happ said, nobody complains.

"They do their work and they are good at what they do," she said, noting that she has only replaced two attorneys since 2008.

"It is hard when you talk about government and how people need to be efficient; we understand all of that, but it is really just understanding that there can be a direct impact," Happ said. "Public

protection (can be compromised) when you have so much time being consumed by such serious cases, because every case is serious to every victim.”

She noted that a disorderly conduct, theft or battery is just as important to a victim or his or her family as a homicide or an overdose death is to others.

“It is tough balancing those things,” the district attorney said. “We’re lucky here because we have attorneys with a lot of experience who are really dedicated and put the extra time in. There are no 40-hour work weeks.”

Happ herself noted that she is often still in the office until 6 or 7 p.m.

“The attorneys all have families and children,” she said. “It is doing more with less, which we do.”