

1) Mr. Dave Chomiak
Dear Sir;

Aug. 25/07

A botched Case? You bet it was! Not just by the East St. Paul Police Dept., but by the fact that Derek Harvey-Zenk had 2 seasoned defense lawyers pleading his case in that courtroom. How could he possibly lose? His case was won from the moment that Marty Minuk was assigned to prosecute it. And Mr. Minuk did everything but prosecute. It appears that every loophole possible was being sought in an effort to arrive at a plea bargain that would result in the minimum sentence in this case.

If there was indeed some botching of this case by the police, it was a botching that would have benefitted Mr. Harvey-Zenk, so why would any charges against him need to be dropped? Dropping three out of four of the original charges is a pretty good deal for anyone. How can a charge of refusing a breathalyzer simply be dumped when it is supposed to constitute an automatic conviction. Mr. Harvey-Zenk was offered the test and he refused it which is a criminal offence. What can be botched in that? What special reasons do the police need to request such a test when a person has just been run over and killed? The police can stop anyone of us even when there is no accident and demand such a test. Why should special circumstances apply in this case? This charge should definitely stand even if impaired driving charges couldn't be proven. Are we to assume that Mr. Harvey-Zenk refused this test because he was cold sober? In view of the fact that there were 33 witnesses in this case, none of them used because of this plea bargain, it is very probable that all four charges could have been proven if Mr. Minuk had performed his job as a prosecutor, which is what I understand he was hired to do.

So this announcement of a police investigation made at such an opportune time is just a smokescreen to take the onus off Mr. Minuk who was being pressed from all sides to explain, even to the Judge, his reasons for this plea bargain. And since this investigation won't take place until after the botching of this case is completed, why the announcement at this time? Since Mr. Minuk claims his decision to drop the charges was based on police misconduct, this investigation should take place now. The entire integrity of this case is jeopardized by this decision, so allowing it to continue to sentencing without investigating this claim is injustice compounded. Even if Mr. Minuk was obligated to drop the impaired driving and criminal negligence charges, which I truly doubt, he certainly wasn't obligated to recommend a minimum sentence, and to only supply the precedents that support this minimum sentence. Mr. Minuk was also not above lying to us when we asked about this plea bargain. He insisted that the dangerous driving charge was a much more serious charge than the impaired charges were. Only complicity with the defense lawyer Mr. Wolson, who repeatedly referred to Mr. Minuk as "his friend", would explain why this prosecutor acted more like a second defense

lawyer for Mr. Harvey-Zenk. It has also been revealed that Mr. Minuk and Mr. Wolson had a close relationship working as co-councils in a serious manslaughter case up to and including August/2007. Even judges are required to remove themselves from cases over which they are presiding if relationships exist with any of the players in those cases. Surely Mr. Minuk should not be exempt from this same responsibility. Here is where an investigation should also take place.

As parents of the victim who lost her life as a result of this crime committed by Mr. Harvey-Zenk, we have been dealing with or trying to deal with Mr. Minuk for the last 2 years. Any information we requested was denied. We could barely find out when the court date was. Mr. Minuk's only revelations to us were that minimum or conditional sentences were "the Law in these cases" as he put it, and that proving any impairment or dangerous driving is next to impossible. His sympathies toward these conditional sentences was evident from the beginning and supports his complicity in this case. Most of our inquiries were treated with disdain and arrogant superiority. Mr. Minuk also overstepped his authority by the censorship he performed in regard to our Victim Impact statement. This statement is the only say that victims are given and even that was suppressed. I made a reference to the fact that it is very distressing for victims to hear about alleged criminals being allowed to refuse the breathalyzer, that plea bargains and minimum sentences seem to be the order of the day and that excessive delays in resolving cases hinder the healing process. Mr. Minuk deleted all of that from my statement and even denied some pictures of our daughter that I wished to submit with my statement. A newspaper article showing our daughter's bright yellow car was also denied. I included that to show my incredulity at the fact that a driver was unable to see such a bright colored car stopped at a red light. Every effort was made to suppress any sympathy of the court toward the victims, but the defendants difficulties were extolled to the full. All should keep in mind that they too could find themselves in this kind of situation at anytime, since these impaired drivers are having their charges stayed by our so-called Justice System. The fact is that our system does not provide any justice to victims, but has made this country a haven for criminals.

Mr. Chomiak, you state that this police investigation is necessary to re instill confidence of the public in our system. The manner in which Mr. Minuk has dealt with this case should similarly be investigated for the very same reason. And just like with the breathalyzer, if a person has nothing to hide, they should have no reason to resist.

Sincerely
Victoria Suekson
Juan Luis ²¹³⁸

Parents of Crystal Ann Toman