

MINNEAPOLIS

Hennepin County Attorney's Office dismisses drug case over prosecutorial misconduct claims

The Hennepin County Attorney's Office said Minneapolis police failed to provide some evidence; others were referred for testing.

By Kim Hyatt (<https://www.startribune.com/kim-hyatt/6370466/>) Star Tribune |

JULY 18, 2023 — 4:38PM

The Hennepin County Attorney's Office dismissed a drug possession case against a Minneapolis man after his defense alleged prosecutorial misconduct for failing to turn over key evidence or notify the prison where he is incarcerated of upcoming hearings.

Defense attorney Natalie Paule filed three motions to dismiss the case against Willie James Crump, 41, who remains incarcerated on a separate conviction in the Faribault prison. On Monday, prosecutors and District Judge Amber Brennan agreed to dismiss the pending case against Crump for allegedly possessing 7 grams of heroin when he was arrested in November.

Paule argued that Assistant County Attorney Olivia Kratzke failed to provide evidence she is obligated to disclose, including disciplinary information on Minneapolis police officers, body-worn camera video and drug test results from the Minnesota Bureau of Criminal Apprehension (BCA). Although Crump's case was headed to trial later this month, his defense still had no video or BCA test results. Paule also said prosecutors didn't file notice with the prison in time so Crump could attend his pre-trial hearings.

"This was not a one-time excusable mistake," Paule wrote in a court filing Monday before a hearing that afternoon. But the judge called parties back to her chambers and prosecutors agreed to dismiss the charge. Monday's hearing, which Crump wouldn't have been able to attend, was canceled as a result.

Two weeks before a hearing in early June, the judge held a meeting to ensure Crump would be in attendance. But a week later the prison said it still hadn't received notice from prosecutors for him to be transferred to Hennepin County jail, and that they again failed to file notice for Monday's hearing.

Official cause for dismissing the case, according to Kratzke's court filing, is due to Crump's existing four-year imprisonment "and because the state did not timely file [notice] for defendant to appear in person."

Crump pleaded guilty to refusing to submit to testing for a DWI. The case stemmed from a March 2021 incident when police pursued Crump, who appeared impaired and had more than 10 grams of cocaine in his car. Charges of fleeing police and drug possession were dismissed as part of the plea.

He posted bond, but later failed to appear and a warrant was issued. He was arrested Nov. 12, a week before his DWI sentencing. Police found him slumped over the steering wheel of a running car near Loring Park and found drugs that field-tested positive for heroin.

Kratzke asked Minneapolis police to send the drugs to BCA for testing. She also made requests to get video of the arrest and the field test, according to Hennepin County Attorney's Office spokesman Nick Kimball.

Kimball said they never got the video, but MPD finally sent the drugs to the BCA for testing, which was estimated to be complete next April.

A message seeking comment was left with MPD to explain the delay and why certain evidence wasn't turned over.

Kimball said the office followed typical procedures of requesting evidence in December, when the case was initially filed, to fulfill the state's discovery obligations in this case.

"Unfortunately, the suspected narcotics at issue were not transmitted to the BCA until much later than necessary for testing prior to trial, despite multiple follow-up requests. The lack of testing was a significant factor contributing to the inability to prosecute this case," he said.

Paule maintains the state failed to disclose evidence regarding the disciplinary actions against officers involved. She said one officer, Mohamud Jama, who was listed as a potential state witness, was suspended twice, but the state disclosed only one suspension.

Such information falls under Brady evidence, a doctrine that requires prosecutors to disclose any information favorable to the defense. The state maintains that it fulfilled its obligations under Brady in this case.

Paule, who declined an interview, wrote in Monday's court filing that the misconduct by the state violated Crump's constitutional rights and the only remedy was dismissal.

"The prosecution's actions cannot be seen as an inadvertent mistake or dropping of the ball, but a failure to abide by their ethical, constitutional and court-ordered duties."

Kim Hyatt reports on Hennepin County Courts. She previously covered the western and northern metro suburbs of the Twin Cities.

✉ kim.hyatt@startribune.com 📞 612-673-4751 🐦 [kimhyatt](https://twitter.com/kimhyatt)