

Good afternoon Chairman Larson and members of the Judiciary Committee. Thank you for the opportunity to appear before you today and provide my testimony.

My name is Stewart Stenberg and I am a resident of Dickinson, North Dakota and have been for the past forty-six years. I retired in 2010 after a rewarding thirty three year law enforcement career in Stark County and the City of Dickinson. My last twelve years with the city was spent serving as the Assistant Chief of Police. Prior to my position as Assistant Chief, I served approximately seven years in the Criminal Investigations Division as the Division's Sargent.

On 12/21/1994, I received a call at my office from a female who identified herself as A [REDACTED] R [REDACTED]. A [REDACTED] informed me that she wished to speak to me regarding a sexual assault that had taken place when she was a patient at our local medical facility on 08/15/93.

A [REDACTED] and I agreed upon a time and date to meet at my office (12/27/94) and discuss the matter at length and in greater detail. Having concluded my interview with A [REDACTED], I found her to be sincere, credible and truthful regarding the facts surrounding her complaint. As well as gathering and documenting evidence from A [REDACTED] in this case, we also addressed the nature of her illness for which she was being treated for during her stay at our local medical facility. A [REDACTED] has addressed this with you by way of her statement she has presented today.

A [REDACTED] and I discussed a second sexual assault case that occurred on or about 11/05/94 regarding a fourteen year old victim which occurred at the same medical facility months earlier. The similarities and facts between the sexual assault of the fourteen year old victim and that of A [REDACTED]'s were nearly identical in nature. I had personally investigated the case of the fourteen year old victim in November of 1984 as well. The male nurse (suspect) who was employed by our local medical facility was charged criminally and pled guilty, receiving a three year prison sentence and legally designated as a registered sex offender as provided under state law.

Having concluded my criminal investigation into A [REDACTED]'s complaint, I referred the case to Assistant Stark County States Attorney Jim Hope, seeking a criminal complaint in this matter. With an overwhelming amount of evidence collected and a positive identification of the assailant in this case, I sought a criminal complaint against Michael Strode RN, for sexual assault.

Upon meeting with Mr. Hope, we thoroughly discussed A [REDACTED]'s well-being regarding her prior, and current, mental health history. Mr. Hope and myself thought it was imperative to allow A [REDACTED] to continue with her prescribed treatment program and we would temporarily suspend the issuance of a criminal complaint. A [REDACTED] was doing her very best to remove herself from the "dark space" that was trapped within her and for which she was receiving treatment.

It was absolutely paramount that we allowed her the necessary time to continue her treatment and regain her health. It would have been remiss of us to place her into a courtroom setting with a judge, jury and the assailant in this case facing her in open court. As well, many of us know the emotional and mental effect of an experienced defense lawyer trying to create doubt, question the victim's credibility, and certainly question the victim's mental health at the time of this incident/violation. This was not the proper time in A [REDACTED]'s life to move forward with a prosecution.

In short, we had an extremely brave and courageous young lady come forward, in the name of justice, and reported a frightful sexual assault that took place during extremely dark and troubling times in her life. Over the years, A [REDACTED] has been made to live with these horrible memories to this very day. Unfortunately, the statute of limitations, both criminally and civilly, ran out in this case and we were not able to bring this case before the court and A [REDACTED] was not able to seek any civil remedies.

This is indeed a unique case that continues to cry for justice.....either civilly or criminally.

This is a case where we had a truthful and reliable victim, we undoubtedly had identified the suspect, we had the motive, and we had the necessary evidence

that would have undoubtedly led to a conviction, but.....unfortunately we ran out of time as a result of the expiration of the statute of limitations.

If you have any questions I would certainly be happy to address them. Thank you for your time in this matter.