

LOCALNEWS

Charge dismissed in 2009 robbery

Court: Statute of limitation expires

BY LAUREL BEAGER
Editor

A felony theft charge has been dismissed about five years after the armed robbery of a local convenience store.

District Court Judge Charles LeDuc Feb. 2 dismissed the felony theft charge based on the expiration of the three-year statute of limitations.

According to court documents, Zachary T. Deedrick was working at Rainy Lake One Stop March 14, 2009, when a man entered the store wearing a black ski mask, showing a gun in the waistband of his pants and demanding money.

Deedrick was charged Aug. 19, 2014, with felony theft based on information brought forward just one

day earlier which claimed he was involved in the planning of the robbery, according to court documents.

He remained in the state for two years and five months after the alleged offense and joined the military. He was first sent out of Minnesota for basic training in August 2011 and returned off and on after that.

State law requires an indictment or complaint be made within three years of the commission of the offense. Another state law says the three-year period shall exclude time when a suspect is not an inhabitant of or a “usual resident” within the state.

Koochiching County Attorney Jeff Naglosky argued Deedrick’s nearly three year absence from the state while on active military duty qualifies him as “not an inhabitant of or usual resident within the state” and the

time period of the statute of limitations should be “tolled” or put on hold while Deedrick was out of the state and start again when he was in the state.

Attorney Andy Barnhart, who represented Deedrick, argued in his motion to dismiss the charge with an opinion from the Minnesota Attorney General. That opinion states “....While he was in the armed forces, it cannot be said that he was not a resident, provided that he was a resident when he became a member of such armed forces.”

The opinion was persuasive, according to LeDuc’s ruling to dismiss the charge.

In his ruling, LeDuc wrote the defendant was still a resident of the state during his active service in the military and the statute of limitations is not tolled and ran out on or about March 14, 2012.

While the case was dismissed due to the expi-

ration of the statute of limitations, Barnhart told The Journal the charge, based on the 2014 claim, would have been difficult to prove.

“I also anticipated the state would have a hard time proving the actual merits of the case, considering the informant who came to light five years after the offense was alleged to have occurred was his ex-wife, who he had divorced from just one week prior to her proving the information,” he said.

Barnhart said he had also represented Deedrick in his divorce from Kristina M. Deedrick “and it was a contentious divorce.”

Naglosky told The Journal it was unfortunate the information that led to the charge didn’t come to law enforcement’s attention sooner.

“I’m disappointed that the culpable parties won’t be held accountable for their crimes,” he said.

SNOWY SMILES



STAFF PHOTO BY EMILY GEDDE

Ashley Larson makes the best of Tuesday’s snowstorm as she pulls her daughter, Charli, 17 months, in a sled near their home. The big smile on Charli’s face indicated the toddler enjoyed the experience.

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