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JUDGE WON'T DISMISS CRIMINAL CASE AGAINST MCKENZIE COUNTY SHERIFF

BY CAROLINE GRUESKIN - BISMARCK TRIBUNE - MARCH 14, 2017

A judge refused to dismiss the criminal case against the McKenzie County Sheriff accused of misusing his office credit card.

Gary Schwartzenberger is scheduled for trial on May 16 in the misdemeanor case his attorney believes would also be "conclusive" in deciding the fate of the removal proceedings pending against him.



PHOTO BY MIKE MCCLEARY - BISMARCK TRIBUNE

Former McKenzie County Sheriff Gary Schwartzenberger, left, sits next to his attorney, Tom Dickson, at the Burleigh County Courthouse in Bismarck on Tuesday during a discovery hearing for his charge of misuse of county government funds.

South Central District Judge Sonna Anderson, who has presided over the case since the local judges recused themselves, denied a motion to dismiss during a

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TODAY'S QUOTE
THOSE WHO DO NOT
REMEMBER THE PAST
ARE CONDEMNED TO
REPEAT IT.

hearing in Bismarck on Tuesday. She did not offer a reason.

"I'm not going to dismiss the complaint," Anderson said.

Schwartzenberger is accused of making excessive charges on his sheriff's office credit card during a trip to the 2015 Western State's Sheriff's Association Annual Conference in Las Vegas. These included his wife's airfare, an upgrade fee to a convertible rental car and a golf outing. He later paid the credit card bill himself, following some disagreement with the county.

The criminal affidavit filed against the former Marine alleges these charges were made in violation of a county policy that he pay on a personal card and seek reimbursement. But his defense attorney, Tom Dickson, argues there was no written policy, making the criminal accusations against the sheriff baseless.

In a biting brief, Dickson called the prosecution "personal and petty" saying it came only after Schwartzenberger criticized the local state's attorney's office. He also accuses other county employees of stealing money and facing no prosecution, but rather serving as witnesses in this case.

"(He) is being prosecuted on these trumped-up charges because, while popular with the people who voted, he is unpopular with the other county officials whose power and access to taxpayer-funded frivolity are challenged by this presence," Dickson wrote in his motion to dismiss the case.

In his reply, Assistant Attorney General Paul Emerson, who is prosecuting the case, argued that Schwartzenberger knew the proper procedure from his experience as a deputy.

"The charges in this case weren't paid for by the defendant on his personal credit card, as he surely knew they should be, with reimbursement sought from the county," Emerson wrote.

He further argued the prosecution was not vindictive or selective, because Schwartzenberger was not discriminated against for his race, gender, political views or other similar factor.

"The defendant's arguments are basically that, if someone else possibly committed a crime, it is OK for him to, in fact, do so," Emerson wrote. "Fortunately, that is not how the criminal justice system operates."

Misapplication of entrusted property is a Class A misdemeanor with a maximum penalty of one year in prison and \$3,000 in fines.

Schwartzenberger is currently suspended from his duties and faces removal proceedings that followed a recommendation from Attorney General Wayne Stenehjem and former Gov. Jack Dalrymple. The removal is on the basis of a petition from the county's acting State's Attorney Todd Schwarz last fall that cited this criminal case and allegations of bullying and retaliation within the office.

As the Attorney General's Office is handling the removal and criminal proceedings, Dickson argued in court that all information pertaining to the removal case be handed over as discovery. After arguments from both lawyers on Tuesday, Anderson agreed and ordered the information turned over within two weeks.

GEORGE SANTAYANA
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EDITOR COMMENT

This case smacks of yet another '**GOOD OL' BOYS CLUB WITCH HUNT**' by McKenzie County Assistant States Attorney TODD SCHWARZ. One should take note that this same pair of attorneys (TODD SCHWARZ & PAUL EMERSON) are the same pair who 'cut' the plea deal for the Nazi Craig Cobb and were the same ones that attempted to put on trial the Mayor of Leith Ryan Schock.

It could also be noted that the judge in this case is Sonna Anderson with whom I sat next to in an aircraft on my way to Japan in 2013 - strange.

SCHWARZ resigned from Grant County last year as States Attorney after this editor, the Mayor of the City of Leith Ryan Schock and Leith City Councilman Lee Cook brought him up on charges of misconduct when he interviewed Craig Cobb's victims Gregory Bruce (Leith's Media Representative and this website's editor) and Leith City Councilman Lee Cook in that he used filthy and inflammatory language unprofessional of a court officer during the two hour interview. Eventually the charges were dismissed as the North Dakota Supreme Court Disciplinary Board cited that filthy language was not unprofessional.

CLICK HERE for a copy of that audio file. More news articles and transcripts are being re-posted on this updated version of this website.

[CLICK HERE](#) for a copy of Sheriff Gary Schwartzberger's court summary.

[CLICK HERE](#) for a copy of Leith Mayor Ryan Schock's affidavit in support of McKenzie County Sheriff Gary Schwartzberger.

Later in the spring of 2015 SCHWARZ brought charges against Leith Mayor Ryan Schock on a trumped up charge in a complaint filed by Leith Nazi sympathizers Michael Bencz and Deby Nelson. This is just another example of what TODD SCHWARZ continues to inflict a '**GOOD OL' BOYS CLUB WITCH HUNT**' upon those in office he does not agree with.

CLICK HERE for a press release about Leith Mayor Ryan Schock headed for trial after four delays over seventeen months.

CLICK HERE for a story about the charges being dismissed against Leith Mayor.

This editor has filmed SCHWARZ in multiple Grant County Commission meetings over the past three years and it seems he is continuing to dream up charges against people who disagree with him. During the filming of all these commission meetings this editor has been thrown out twice for asking the same questions over and over when he didn't get any answer at all.

SCHWARZ even dropped the charge against the now '**CONVICTED NAZI TERRORIST CRAIG COBB**' that involved this editor stating he withdrew his statement about being terrorized. He even went so far as to say this in the movie '**WELCOME TO LEITH**' which chronicled the Leith saga. Everything he said was taken out of context so that he could intimidate this editor to shut down the now closed Leith website and its multiple Facebook pages which, gained international support and demonized government officials.

Grant County has now elected three new commissioners, elected a new Sheriff, got rid of a deputy on suspicion of being intoxicated while on duty, forced out a county auditor after she resigned once, lost the election and then resigned again. Grant County has a new tax director, a new county auditor and deputy

auditor, a new VA representative, several new deputies and more.

ADDENDUM

It does seem strange that the former Grant County Deputy Auditor Jennifer Wells who quit shortly after the Auditor resigned for the second time by email ([CLICK HERE](#) for that email) is now once again on Grant County's payroll earning only a pittance of what she earned as the deputy auditor. Wells who quit the county mysteriously shortly after County Auditor Kelly Bachmeier resigned twice under suspicion is now working in the Social Services department of Grant County for a mere \$15.78 per hour versus what she made as deputy auditor of \$33K per year.

[CLICK HERE](#) for Grant County employees and their salaries for the year 2017.

[CLICK HERE](#) for Grant County employees and their salaries for 2014/2015.

Grant County is not alone as this editor exposed more of the 'GOOD OL' BOYS CLUB' power mentality of elected and appointed government officials in another county. One example is when the Nazi woman Deborah Henderson moved to Underwood with her children while her boyfriend Nazi Kynan Dutton was in jail. She had filed a restraining order against Underwood school teacher Lisa Auck for treating her children mean in school.

This went to court in Washburn and this editor was there to film the hearing along with KFYZ and KXMB TV crews. Henderson tried to have this editor removed from the court but the judge said that he had authorized this news service to be there. The case was eventually dismissed among loud clapping by over 100 supporters of the teacher. Henderson immediately went to the clerk of the court and tried to file a second restraining order against this editor and Lauren Donovan, a reporter for the Bismarck Tribune for stalking. The same judge stopped the orders from even getting into the system.

The issue then moved on to Underwood and a city council meeting whereby this editor and KFYZ filmed it. The Nazi woman and her convicted Nazi boyfriend Kynan Dutton tried unsuccessfully to put the audience of about 100 at ease. The States Attorney Ladd Erickson then on camera blamed Underwood's problems with this editor and the Bismarck Tribune reporter Lauren Donovan by reporting on this highly publicized issue. He even went so far as to tell the public not to read stories on the internet or read the Bismarck Tribune newspaper - all on video. The Bismarck Tribune eventually filed a complaint against Erickson. This entire issue can be viewed in the video "UNDERGROUND IN UNDERWOOD" by [CLICKING HERE](#).

This is how states attorneys like Ladd Erickson and TODD SCHWARZ sweep controversial issues under the carpet just like they have done with the Nazi Craig Cobb, the debacle of frivolous charges against the Mayor of the City of Leith Ryan Schock, the pipeline protesters and now suspended McKenzie County Sheriff Gary Schwarzenberger.

McKenzie County Assistant States Attorney TODD SCHWARZ, Attorney General Wayne Stenehjem and his staff attorney Paul Emerson have colluded in an attempt to persecute and prosecute suspended McKenzie County Sheriff Gary Schwarzenberger just as they did during the fiasco cases of the now 'CONVICTED NAZI TERRORIST CRAIG COBB' and the Mayor of the City of Leith Ryan Schock.

The charges against Mayor Schock took over seventeen months in a highly

publicized debacle for the Attorney General to drop all charges and finally realize he and his staff and TODD SCHWARZ couldn't indict and convict a 'HAM SANDWICH'.

TODD SCHWARZ should be stripped of his law credentials and never allowed to practice law again for what is perceived by many as selective prosecution of those who disagree with him.

One last example was that of him accepting a temporary position as States Attorney with Sioux County while still employed by Grant County when that States Attorney passed away. Within 3 weeks he had harassed multiple county residents with threatening letters over age old section line disputes and was fired. He even went so far as to ask for more money from Grant County to pay his secretary for the additional work he was performing in Sioux County. This is actually stated in Grant County Commission meeting minutes.

He did the same thing with Shields residents Randy and Colleen Volk by what I would call 'blackmail' in a gravel dispute. The Volks eventually demanded and received a written letter of apology from SCHWARZ and former County Commissioners Keith Payne, Don Roth and Bill Koch of which this was all filmed in a commission meeting.

CLICK HERE for the video interview of Randy and Colleen Volk filmed by this editor.

It seems that TODD SCHWARZ lopes from county to county throughout the state of North Dakota to supplement his private law practice in Bismarck.

Since the rebirth of this website not all of the commission videos have been uploaded but are on the front burner as well as many other videos. Check out the links on the left of all the video categories and learn about what one local county government has done in the past. It will either educate you or 'piss you off'.

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