

Incumbent county attorney faces challenge

By Carol Bryant

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Ellen Totzke and Don Walters, candidates for Hall County attorney, differ on a number of issues.

Totzke, a Democrat, wants to retain the office she's held since 1991. Republican Walters claims he varies from her on these topics: enforcing child support, prosecuting people who write bad checks, making plea bargains and pursuing drug criminals.

Ellen Totzke

Totzke said her office is doing the best it can with a limited staff to back child support rulings. She said two paralegals will be added to deal with child support as soon as remodeling of their office space is completed. Two attorneys and three secretaries currently deal with 5,000 to 5,500 child support cases.

The staff takes child support-related phone calls from 9 a.m. to 11 a.m. daily and also 5 p.m. to 8 p.m. Wednesdays. The limited hours policy was established before she took office and is also followed in Lancaster County, she said.

"There just isn't enough time in the day. That's why we limit phone calls," Totzke said. Since 1991, child support collection has increased by 24 percent. In 1993, \$1.9 million in child support was collected.

Totzke said her office deals with approximately 300 bad checks per month, and many are paid once the writer is notified.

"The vast majority are paid off once we send out a '10 day' letter," she said. "If they don't pay, we review the case for prosecution."

First-time offenders are offered the chance to take a diversion program that includes a money management class.

"That's one of the things we do to avoid the court system," she said.

Totzke said her office considers each case on an individual basis before deciding to plea bargain. Without some plea bargaining, the court system would be overloaded.

"We try to give victims every chance to make a decision when it comes to plea bargains," she said.

Susan Wetherilt and her 6-year-old son, Brian, were stabbed by Larry R. Witt during a robbery in her home in August 1991. Wetherilt said she, not Totzke, made the decision to go for a plea bargain. Wetherilt said Walters was blaming Totzke for plea bargaining in his campaign literature.

Totzke said her office is handling drug crimes as they occur rather than waiting to make big roundups as was done in the early 1990s.

"It seems to be going much better. We don't get as much publicity. The issue isn't publicity. It is getting those people off the street," Totzke said.

If Totzke is re-elected, one of her goal is to see better coordination among schools, law enforcement and the Social Services Department in dealing with youth violence.

"We don't have a second juvenile facility in Nebraska. We don't have any place to hold violent youth prior to taking them to trial," she said. Currently, the youth are sent to Scottsbluff or Wayne. The Youth Development Center in Kearney is overcrowded, she added.

Don Walters

Walters said the county attorney needs to put more emphasis on enforcing child support. Garnishment of wages should be used more often, he said, and those who don't comply should face criminal charges.

Also, custodial parents should be able to call the county attorney's office any time during its hours to discuss child support issues, Walters said.

"If you were in private practice, you wouldn't eliminate calls. It's a question of managing the office and the time," he said.

Walters said he resents that some people have said he's trying to make the county attorney's office a collection agency to deal with bad checks.

"Many times it's not a question of violating the law with an insufficient funds check," he said.

After the county sends out its "10-day letter," Walters said, it expects the amount owed to be paid all at once. He said people should be allowed to make payments on child support rather than pay the entire amount.

Walters said he does not approve of plea bargaining when it involves murder or serious injury.

"Put the violent criminal away to protect the public at large," he said.

According to Walters, Totzke has justified plea bargaining in situations such as the Wetherilt case.

"That takes out the public's ability to be protected," he said. "If you have a murderer who can be out in five years, you aren't protecting the public."

If charges are reduced due to insufficient evidence, the public should be informed, Walters said. For instance, if a first-degree murder charge is reduced to second-degree murder due to insufficient evidence, tell the public, he said.

Walters said drug-related crimes should be pursued, and a distinction should be made in sentencing drug users versus drug dealers.

"There are a lot of people who get arrested on drug charges who sold to an undercover officer," he said. Those people who are drug users should be given a chance for treatment during probation. If the user goes back to using drugs, probation should be revoked.

"It helps the defense attorney to say this is the only hope for staying out of prison," Walters said.

Drug dealers should receive no sympathy, he added.

Walters said if he were elected, he would make the county attorney's office more receptive to public praise or criticism.

Second, he would appoint a person to handle juvenile cases. He said there have been instances when the Department of Social Services and parents have disagreed over which counselor to use in child custody cases. The disagreement has caused children to be removed from their homes.

"That's wrong. If you have an attorney who follows the law, you're going to have fewer children removed," he said.

Another change he would make would be to use computers to issue semiannual reports. The report would include statistics such as how many cases were filed.

"I want to be receptive to the public. I want them to have access to me," he said.