

# Untenable Position of Dakota County Attorney

## OFFICE OF DAKOTA COUNTY ATTORNEY JAMES C. BACKSTROM COUNTY ATTORNEY



Dakota County Government Center  
1500 West Highway 35  
Hastings, Minnesota 55033

Telephone:  
(612) 438-4438  
Charles A. Diemer, First Assistant

December 12, 1989

EXHIBIT 01

Mary Jane Duchene  
1144 Ottawa Avenue  
West St. Paul, Minnesota 55118

Re: Death of Jane Duchene:

Dear Ms. Duchene:

Our office received your letter of November 27, 1989, addressed to Mr. Backstrom, on December 4, 1989. As I indicated in our previous letter, the estimated cost of the records you request is \$100.00. This cost can be reduced to 25¢ per page if you come down to our office and photocopy the records yourself. This is the rate charged all persons, including defense attorneys, for copying. As you know, many local hospitals charge \$1.00 per page for photocopying. Our charge is a reasonable one.

I should tell you that the abuse allegation you allude to in your letter had no bearing on our decision not to prosecute. It is irrelevant. I do not know any more about it than you, and have not inquired further because of its irrelevancy. If you expect to find anything more than one sentence about the alleged abuse, you will be disappointed.

The turn-down of charges is based on total lack of proof of any criminal act by Dr. Corbett. If you come up with proof of a crime during the civil litigation, we will be happy to look at it. One issue you should address involves the reason for the lowering of the insulin amounts given to your mother. My understanding is that her food intake was going down shortly before her death. As you know, insulin requirements usually are dependent on the amount of food intake. If your mother was eating less food, she would need less insulin. To give too much insulin could result in insulin shock. Thus, it would appear perfectly appropriate for the medical personnel to lower the amount of insulin given to your mother.

Criminal Division  
Robert B. King, Jr., Head

Civil Division  
Karen A. Schuder, Head

Human Services Division  
Donald E. Baker, Head

Victim/Witness Coordinator  
Karee Homan

An Equal Opportunity  
Employer

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Please let me know which option you choose to take regarding photocopying.

Sincerely,

JAMES C. BACKSTROM  
Dakota County Attorney

  
By: ROBERT R. KING, JR.  
Assistant County Attorney

RRK/jcb  
cc: Senator Rudy Boschwitz