



DUBUQUE COUNTY ATTORNEY

PRESS RELEASE

County Attorney
Ralph R. Potter

The Dubuque County Attorney's Office has authorized the Dubuque County Sheriff's Department to release the name of the shooter in the incident which occurred in Dyersville on November 29, 2008. Up to this point, the County Attorney's Office has relied upon §22.7(5) of the Iowa Code in declining to provide that name. §22.7 states the following: "The following public records shall be kept confidential, unless otherwise ordered by court, by the lawful custodian of the records, or by another person duly authorized to release such information..."

Assistant
County Attorneys

Christine O. Corken,
First Assistant

Timothy J. Gallagher
Jean A. Becker
Lyle R. Galliard
Michael J. Whalen
Mark T. Hostager
Allsha A. Stach
Robert J. Richter
Brigit M. Barnes

5. Peace officers' investigative reports...if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this code. However, the date, time, specific location and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual..."

Victim and Witness
Assistance

Julie C. Homb
Holly M. Elliott

In the case at hand, all relevant information except the shooter's name has been provided in compliance with that subsection. This case is clearly an ongoing investigation and the County Attorney's Office is reluctant even at this point to release the name of an individual who has not been charged with a crime. State Ex Rel Shanahan v. Iowa District Court, 356 N.W.2d 523 (Iowa 1984) is further justification for the premise that ongoing investigations of homicides can be treated in a different manner when dealing with the Freedom of Information Act. Finally, §§22.8(4)(c)(d) allow a reasonable delay by a lawful custodian to determine whether a record is a confidential record or should be available for inspection. That delay can be up to ten days.

Nevertheless, we believe that most interviews have now been conducted and information obtained concerning the investigation of this case. We are also cognizant of the fact that other businesses and individuals are being accused of being involved in this event. We therefore will authorize the Sheriff's Department to release the information that has been requested concerning the identity of the shooter. We wish to, however, emphasize the fact that under the Constitution and under the laws of this State this man has not been accused or charged with any crime and would be presumed innocent of any offense at this point.



Ralph R. Potter
Dubuque County Attorney

KENNETH J RUNDE, Sheriff

DON A.VROTSOS, Chief Deputy

OFFICE OF SHERIFF

DUBUQUE LAW ENFORCEMENT CENTER

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MEDIA RELEASE

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12/2/08

The man involved in the shooting of David Herman has been identified as 48 year old Christopher S. Leppert of Dubuque.

Leppert continues to cooperate with law enforcement and no charges have been filed.

Captain Bob Lynn
Dubuque County Sheriff's Department

