

A man with short brown hair and blue eyes, wearing a dark pinstriped suit jacket, a light blue checkered shirt, and a patterned orange and blue tie, is sitting in a courtroom. He is looking towards the camera with a slight smile. The background shows wooden paneling and rows of empty seats.

The Justice Seeker

When you're a kid in college, rarely do you heed the advice of your parents. After all, you're living on your own, making your own decisions, charting your own course. You're an official-genuine, bona fide adult and, for the most part, you honestly believe that *your way* is the *only way*.

Enter Dave Nelson – *not* the average college kid.

For starters, Dave Nelson, '73, did listen to the advice his dad gave him. And, four decades and a lengthy and successful legal career later, he's darn glad he did.

"My dad was a pretty smart guy. I decided to go to law school on his advice. He told me that if I learned how to think like a lawyer, I'd be prepared for any profession, from business to education to journalism – anything."

As one of Minnehaha County's longest-serving state's attorneys, Nelson's career record as a prosecutor speaks for itself – during his five terms in office, he personally handled 100 jury trials, from which 28 inmates are currently serving life sentences in South Dakota prisons; by 2008, the year he announced his retirement, his office was prosecuting 10,000 cases annually, with charges ranging from littering to premeditated murder; and in 2003, he was honored as South Dakota Prosecutor of the Year.

Looking back, Nelson marvels at the impact technology has had on the legal system, particularly the vital role DNA analysis now plays in criminal cases. Nelson will discuss technology and the evolution of criminal prosecutions during the Augustana Thought Leader Forum at 11:30 a.m. on Wednesday, Nov. 10. His presentation, "CSI Sioux Falls: The Investigation and Prosecution of the Criminal Case," will dissect four criminal prosecutions involving the use of forensic or scientific evidence, such as blood stains, saliva and other bodily fluid. The cases range from 1989, when DNA was not considered, to recent cases when DNA analysis played a critical role in the jury's verdict.

Nelson, 58, admits that spending two decades living and breathing the finite details of criminal activity, especially the most horrific – murder, rape, assault – wasn't an easy job. Yet, he says he wouldn't trade the experience for anything.

"You can't shut it off; you can't unplug at the end of the day and pretend that's not a part of your life. Yet, when you handle cases like those, you have a sobering responsibility to the family of the victim or to the victim himself or herself."

"When you're in trial, you're immersed in the case 24-7 until the thing's finally resolved. Even after it's resolved, you still have memories that will last a lifetime –

good and bad. Yet, there was never anything more rewarding than having a jury render a verdict I'd been working toward and turn around in my chair and tell the victim's family the system works. That's incredibly rewarding."

Nelson remembers each case he worked on during his time as state's attorney; however, he considers some largely significant because of the public's interest.

One such case was the murder of Mary Kay Ross, a Sioux Falls mother who was stabbed to death while her one-year-old child slept in a crib nearby. Four men were charged with conspiracies to commit Ross' murder. Of those, three pled guilty to first degree murder and avoided facing the death penalty; another went to trail for conspiracy to commit first degree murder and is now serving a life sentence in the penitentiary without the possibility of parole.

"This case garnered a lot of interest from the community – primarily because the crime was so senseless; so horrific. A one-year-old child lost her mother."

Another significant case during Nelson's tenure was that of Darlene Vander Giesen, a member of Sioux Falls' deaf community. Vander Giesen was kidnapped and later killed, either by suffocation or due to a sharp blow to the head. After her death, her body was dismembered with a chainsaw, burned, then thrown in a dumpster and in a ditch alongside a highway in Minnesota.

Daphne Wright was convicted of kidnapping and killing Vander Giesen and is currently serving a life sentence in the South Dakota State Penitentiary.

After retiring from the state's attorney post in 2009, Nelson accepted an appointment to the South Dakota Board of Pardons and Paroles, a nine-member group that reviews applications for parole or early release from state penitentiaries.

"It's an incredible experience that I'm finding very rewarding. It's an opportunity to deal with people in the institution from

a different perspective. We're considering the arguments of both sides – weighing the facts of the case; weighing the merits of the application for relief; and trying to do what's in the best interest of the state and what's in the best interest of the inmate."

Sifting through memories, Nelson said his roots as a budding prosecutor and his love of the justice system began at Augustana. It was as a member of the Debate Team, he

said, that his passions for persuasion, proving a point and arguing the facts grew and developed.

"Debate was a big part of my time at Augie. Debate takes one a long ways in terms of the ability to communicate efficiently, effectively, succinctly and persuasively. The ability to persuade is so important to the practice of law. Whether it's to persuade a judge, a jury,

your client, another lawyer – as a lawyer, you need the ability to make your case."

As a member of the Debate Team, Nelson also had the chance to travel across the country to compete against other schools.

"Augie was willing to send its Debate Team to the premier tournaments in the country. Although we were a small team from a small liberal arts college in a small state, we didn't hesitate to go to the big tournaments and compete against the big schools at the top levels within debate. We had the opportunity to go to Harvard, Georgetown, Northwestern University and the University of Houston. We got to compete against the cream of the crop."

"I consider myself so fortunate and blessed to have been able to attend Augustana. I absolutely believe that the broad-based, liberal arts education Augie provides prepares students well for law school. The best students in my law school class were graduates of Augie and schools like Augie who I think took students to another level in terms of their preparation."

Nelson was honored with an Alumni Achievement Award during Viking Days 2010.

AUGUSTANA
Thought Leader Forum
"CSI Sioux Falls:
The Investigation and Prosecution
of the Criminal Case"
11:30 a.m., Wednesday,
Nov. 10, 2010
CJ Callaway's Event Center
www.augietickets.com