



Attorney General Doug Peterson

News Release

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On January 6, 2003, Brendan Gonzalez was reported missing by his mother. Ivan Henk was spotted by law enforcement at the home of Brendan's mother, arguing with Brendan's aunt. Law enforcement found a pool of blood on the floor of the garage.

Blood evidence was collected from the garage and DNA testing showed the blood was that of Brendan Gonzalez. Henk was in jail on charges arising from the January pursuit.

On April 29, 2003, Henk appeared in the Cass County District Court to enter his plea on the misdemeanor charge of flight to avoid arrest. During his sentencing, Henk confessed in open court that he had killed Brendan.

On February 1, 2005, Henk pled guilty to an Amended Information charging him with one count of 1st Degree Murder pursuant to a plea agreement to avoid the potential death penalty phase.

On May 11, 2009, Henk filed a *pro se* Motion for PostC conviction Relief. In his motion, Henk alleged that there was 1) Intentional Fabrication of Evidence by Cass County Law Enforcement; 2) Failure to Timely Disclose Evidence of Potential Fabrication by Law Enforcement; and 3) Ineffective Assistance of Counsel.

On February 22, 2017, Douglas County District Court Judge James T. Gleason presided in Cass County District Court and determined that even without deciding whether there was a constitutional violation, that the evidence was overwhelming and that the defendant suffered no actual prejudice from the claimed constitutional error. The Court further found that defense counsel's performance was not deficient.

Assistant Attorney General Corey O'Brien handled the defendant's post-conviction challenge.

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