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Forum

FARGO - MOORHEAD

EARLY EDITION

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Chris Flynn / The Forum

Julie Willert of Fargo was a close friend of Philip Gattuso, a Fargo dentist who was beaten to death with a hammer in 2009 in a murder-for-hire scheme.

Locked up on 'technical' violations

As ND tries to control prison population, inmates often return for breaking terms of release

By Sam Easter
Forum News Service

BISMARCK — According to state data, North Dakota's ex-state prisoners are headed back behind bars at about the same rate they were 10 years ago. But during that decade, that number has varied — and the statistics themselves are said to be bound up in questions of prison capacity, criminal law and the opioid crisis.

The state Department of Corrections and Rehabilitation tracks two broad reasons why released state prisoners might find themselves in state prison once again: either they've committed a new crime and been sent back to a state facility, or they've violated a term of their release, like not reporting to a parole officer — a "technical" reason for their return to custody. Both examples are called "recidivism," a specialist's word for the phenomenon, and the state tracks it over a three-year period from when a prisoner gets released.

And for prisoners released in 2005 and 2015, those numbers remain close to the

PRISON: Page A8



Mike McCleary / Bismarck Tribune

A guard stands by as inmates at the North Dakota State Penitentiary walk between cell units in Bismarck in this 2015 file photo.

'Evil hate'

Friend who found slain Fargo dentist reflects on crime 10 years later

Editor's note: This is the second of four stories looking back on the murder-for-hire plot that led to Philip Gattuso's death in 2009.

FARGO

Julie Willert will never get over the shock of seeing her friend, Philip Gattuso, lying on the floor in his south Fargo condominium, his head resting in a puddle of blood.

Willert, who had met the dentist and his wife, Valerie, five years prior, was among several people who discovered Gattuso's body the evening of Oct. 26, 2009.

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Robin Huebner reports



Special to The Forum

Philip Gattuso with his wife, Valerie, and daughter, Kennedy, on July 28, 2007, at the Radisson Hotel in downtown Fargo. Two weeks later, Valerie underwent heart surgery that resulted in a serious complication, which ultimately led to her death in March 2009. Philip Gattuso was murdered in October 2009.



Special to The Forum

This inclusive playground along Interstate 94 in Mandan, N.D., features a rubberized surface under and around equipment to provide access to children and other family members or friends with mobility issues.

Moorhead picks location for inclusive playground

By Barry Amundson
bamundson@forumcomm.com

MOORHEAD — When Moorhead City Councilwoman Heidi Durand visited an inclusive playground in Mandan, N.D., this past summer it was the first time her 12-year-old son who uses a power wheelchair and her 4-year-old son were able to play together on the same playground equipment.

Often, equipment isn't adaptive to allow children with disabilities to use it. Additionally, many play-

grounds have wood chips, rocks or sand around the equipment that makes it impossible for those in wheelchairs, walkers or crutches to navigate.

She said her children "loved" the playground that features a rubberized surface surrounding the equipment for children to play and move around on.

She hopes that within the next year or two, Moorhead will also have a similar inclusive playground and her fellow council members were unanimously in support of the project when they

selected a site for the project Monday, Oct. 14.

The park, which was among the top six on a city survey "wish list" of community projects, will be located at the Southside Regional Park near 20th Street and 40th Avenue by the Moorhead Soccer Complex.

It will be next to "Miracle Field," a rubberized, adaptive baseball diamond for those with disabilities. Durand said the field "gets a lot of use."

The City Council and Durand hope the park will become a "regional desti-

nation" as there are few to be found nearby. The only ones she knows of besides Mandan are in the Twin Cities in Minnesota.

She said the park is not only for children, but also for adults with mobility issues who may want to play with their children on the playground and help them on the adaptive equipment.

Although the location has been selected, the next step is financing. Durand said the city is seeking

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ND's legacy on '80s ag recovery

Farmer helped implement famous PIK program

By Mikkel Pates
Forum News Service

MOTT, N.D. — An ambitious man from Mott was an early victim of the 1980s farm credit crisis and would play a key government role in getting money back in the hands of farmers.

Milton J. "Milt" Hertz ran a 26,000-acre farm,

with 750 beef cows. The farm had up to 30 full-time and seasonal employees and ran five of the iconic Steiger tractors that were made in Fargo. His son, Shane, graduated from high school in 1980 and was at his side. But the juggernaut stopped rolling with a farm sale

in 1982.

Fate would send Milt to Washington and his son into a smaller farming career.

Next big thing

Milt stood 6 feet 6 inches tall and had big ideas about farming. In

LEGACY: Page A8



(Suggested retail price)
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Today's weather



Windy, some rain



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GATTUSO

From Page A1

"Still remember it as if it was yesterday," said Willert, as she sat for an interview in her home just blocks from where Gattuso once lived.

The Forum is looking back on the murder-for-hire crime and the families impacted by it, as the 10-year mark draws near.

The killing of Gattuso left the couple's 3-year-old daughter, Kennedy, orphaned just months after her mother died from a series of devastating complications resulting from heart surgery.

It put Gattuso's father-in-law, Gene Kirkpatrick, and Kirkpatrick's handyman, Michael Nakvinda, in prison for life with no chance for parole, for a scheme aimed at giving custody of Kennedy to her mother's side of the family.

Instead, the crime had the opposite effect — a permanent restraining order that keeps the Kirkpatricks from having contact with the now 13-year-old Kennedy, who lives with Philip Gattuso's niece in the New Orleans area.

Neither Gattuso's brother Roy, nor daughter Molly and her husband, Adam Massey, wanted to speak on the record about the case or Kennedy.

However, Willert agreed to talk publicly about the crime and her friendship with the Gattuso family, for the first time since testifying at the trials of Kirkpatrick and Nakvinda.

Willert works as a residential appraiser, and her husband, Meryl Willert, is a child and adolescent clinical psychologist in Fargo. She said they first met Philip and Valerie Gattuso in 2004, after hearing about them through a mutual friend.

Philip had purchased the Fargo practice of longtime periodontist Robert Kline after his death, but Philip and Valerie hadn't made many friends their age since moving here from Oklahoma City, Okla.

Willert got on the phone the next day and invited the Gattusos over for dinner.

She described the couple as "a lot of fun," and that Valerie was very witty and friendly. Valerie was never one to talk about herself, Willert said, and always steered the focus of conversation to others.

Sometime after Valerie became pregnant, she began having heart troubles. She gave birth to daughter Kennedy in the spring of 2006, and in August 2007 was scheduled for surgery to repair a mitral valve in her heart.

Willert said the Gattusos came to the house a few days before the surgery. While Valerie seemed concerned about it, her friends tried to assure her.

After the procedure, Valerie suffered a severe complication, which led to a 20-month struggle on a heart machine before her death on March 30, 2009.

Only seven months later, her husband was dead, from multiple blows to the head with a hammer.



Gene Kirkpatrick, right, and defense attorney Mack Martin listen to Judge Steven Marquart hand down a sentence of life in prison without parole on Oct. 10, 2011, for Kirkpatrick's part in the death of Philip Gattuso.



Above, left: Julie Willert testifies at the Cass County Courthouse on Dec. 1, 2010, about finding the body of her friend, Fargo dentist Philip Gattuso, on Oct. 26, 2009.



Above, right: Michael Nakvinda took the stand in his own defense on Dec. 7, 2010, at the Cass County Courthouse. He was later sentenced to life in prison without parole for his role in the killing of Philip Gattuso.

The phone call

In her final months, while attempting to rehabilitate, Valerie lived with parents Gene and Sharon Kirkpatrick at their home in Jones, Okla., along with Kennedy.

After his wife's death, Philip Gattuso brought his daughter back to Fargo.

The relationship between Gattuso and the Kirkpatricks was contentious before Valerie's death. "There was no point where he said, 'My in-laws hate me,'" Willert said. She said Philip often vented to her about Sharon being controlling and trying to pit his wife against him.

According to Willert, the animosity only grew after Valerie died and the Kirkpatricks weren't able to see their granddaughter as often, living hundreds of miles away.

Willert and her husband maintained their friendship with Gattuso, and she was among several people listed with Kennedy's child care center as emergency contacts.

Just before 7 p.m. on Oct. 26, 2009, came the day care's phone call that touched off a

murder investigation. "They said Philip hadn't picked up Kennedy, which was odd," Willert said.

She offered to come get the girl but didn't have a car seat, so while other arrangements were made to bring Kennedy home, Willert called one of Gattuso's neighbors to check on him.

The neighbor went over to find locked doors and, after climbing a fence, saw through a garage window that Gattuso's car, a silver 1999 Porsche Boxster, was missing.

'I just shut the curtains'

When Willert arrived at the condo, she wondered if Gattuso was inside and might have suffered a medical problem.

The neighbor went back over the fence, opened the garage service door and the overhead door for his wife and Willert, and the three of them went inside. Immediately, they noticed Gattuso's condo was in disarray, with drawers opened and furniture overturned.

Willert called Philip's name, walking toward the island table in the kitchen. She looked into the master bedroom nearby and

stopped cold.

"I saw him on the floor with this big halo of blood," Willert said.

She didn't go any farther, describing a sort of out-of-body experience where she could see herself from above, doubled over in panic.

Willert said she knew her friend was dead.

"Sorry," she said, her voice choking with emotion, as she stood up from the interview and went to find a tissue.

She remembers someone calling 911, with police, ambulances and the news media arriving not long after. In shock and disbelief at what she'd witnessed, she retreated to the neighbor's home.

"I just shut the curtains," Willert said.

'That's just wrong'

Gattuso's daughter stayed at Willert's home that night, and Willert said she and her kids made a slumber party out of it in an attempt to keep things light for Kennedy.

She remembers the girl looking at her watch repeatedly, as if to wonder when her dad might be picking

her up, and that it was at least 3 a.m. before Kennedy finally fell asleep.

Gene and Sharon Kirkpatrick, along with their other daughter, Regan Williams, and her family, arrived from Oklahoma that afternoon. Willert said Sharon called her from a nearby restaurant to say they intended to pick up Kennedy and leave.

"I'm like, 'Well, maybe not so fast. You know, the cops might want to talk to you,'" she recalled.

She made lunch for the Kirkpatricks and Williams families at her home, and found it curious that no one asked about Philip — what happened, how he died.

Willert said Sharon Kirkpatrick did say the family had been "praying for this" and that her daughter wanted more children, but not this way. After talking with police, the family was able to take Kennedy to Oklahoma with them, as Williams was given temporary custody.

But that soon changed as the pieces of the puzzle began to come together, and it appeared Gene Kirkpatrick was involved in trying to get his granddaughter away from Gattuso by having him killed. Williams lost custody and Kennedy went to Philip's brother, Roy.

Willert remembers a Fargo police detective asking her if she thought Kirkpatrick was behind the scheme.

"I mean, that's evil hate. That's not just, you don't like someone. That's, that's just wrong," she said.

Still close with family

With the help of surveillance video from a business near Gattuso's condo, and from a rest area along Interstate 29 in South Dakota, police quickly traced a pickup truck and trailer carrying Gattuso's stolen Porsche to Michael Nakvinda in the Oklahoma City area.

From there, the dots were connected to Kirkpatrick, who prosecutors said paid Nakvinda \$3,000 to kill Gattuso, with a promise to pay \$10,000 more, and provided him with video of Gattuso's condo and Porsche.

While he acknowledged talking with Nakvinda about a murder-for-hire, Kirkpatrick maintained at trial they never had a formal agreement, that Nakvinda acted on his own and that the money he gave him was for upcoming work unrelated to the killing.

Willert was asked about Kirkpatrick's level of culpability, even though he wasn't the one who wielded the hammer. "Life in prison without parole. To me, that says it all," she said.

Willert said she remains close to the Gattuso family, and planned a trip to Louisiana to visit the now-teenage Kennedy, whom she last saw in April 2018.

"Yeah. She's doing very well," Willert said. "She's turning into a beautiful young lady."

Readers can reach Robb Huebner at rhuebner@forum.com. Huebner is also a reporter on WDAY-TV.

PLAYGROUND

From Page A1

donations as well as a big donor because the playground could cost as much as \$1 million.

The city budgeted \$10,000 this year to help with the initial design work for the project, and the Moorhead Kiwanis have been the first to contribute to the fund drive.

It was noted that former City Councilman Steve Gelitz, who runs a construction company, has said he would assist with the project, but more funding is needed.

The Southside Park was selected for its large parking area, considering the playground is envisioned to hold up to 100 kids.

There is some adaptive equipment at the Gooseberry Park, but Durand said it doesn't have the rubberized surface, which is one of the major costs in the project.

Moorhead has 41 other playgrounds.

Readers can reach Forum reporter Barry Amundson at 701-451-5665.

Four injured in Becker County crash

DETROIT LAKES, Minn. — Four motorists were taken to a hospital here after a two-vehicle crash Saturday, Oct. 19, left them with injuries that were not life-threatening.

The crash happened about 4:20 p.m. Saturday on Minnesota Highway 34 near Becker County Road 39.

A 2014 Chevrolet Impala was headed west on Highway 34 and a 2001 Chevrolet Suburban was traveling south from a private driveway onto Highway 34 when the vehicles collided on the highway, according to the Minnesota State Patrol.

The Impala driver, Michael Even, 59, of Detroit Lakes, and his three passengers suffered injuries that were not life-threatening. All four were taken to St. Mary's Hospital in Detroit Lakes, the patrol said.

The Suburban driver, Winona LaDuke, 60, of Ponsford, and her three passengers were not hurt, the patrol said. LaDuke is an environmentalist and economist who writes a column for The Forum.

Commission seeks nominations for MLK Day awards

FARGO — Nominations are being accepted for the Human Relations Commission's Martin Luther King Jr. Day Human Relations Awards.

Community members are encouraged to submit nominations by Nov. 13 for individuals and organiza-

tions from Fargo that do work embodying Martin Luther King, Jr.'s life and legacy.

The Human Relations Commission (HRC) and Mayor Tim Mahoney will be holding the Human Relations Awards on Jan. 20, 2020, at the Fargo Theatre. Each year, an adult, youth and business/non-profit organization are recognized for their work and contributions.

The HRC recognizes those who promote acceptance and respect for diversity and help eliminate discrimination. These awards serve to acknowledge the efforts made by citizens to make the com-

munity a place in which all feel welcomed and valued.

To nominate someone, complete the nomination form and email to Planning or return hard copies to the City of Fargo Planning Department at 225 Fourth

St. N. no later than Nov. 13. Call 701-241-1474 for more information, or visit the Human Relations Commission's page on the City of Fargo's website: fargo.gov/HumanRelationsCommission.

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