

FORT RANSOM, N.D. – A woman here charged with murder in the death of her 22-month-old son told authorities the boy hit his head as she was struggling with him to change his diaper, court records show. In addition to the murder charge filed Tuesday in Ransom County District Court, Jodi Renae Lindvall, 28, of Fort Ransom, faces two counts of child abuse or neglect in the death of her son, Bentley, who died on Sept. 22 at Sanford Medical Center in Fargo from injuries sustained four days earlier. The boy had “numerous suspicious bruises and healing fractures” on his body, according to an investigative report by Special Agent Shelby Franklin of the North Dakota Bureau of Criminal Investigation. According to the reports by Franklin and BCI Special Agent Mark Nickel that constitute the affidavit of probable cause, as well as other court records: Jodi Lindvall filed for divorce in January from Bentley’s father, Ryan Lindvall. He told agents they had been working on a custody agreement. At the time of the alleged murder, Jodi Lindvall and Bentley were living near Fort Ransom with her boyfriend, John Holub, and Holub’s 6-year-old daughter. In the last of several interviews with BCI agents, Lindvall on Monday ultimately detailed an incident that occurred at about 2:30 p.m. Sept. 18 when she was changing Bentley’s soiled diaper before putting him down for a nap, Franklin’s report states. “Jodi stated (Bentley) was struggling and would not lie down,” the report states. Lindvall said she was holding the boy down with her left hand on the boy’s pelvis and genitals region and her right hand on his clavicle region – areas consistent with the bruising photographed at the hospital, the report states. “Jodi stated at one point (Bentley) was attempting to get up, and in the struggle his head fell back and struck the floor,” the report states. “Jodi stated that it was the back and left region of (Bentley’s) head that struck the floor. Jodi stated that (Bentley’s) head hit hard enough for her to exclaim, ‘Baby are you OK?’ (Bentley) was crying. Jodi stated she laid him down for his nap and didn’t see him again until Holub was holding him at approximately 6:40 p.m.” Medical staff at Sanford told the BCI that the boy had suffered life-threatening head trauma to the left side of his head, the report states. Lindvall told agents that she had not seen the bruises observed on Bentley’s body at the hospital, the report states. She said the only bruises she’d seen were on his neck and clavicle, which she said were from him climbing out of the crib using his neck and head to pull himself up, the report states. She also said she noticed a bruise on top of the boy’s head on Sunday when he returned from a visit with Ryan Lindvall. **‘This ain’t right’** That account by Lindvall, who bailed out of jail on Wednesday, differed from the earlier statements she made to BCI agents. According to a summary of a recorded interview with Lindvall on Sept. 19, the day after her son was hospitalized and three days before he died: Lindvall said she works the overnight shift at Bobcat in Gwinner, and that Holub takes care of the kids in the morning before she gets home from work. She told agents on the morning of Sept. 18, Holub dropped the boy off at her parents’ house on his way to work. Her father, Charles Thoreson, watched the boy until she picked him up around 9:30 a.m. Lindvall said the boy seemed fine and was playing and snacking that morning. She said she changed his diaper prior to putting him down for a nap around 2:30 p.m., and she laid down for a nap around 3 p.m. after he fell asleep. Lindvall told agents that she heard Holub’s daughter come home from school around 4:10 p.m., and that the girl woke her up and told her that she had gone to the pumpkin patch. Lindvall said she fell back asleep and didn’t hear Holub arrive home. She said at about 6:30 p.m., Holub woke her up saying, “we got to go, this ain’t right,” as he was

carrying Bentley. The boy was unconscious, and they drove him to the Lisbon hospital. He vomited twice on the way, she said. He was later airlifted by helicopter to Sanford. **Conflicting stories** Lindvall's version of events also differed from that of Holub's daughter, court document show. In an interview at the Red River Child Advocacy Center in Fargo, Holub's daughter said she discovered Bentley on the floor when she got home from school and went into the bedroom to hang up her coat. She believed the boy was sleeping and tried to wake him up, and she saw vomit and that the boy was breathing abnormally. The girl said she woke up Jodi Lindvall and told her something was wrong with Bentley. She said Lindvall got out of bed, picked up the boy and called Holub. The girl said she heard Lindvall say, "You need to come home now, I mean NOW!" Franklin's report states. Lindvall said in her initial BCI interview that she and Holub don't physically punish the children. But in an interview two days later on Sept. 21, her opinion of Holub "had vastly changed," Franklin noted. Lindvall again said Holub came into her bedroom with the boy and woke her up. But this time, she said Holub was shaking the boy and telling him to wake up, the report notes. "Jodi stated she thought to herself, 'God! He's shaking him kinda hard!' because 'his head flopped' back and forth. Jodi never mentioned any of this information in Jodi's first statement," Franklin wrote in his report. The BCI reports show Lindvall's parents also expressed concern that Holub could be responsible for the boy's injuries. Holub's attorney, Bruce Quick, said Wednesday that Holub denies any involvement in the boy's injuries. "In fact, he wasn't even home at the time. He didn't get home until after the child was apparently laying on the floor of the bedroom," Quick said.

Boyfriend's account Franklin asked Lindvall if she'd called Holub at all during the day on Sept. 18. She said she called him on her way home from work, and he "could have" called her around lunch, but she hadn't talked to him at any other point, Franklin's report states. However, phone records obtained through search warrants showed Lindvall contacted Holub at about 2:32 p.m. that day, the report states. According to Nickel's report, in a recorded interview Sept. 19, Holub told agents he left work in Oakes at about 3:30 p.m. but was unsure of the exact time he arrived home. He said Bentley's bedroom door was shut, so he believed the boy was sleeping. He said Jodi Lindvall also was sleeping in their bedroom. Holub said he helped his daughter with her homework and then laid down with Lindvall for five to 10 minutes. He said his daughter was making noise in the living room, so he got up and told her to be quiet. He said he sat with her as she drew him six pictures, then he heard Bentley make kind of a crying sound, so he and his daughter went to get him, the report states. Holub said he found Bentley lying on the floor, and when he went to pick him up, he felt a soft spot on his head. He said he woke Lindvall up and they took the boy to the Lisbon hospital, the report states. Holub denied hurting the boy and said he didn't believe Lindvall could have hurt him, the report states. He said since the garage door into the house was open and the dogs were acting funny when he got home, he was concerned some individuals living nearby could have harmed the boy, it states. Later on Sept. 19, Holub contacted Nickel and shared his daughter's version of events. On Sept. 24, the BCI obtained a search warrant to seize Lindvall and Holub's cellphones and the desktop computer at the rural Fort Ransom home. Lindvall's iPhone and computer were seized that day, and Holub's phone was taken into custody the following day at Quick's Fargo law office. **Out on bail** On Monday, two BCI agents conducted a recorded interview with Jodi Lindvall in which they explained the progress of the investigation, including that Holub's statement was verified by his daughter's story and that agents believe Lindvall is responsible for the boy's injuries and subsequent death. Lindvall was arrested Monday and, after making her first court appearance, was released from the Barnes County Jail on Tuesday afternoon on \$10,000 bail. A jail staffer said her mother posted \$10,000 cash bail, but the bond envelope filed with court records indicates her father posted the bail. Bail had been set at \$10,000 cash or \$50,000 surety bond. The bail order signed by Southeast Judicial District Judge Jay Schmitz includes handwritten conditions that no weapons are allowed in Lindvall's parents' house while she's staying there and that she may not discuss testimony with her parents. Lindvall's next court appearance is set for Oct. 17. If convicted, she faces up to life in prison without parole for the murder charge and up to 20 years for each of the child abuse charges.

MURDER CHARGES DROPPED

ND woman accused of killing son off hook after audio recordings of witness discovered

By Emily Welker
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LISBON, N.D. — A Ransom County judge Monday dismissed the case against a Fort Ransom woman, accused of battering her 2-year-old son to death, on the day her murder trial was set to start.

Prosecutors asked the judge to dismiss murder and child abuse charges against Jodi Renee Lindvall, 30, based on an eleventh-hour discovery of an audio recording of a then 6-year-old witness in the case.

The recording, which the child's mother provided exactly one week before Lindvall's trial was set to begin, calls into question the identity of the person who battered Bentley Lindvall to death almost two years ago, prosecutors said.

Defense attorney Peter Wold said the child witness says in the audio recording that Jodi Lindvall's former live-in boyfriend, John Holub, had beaten Bentley Lindvall when he cried.

The girl was living in the home Jodi Lindvall and John Holub shared, and was the first person to find the child injured there on Sept. 18, 2012.

Bentley Lindvall was rushed to the Lisbon hospital and then airlifted to Sanford Medical Center in Fargo, where he died four days later of blunt head injuries in what a state medical examiner characterized as battered child syndrome.

The boy had numerous healing fractures and suspicious bruises on his body in addition to the fresh injuries, court documents say.

At the time, Lindvall told investigators the boy hit his head while struggling with a diaper change.

Reasonable doubt

Wold said Lindvall has maintained her innocence and cooperated with authorities throughout the investigation.

She repeatedly offered to take a polygraph test for law enforcement early in the investigation and hadn't gotten the chance until taking one for defense attorneys in Minneapolis in October 2012, Wold said.

Wold also said the time line the state created for the crime doesn't add up, and that the evidence strongly implicates Holub.

Through his attorney, Holub has previously denied any involvement in the child's death.

He could not be reached for comment.

"(Lindvall) has been dragged through the mud through the years this case has gone on," Wold said in court. "Her name ... has been deemed a child-killer."

But Assistant North Dakota Attorney General Jonathan Byers said many investigators with the state Bureau of Criminal Investigation still believe strongly in the state's case against Lindvall.



Lindvall

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Despite that, Byers said the reasonable doubt raised by the audio recording makes it inappropriate to pursue criminal charges against Lindvall.

Judge Ron Goodman denied the defense's request to dismiss the case with prejudice and instead dismissed it without prejudice.

That means murder charges could be brought again against Lindvall if new evidence emerges.

There is no statute of limitations on murder, the judge said, and there could be future developments.

Nature of revelation

Ransom County State's Attorney Fallon Kelly said the state now considers the case an open investigation.

He would not elaborate

on details of the allegations in the audio recording of the child witness, but he acknowledged the last-minute nature of the revelation was troubling.

"Those were some of my questions, too" to the child witness's mother, he said. "It was kind of disturbing to me" that it took this long to emerge, he said.

Kelly said the state isn't ready to identify anyone else as a person of interest in the case.

Wold said Lindvall planned to continue cooperating with investigators.

In the meantime, Lindvall plans to return to work and her community, he said.

"She's had no time to grieve," he said. "The one thing she can't get back is her child. Or her good name."

Lindvall declined to comment.

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