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UPDATE: Bail set for Fargo surgeon who denies rape charge

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By: **Dave Roepke, INFORUM**, DL-Online

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In a rape charge filed last week, Dr. Jon Norberg is accused of administering a powerful anesthetic to the alleged victim, who claims she has a partial memory of trying to move as she was pinned down and sexually assaulted earlier this summer.

The woman, who Norberg knows well but is not a patient, told police she awoke the morning after to find evidence she was assaulted as well as a bottle of Diprivan and needles beside the bed.

The Forum is not naming the alleged victim because it doesn't typically identify accusers in cases of sexual assault allegations.

Norberg's attorney, John Goff, said on Tuesday and reiterated in a statement to reporters this morning, the accusations are false and will be contested.

"They're untrue, and he's going to be exonerated," Goff said.

Goff argued in the hearing before Cass County District Court Judge Lisa Fair McEvers that Norberg should be released on his own recognizance because of his ties to the area. No plea was officially entered, but Goff contended his client is innocent.

"He's not a threat to the community. He's going to be here to defend himself," Goff said.

Fair McEvers denied the request for no bail and said the state's request, which would have allowed the 41-year-old doctor to post bail of \$5,000, was too low. She said she set the amount at \$50,000 cash or bond because, "I prefer to have a bondsman involved," though Norberg could post \$50,000 cash in lieu of a bail bond.

As part of Norberg's bail conditions, Fair McEvers required him to give up his passport and avoid contact with the alleged victim. He is prohibited from being within 300 yards of her.

Norberg is an orthopedic surgeon specializing in hands, elbows and upper extremities who recently left private practice to take a Sanford Health position.

Darren Huber, a Sanford spokesman, said in a written statement the allegations don't relate to quality of care and both Norberg and Sanford are cooperating with police. He said Norberg has taken a voluntary leave of absence.

The alleged rape, which the woman says happened the night of June 16 or morning of June 17, would have occurred prior to July 14, when Norberg began to work for Sanford, Huber also said in the statement.

Nearly three weeks after the alleged assault, on July 5, police executed a search warrant at Norberg's home and found syringes and 24 bottles of Diprivan.

Diprivan, also known as Propofol, is often injected in a patient to induce unconsciousness for general anesthesia, taking hold in a rapid and reversible manner and leaving little after effects, according to WebMD.com. Propofol is the drug thought to have killed Michael Jackson.

Administered outside of a hospital and without the proper training, the drug can cause cardiac arrest and respiratory problems, said Detective Matt Ysteboe in an affidavit filed with charges Thursday.

In addition to the Class AA felony charge of gross sexual imposition, Norberg is charged with reckless endangerment as a Class C felony, accused of creating a substantial risk of serious injury or death by injecting Diprivan outside of a hospital, clinical or surgical environment.

In Ysteboe's affidavit, the detective says the alleged victim claims Norberg had injected her on prior occasions with Diprivan in an attempt to treat insomnia and pain that accompanied an auto-immune disease.

After the woman found out the drug Norberg was using was Propofol, she told him last September to stop giving it to her.

According to archives of The Forum, Norberg was in 2007 elected to the board for the Dakota Medical Foundation, a Fargo-based health-care charity. DMF's website doesn't list him as a current board member.

The rape charge carries a minimum five-year prison term upon conviction and a maximum sentence of life in prison without chance for parole. A conviction on the reckless endangerment count could bring up to a five-year prison term.

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