Wisconsin Court Corruption

It's Too Scary

In this document, serious corruption that reaches the Wisconsin Supreme Court is outlined in detail with substantiating documentation.

Four critical aspects of the corruption are:

1) Fraudulent prosecutions (utilizing criminal conduct) that appear to be done as favors so well-connected insiders can profit in the civil realm from the fraudulent criminal convictions.

2) Police, prosecutorial and judicial protection of incorrigible violent criminals on matters that even involve homicide, and the apparent framing of others for the benefit of those protected.

3) The Wisconsin Supreme Court's protection of the above via their self-proclaimed in-house law firm, the Office of Lawyer Regulation, engaging in serious misconduct (including criminal); and through exploiting serious and blatant conflicts of interest.

4) The Wisconsin media, and in particular the *Wisconsin State Journal's,* protection of the above via the withholding of facts and the use of falsified facts to mislead the public.

TABLE OF CONTENTS

THE FOUR PRIMARY PROPOSITIONS OF THIS DOCUMENT

(1) Elements of both the Dane County District Attorney's Office and Dane County law enforcement have been and continue to be involved in serious corruption and misconduct, which includes criminal conduct.

(2) The corruption extends beyond what may be deemed ordinary misconduct, to include: a) fraudulent prosecutions that appear to be done as favors – so that well-connected interests can profit in the civil realm; and b) protection of very dangerous criminals, even to the extent of framing others for their crimes, with this corruption even touching upon homicides.

(3) The Dane County courts and the Wisconsin Supreme Court, rather than acting responsibly, have committed themselves to covering up what has taken place, even to the point of engaging in serious corruption and misconduct themselves.

(4) With very, very little exception, the media has turned a blind eye to this serious corruption. Beyond this, the *Wisconsin State Journal* has frequently misled the public by the omission of critical facts and the utilization of pseudo-facts.

Two other propositions strongly inferred by the evidence are:

(1) Local and statewide elected officials appear to be paralyzed and incapable of coming to terms with how the serious corruption threatens justice, the public safety, and the very essence of democracy in Wisconsin.

(2) The legal profession has been hopelessly compromised. The reality of practicing in the criminal courts of Wisconsin, especially Dane County, makes it extremely difficult for an attorney to be committed to justice and the constitution. The reality nudges attorneys into being more concerned about feeding abundantly off the system than acting responsibly.

SECTION I: SERIOUS COURT CORRUPTION CENTERED IN MADISON, WISCONSIN

Introduction

The purpose of this section is to establish that:

1. Court-related corruption has taken place in Wisconsin.

2. A Wisconsin Supreme Court Justice has purportedly claimed that court-related corruption exists in Dane County.

3. The *Wisconsin State Journal* and other media outlets have shown little or no interest in why this Supreme Court Justice holds his opinion.

4. The *Wisconsin State Journal* will withhold critical facts from the public on matters of court-related corruption and the abuse of power. Likewise, the *Wisconsin State Journal* will print pseudo-facts that mislead the public on matters of corruption.

5. A public official who provided falsified facts on alleged corruption to the *Wisconsin State Journal,* shortly thereafter had his career significantly advanced, and obtained support for this advancement from powerful bipartisan insiders.

6. The *Wisconsin State Journal's* repeated and purported concern about conflicts of interest related to Wisconsin Supreme Court Justices has gone hand-in-hand with the *Wisconsin State Journal* withholding from the public the existence of a conflict of interest involving a Supreme Court Justice that is far more egregious and scandalous than anything covered by the *Wisconsin State Journal.*

7. The *Wisconsin State Journal* turned a blind eye to one of the most prominent insider attorney's attempt to utilize the Supreme Court's in-house law firm (OLR) to subvert democracy in Wisconsin.

A Wisconsin District Attorney's Office Can Be Corrupt

Those skeptical that a corrupt District Attorney's Office can flourish in Wisconsin for a long period should realize it has already been established that this has taken place.

Joseph Paulus was the Winnebago (Oshkosh area) District Attorney for 12 years. Paulus had a relatively high media profile of a hard-nosed crime fighter. He utilized this image and his heavy-handed tactics to make himself feared in Winnebago County in both the legal community and the community at large. The number of citizens, lawyers, judges and elected officials willing to take him on was slim, slim, and slim.

Due to very unusual circumstances, Paulus was exposed, leading to him being convicted federally in 2004 for taking bribes to fix at least 22 cases. He received an incredibly light sentence of 58 months!!! Why was Paulus treated so lightly? The word was, because he was in position to bring down very powerful interests and individuals.

There has been very little inquiry to how Paulus was able to flourish for so long, with so few willing to resist his obvious corruption and his blatant abuse of power. For the time being, it cannot be disputed that it is a proven fact that court-related corruption can take place in Wisconsin.

However, it is important to realize that the corruption that is taking place in Dane County, much of which is outlined in this document and substantiated in the referenced attachments, is significantly more disturbing than what was taking place in Winnebago County. The protection of the Dane County corruption reaches the Wisconsin Supreme Court and has been obscured by the *Wisconsin State Journal*. And the pervasive Dane County corruption even involves matters that touch upon homicide.

A Wisconsin Supreme Court Justice Claims That Dane County Police and Courts are Corrupt

Attachment #1 is a copy of page 59 of the Capitol Police's report on the Justice Prosser/ Justice Bradley incident known as "Chokegate." If one goes to the second paragraph from the end, one will see that **Justice Crooks asserted to police that he had witnessed Justice Prosser saying that Dane County police and judges are corrupt.** Justice Crooks also claimed he had no idea why Justice Prosser would say this.

As set out later in this document, Justice Crook's claim that he has no idea why Justice Prosser would make his assertion is disingenuous. For present sake, it cannot be disputed that at least one Supreme Court justice says that another Supreme Court justice claims that the Dane County police and courts are corrupt.

Can anyone dispute that a Supreme Court Justice holding such an opinion should be a matter of serious public concern? However, very few citizens in Wisconsin are even aware of the above. Why? Because both the talk and print media in Wisconsin have given it the slightest attention. Why would this be?

This document will go a long way in providing the answer.

Justice David Prosser and Dee Hall

Dee Hall is undoubtedly the most well-known reporter employed by the *Wisconsin State Journal*. She has been their primary investigative reporter, and she has covered in particular the Wisconsin Supreme Court and a number of high-profile legal cases. She is probably foremost known for purportedly being responsible for the breaking of the legislative caucus scandal of 2001.

Attachment #2 is Dee Hall's *Wisconsin State Journal* article of March 20, 2012 relating to her interview of Justice Prosser. Nothing in the article indicates that Dee Hall ever broached with Justice Prosser why he believes that the Dane County police and courts are corrupt. How can it be possible that this was not a topic of discussion? Dee Hall's probable answer is indicated by her attached email of March 26, 2012. (Attachment #3)

Dee Hall claimed in her email that, **"I am not aware of Justice Crooks saying that Justice Prosser claims the Dane County police and judges are corrupt."**

Given Dee Hall's professional status and the *Wisconsin State Journal* holding her out as someone who closely covers the Wisconsin Supreme Court, is it plausible that she would not be aware that a controversial Supreme Court Justice has asserted that the Dane County police and courts are corrupt? If her assertion is the truth, the reality is equally disturbing. What does it say about the media and political culture of Wisconsin? Can it be true that the *Wisconsin State Journal* has no interest in finding out what is behind a most serious accusation leveled by a Supreme Court Justice? How can that be? Hopefully this document will provide perspective.

The Allegations Related to Detective Markham

Few things can threaten a community more than corrupt law enforcement. Alleged corrupt detectives on the take; tipping off investigations; engaging in serious criminal conduct while working on the most serious cases presents a scenario that would terrify the public if it only knew. However, in Dane County, the *Wisconsin State Journal* has not informed the public.

Madison Detective Denise Markham has a controversial history and has been involved in some of the most serious criminal investigations that have occurred in Dane County. She was suspended with pay; and later she resigned, while still being paid for a considerable period. What were the allegations behind this?

Attachment #4 is the final page of the Madison Police investigation of Detective Markham. The report was dated June 3, 2009, and one can see that **there were seven allegations related to Wisconsin Statue §§946.12(2) or (3). All of these are criminal class-I felonies!!!** While the report exonerated Detective Markham on five and concluded not sustained on two, it cannot be disputed that criminal allegations were involved.

If one reviews the report, one will see that the investigation into Detective Markham appears to be of a very minimalistic nature. Attachment #5 is pages relating to some of the allegations against her. She was accused of being a **"dirty cop",** even by fellow officers. There were allegations that she undermined and/or tipped-off investigations. There were incredible allegations of her entering one individual's home and helping herself to **$4000**; and entering another home and helping herself to **$600**.

What the *Wisconsin State Journal* informed the public about Det. Markham follows in the next piece.

The *Wisconsin State Journal* and Detective Markham

The Madison Police report on Det. Markham has been circulating among defense attorneys since early 2011. Literally hundreds of local attorneys in all probability possess a copy. It is not plausible that no one at the *Wisconsin State Journal* would have a copy. Dee Hall has explicitly been told that it exists. For whatever reason, the *Wisconsin State Journal* has yet to inform the public to what the report contains. However, they have reported the following.

Attachments #6 and #7 are the *Wisconsin State Journal*'s articles about Detective Markham for August 20, 2010 and February 4, 2011. If one merely compares both of these articles to the prior attachments, one will see that the *Wisconsin State Journal* egregiously misinformed the public on what's what.

In the August 20, 2010 article, then-assistant City of Madison attorney, **Roger Allen, was quoted as saying in a letter to the *Wisconsin State Journal* that the police department, "...is currently conducting an investigation into complex allegations of non-criminal misconduct."**

Atty. Allen's assertion is proven otherwise by what was provided in the piece prior. There are only two possibilities: He knowingly made a false assertion to the *Wisconsin State Journal* or the *Wisconsin State Journal* made up a falsified quote for the article. The evidence that there was a 'meeting of the minds' is that neither appears to have complained and pointed out the other's possible falsification.

In whose interest was Attorney Allen's quote? Clearly, not the public. As will be shown, Allen's career was definitely not impeded.

Who cares about Detective Markham's Corruption?

In March of 2011, Attorney Joseph Sommers, on the Mitch Henck show "Outside the Box" informed listeners what was contained in the report on Detective Markham, and that he had obtained a written statement from an individual who claimed he had assisted Det. Markham on multiple occasions with the planting of evidence. This individual claimed that he colluded with Det. Markham because she then gave him a pass on his own criminality, and because individuals targeted were street rivals.

One would think that the media would have been interested. One would think wrong. There has been no indication of interest by the Dane County District Attorney's Office, the Wisconsin Attorney General's Office, or the U.S. Attorney's Office. Needless to say, after the two days that Atty. Sommers appeared on the Mitch Henck show in March of 2011, he has never appeared again.

There are those, especially in the Madison and the Wisconsin establishment, who would be indignant at any suggestion that pressure could be placed on Mitch Henck and his radio station, WIBA. Some may insist that these things cannot happen in Wisconsin; and if they do, the media can be trusted to alert the public to what has taken place.

As will be set out later in this document, that unfortunately is not the case.

Judge Roger Allen

Roger Allen was appointed a Dane County judge by Gov. Scott Walker. As known to all, Gov. Walker is considered the most partisan of Republicans and maybe the Republican most hated by Democrats in the history of Wisconsin. Why did Gov. Walker appoint Roger Allen as judge? There may have been a limited amount of choices available to Gov. Walker. Regardless, the choice of Allen was pleasing to powerful members of the Dane County Democratic power circle.

Judge Allen, appointed last December, was up for re-election on Tuesday, April 3. He lost to his opponent, longtime State Public Defender Ellen Berz. And while she had amassed considerable Democratic support, riding an anti-Walker wave; Allen surprisingly amassed Democratic supporters from the very core of the local Democratic power circle. This included current Madison Mayor Paul Soglin, ex-Mayor Dave Cieslewicz, and ex-Mayor Sue Bauman. Cieslewicz even wrote a letter on Allen's behalf to the *Wisconsin State Journal* that was printed on March 31, 2012.

In addition to the above, Allen had a whole slew of other liberal supporters, including Democratic ex-DA Brian Blanchard, and a number of past and current staff of the Dane County DA's Office. Probably the most remarkable of Allen's endorsements was *The Capital Times* -- meaning that maybe Governor Walker's most bitter enemy united with him when it came to Roger Allen.

An obvious question is, did these supporters know about Allen's quote on Detective Markham? There are very good reasons to say, 'yes.' In fact, that may go a long way in explaining the support Allen amassed. He had proven himself willing to do what it takes to protect the interests of the power circle.

It is puzzling to why Allen's opponent never brought up Allen's apparent falsified quote. However, when one factors in that she is a State Public Defender, this fact will go a long way in explaining the paradox, in light of this document and the substantiating attachments.

The *Wisconsin State Journal* and the October 20th, 2011 Homicide at 802 Vera Court

There has been much public concern about violent street crime in Madison. It is a topic at times touched upon in the print media, more touched upon in the talk media, and even more touched upon in Madison taverns.

Attachment #8 is an October 17, 2011 court filing. It was asserted that a criminal clique headed by Ashton Davis and Darell Fowler, used 802 Vera Court in Madison as a safe-house to stash their guns and the fruits of their crimes. Also alleged was that this same criminal clique had committed an armed robbery on February 4, 2011 at 1818 Fordem Avenue. Further alleged was that Madison Detective Thomas Helgren had systematically obscured the criminality of both Davis and Fowler.

The filing was addressed in open court on October 19th, with *Wisconsin State Journal* reporter Ed Trevelen in attendance. **The very next day a homicide connected to 802 Vera Court took place**, as shown in Attachment #9, the *Wisconsin State Journal* article of October 21st, written by Ed. Trevelen. This article made no mention of the court filing of October 17th and what took place in court on October 19th.

The six individuals charged with the murder connected to 802 Vera Court are all members of the criminal clique headed by Davis and Fowler. Two are Fowler's first cousins. The question begs, why was 'mum's the word' to the *Wisconsin State Journal*?

The 802 Vera Court homicide case was assigned to Judge Roger Allen.

The *Wisconsin State Journal* and Judicial Conflicts of Interest

The *Wisconsin State Journal* has spent quite a bit of time, energy and ink over the past few years trying to convince the public that appointing State Supreme Court Justices is a reform for which the time has come. The *Wisconsin State Journal's* pet reform is no reform at all. As the *Wisconsin State Journal* must know, it would only tighten the insiders' grip on the Wisconsin courts, while likewise making any true reform impossible. But, that is a discussion for another day. For today, the *Wisconsin State Journal's* interest in ensuring an ethical state Supreme Court is called into question by what follows.

The *Wisconsin State Journal* has pushed their aforementioned pet reform, in conjunction with their purported concern about conflicts of interest involving Supreme Court justices. Attachments #10 and #11 are two such articles. The first, a May 29, 2008 article on a conflict connected to Justice Annette Ziegler. The second, a January 21, 2012 article on a conflict connected to Justice Michael Gableman.

Justice Gableman's conflict relating to his participation on cases involving the law firm that has given him conditional free representation is particularly troubling and a serious conflict. But, compare that conflict to what is set out in the next pieces, to which the *Wisconsin State Journal* has turned a blind eye.

The Wisconsin Supreme Court's Effort to Obscure Their Conflict of Interest

The Officer of Lawyer Regulation (OLR) is the self-proclaimed in-house law firm of the Wisconsin Supreme Court. OLR has been given tremendous power and discretion by the Supreme Court. OLR has been seeped in the abuse of power and corruption for a long time. The overwhelming evidence suggests that OLR's misconduct is due to enforcing the whims and desires of the Wisconsin Supreme Court.

On the matter of whether the Dane County DA's Office engaged in a criminal conspiracy, utilizing a fraudulent prosecution in Raisbeck, as will be outlined with substantiating documentation in Section III, OLR protected and obscured the prosecutor's most egregious misconduct, including criminal. Conversely, OLR falsely accused the defense attorney in Raisbeck, Joseph Sommers. The Supreme Court was provided with forty plus instances where OLR staff attorney Julie Scott-Falk falsified facts in order to accuse Atty. Sommers.

One significant falsification was OLR attorney Julie Scott-Falk quoting a detective's report as, **"We served him (McCoy) with a subpoena";** when in actuality the report stated **"McCoy was informed that he may receive a subpoena for a later time as a witness."** (See Attachments #12 and #13)

One does not need to know the particulars of Raisbeck to see that the above misquoting could not have been accidental and was egregious. In fact, this particular falsification served as the basis of the allegation against Atty. Sommers in Count 1 of OLR's Supreme Court sanctioned complaint. While Sommers would eventually be cleared on this count, this would only be after his reputation and his finances were devastated – which the evidence suggests is exactly what OLR and their bosses, the Wisconsin Supreme Court, wanted.

If anyone doubts that this could be, two facts should be considered: 1) Go to Chief Justice Abrahamson's March 30, 2012 decision and see if the above was treated in an honest fashion. And 2) When it came to Atty. Scott-Falk's falsifications, **the Wisconsin Supreme Court did act. It entered an order that stayed any investigation of OLR misconduct related to the Raisbeck matter. There was no legal basis for this ruling, the entire court went along with this ruling, and the stay is still in effect, and has been so for literally over five years.**

Dee Hall and the *Wisconsin State Journal* have been aware of this. They have yet to inform the public.

The Wisconsin Supreme Court's Effort to Obscure Their Conflict of Interest and that in Particular of Justice Crooks

The Wisconsin Supreme Court decision on the Sommers' Raisbeck matter was released on March 30, 2012. It was authored by Chief Justice Shirley Abrahamson herself. The only reference contained therein to Justice Crooks is footnote five on page eight of the decision, which is as follows and is Attachment #14:

> In his filings to this court Attorney Sommers has made allegations of unethical and/or criminal conduct against a number of entities and individuals including the Dane County District Attorney's Office, the circuit court, the OLR, both referees, and most of the supreme court justices. He has specifically named the following individuals: ADA Humphrey, Detective Judith Boehm, Dane County Deputy Sheriff Gnacinski, Accident Reconstruction Specialist Robert Krenz, Deputy District Attorney (DDA) Judy Schwaemle, ADA Timothy Verhoff, District Attorney Brian Blanchard, Judge Paul Higginbotham, Judge Robert Pekowsky, Judge Daniel Moeser, OLR Director Keith Sellen, OLR Counsel Julie Falk (now Spoke), Referee Russell Hanson, Referee Stanley Hack, Chief Justice Shirley S. Abrahamson, Supreme Court Justice N. Patrick Crooks, and various unnamed clerk's office staff who are accused of intentionally removing documents from the court record. These allegations far exceed the scope of the matter before the court today, and many of the named individuals have had no formal opportunity to respond to Attorney Sommers' claims.

Chief Justice Abrahamson's footnote is disingenuous in many different aspects. Clearly its intent is to discredit Atty. Sommers. What is she referencing that in particular relates to Justice Crooks? And, what would the *Wisconsin State Journal's* and Dee Hall's response be to this? The answer is in the following pieces.

Justice Crooks' Blatant and Serious Conflict of Interest

Attorney Michael Crooks is the son of Wisconsin Supreme Court Justice Patrick Crooks. Michael Crooks has personally represented current Wisconsin Attorney General, J.B. Van Hollen. Michael Crooks is also a pivotal player in the Wisconsin Supreme Court's in-house law firm, OLR's proceedings related to the Raisbeck matter. Crooks' involvement relates to his representation of a traffic accident reconstruction expert, Robert Krenz. Krenz primarily makes his living as an expert witness in court cases, and has frequently been utilized by Dane County ADA Paul Humphrey.

In Raisbeck, as outlined in Section III and in the substantiating attachments, there is powerful evidence that Krenz testified falsely on behalf of Humphrey and the Dane County DA's Office. Witnesses conceding evidence to this effect under oath include multiple judges and OLR Director Keith Sellen.

For present purposes, Atty. Sommers informed the public on the Mitch Henck show "Outside the Box" to what Judge Pekowsky testified to regarding Krenz. This led to Atty. Crooks writing a letter to Atty. Sommers dated September 19, 2008. (Attachment #15) A review of this letter will show that Crooks threatened Sommers with criminal, civil, and OLR actions.

Crooks also wrote a letter dated October 1, 2008 to the general manager and program director of Clear Channel Communications that broadcasts the "Outside the Box" radio program. (Attachment #16) Crooks' letter asserts that the prior Sommers letter was attached, and that the program is risking a slander suit if they "continue to air Mr. Sommers' untrue and defamatory remarks."

Both of the aforementioned letters were provided contemporaneously to both the Wisconsin Supreme Court and to *Wisconsin State Journal* reporter Dee Hall. This is the situation that Chief Justice Abrahamson is referencing in her aforementioned footnote. Can anyone dispute that her footnote does not begin to do justice to what was actually involved?

The following is Dee Hall's and the *Wisconsin State Journal's* handling of the Crooks' conflict in their reporting of March 30/31, 2012.

The *Wisconsin State Journal's* and Dee Hall's Removal of the Reference to the Justice Crooks' Conflict.

Dee Hall requested from Atty. Sommers a response about the Wisconsin Supreme Court decision on the Sommers/ Raisbeck matter that was issued on March 30, 2012. Attachment #17 is the email in which Atty. Sommers gave his response. One can see that he requested the following statement be included in its entirety in Dee Hall's story. His requested statement is as follows:

> "Our Supreme Court is shameless beyond characterization. After all this time, this was the best they could do? And of course, Justice Crooks' blatant conflict of interest is dared not mentioned a single time. For reasons that the Supreme Court knows, their decision is my legal demise. Luckily for Raisbeck and a few others, I overcame Kangaroo Courts. I could not overcome my own. However, our bitterly partisan Supreme Court has proved that they could unite against a common enemy, me. The honor of the Wisconsin Courts has been upheld."

Attachment #18 is the article authored by Dee Hall that ran in the *Wisconsin State Journal* on-line on March 30, 2012 and in the paper on March 31, 2012. The following is Dee Hall's rendition of Sommers' statement:

> "Our Supreme Court is shameless beyond characterization. After all this time, this was the best they could do? For reasons that the Supreme Court knows, their decision is my legal demise. Luckily for Raisbeck and a few others, I overcame kangaroo courts. I could not overcome my own. However, our bitterly partisan Supreme Court has proved that they could unite against a common enemy: me."

A comparison shows Dee Hall removed the reference to Justice Crooks' conflict of interest. Why?

Lester Pines, Judge Higginbotham Falsifying the Record and Suppressing Judicial Democracy in Wisconsin

Few attorneys can claim insider status to the degree of Lester Pines of Cullen, Weston, Pines & Bach. His wife, Roberta Gassman, served two terms in Democratic Governor James Doyle's cabinet as the secretary of the Department of Workforce Development. She now serves the Obama administration in the Department of Labor.

Lester Pines was appointed by Governor Doyle on multiple matters to represent what Doyle considered to be the state's interest. Pines currently represents legislative Democrats in the re-districting battle. In addition, Pines often represents state employees, sometimes even against the State of Wisconsin.

Lester Pines was and is the attorney for Dane County ADA Paul Humphrey. Last week after the Supreme Court rendered its decision on Humphrey's OLR matter, Pines, the ultimate Democratic insider, was quoted as saying that the ultimate Republican Supreme Court Justice, David Prosser, when it came to Humphrey, "dissent(ed) from the majority's opinion that a suspension of Atty. Humphrey is unwarranted and unfair. I agree with Justice Prosser."

Pines had a significant role in the OLR proceedings related to Raisbeck. Later in Section III, the extraordinarily beneficial treatment that Humphrey received from OLR will be outlined and substantiated. Set out below is Humphrey's favorable treatment involving a Dane County judge blatantly falsifying the record in the context of being promoted by Governor Doyle.

Judge Paul Higginbotham, while the sitting judge in Raisbeck, made findings on multiple dates that ADA Humphrey fabricated to the court on evidence. An evidentiary hearing was scheduled to address whether Krenz had committed perjury for Humphrey, what role Humphrey had in the removal of subpoenaed evidence, and to whether Humphrey was knowingly utilizing false expert analysis.

Persuaded by the Dane County DA's Office that Judge Higginbotham had no authority to act upon prosecutorial misconduct, Judge Higginbotham reversed himself, and now held that evidence would not be taken. This was in the context of Judge Higginbotham simultaneously seeking to be appointed to the Court of Appeals by Gov. Doyle.

Subsequent to cancelling the hearing, after Higginbotham applied for the Court of Appeals, but before Gov. Doyle made his decision; Judge Higginbotham reversed himself in part. He now ordered that the Dane County DA's office provide answers on

a number of instances relating to prosecutorial misconduct, for which substantiating evidence had been submitted to the court. The Dane County DA's office refused to comply with Judge Higginbotham's order. Judge Higginbotham was appointed to the Court of Appeals, and he then let the matter drop.

Shortly after Judge Higginbotham was on the Court of Appeals, he obtained a special order from Wisconsin Supreme Court Chief Justice Shirley Abrahamson permitting him to revisit the Raisbeck case. Judge Higginbotham then revised his prior findings of Humphrey's fabrications. However, he also falsely claimed in his decision and order that he had never made any such findings to begin with.

The above has been known by the *Wisconsin State Journal* and other media outlets for years. The above was brought immediately to the attention of Gov. Doyle, Chief Justice Abrahamson and other responsible officials. No one acted then and no one has ever acted thereafter. Surely there is a public interest in having the matter brought to light. When Atty. Sommers ran for the Supreme Court in early 2007, he attempted to do so.

On his campaign website, www.SommersforSupremeCourt.com, which is still active, Atty. Sommers informed the public to how in Wisconsin judges are permitted to get away with falsifying the record. One of the examples he used was Judge Higginbotham's actions in Raisbeck. (See Attachment #82) (Actions that were subsequently conceded under oath by Judge Higginbotham – with Dee Hall present). Atty. Sommers also gave on his website a detailed analysis to why innocent defendants plead out every day in Wisconsin courts. (See Attachment #83) And despite pressure to take these and other pieces down, they remain on the aforementioned website.

Can anyone oppose the public being informed to what was spelled out in Attachments #82 and #83? Lester Pines does. In fact, Lester Pines considered the two aforementioned pieces to be misconduct on the part of Atty. Sommers because they **"are designed to deliberately undermine public confidence in the judiciary. A public attack of this sort on the integrity of the courts is prohibited by the attorney's oath and is a violation of SCR 20:8.4."** (See Attachment #19)

Considering that the Attorney's Oath requires an attorney to swear that he will uphold the constitution, it is difficult to see how anyone could consider exposing judicial misconduct and the circumstances that force innocent defendants to plead out, as being misconduct. Is not this logic straight out of the Soviet Union versus America? Lester Pines' letter itself shows how far off the rails the Wisconsin legal mentality has gone.

While OLR has dragged its feet on prosecutorial misconduct on the part of the Dane County DA's Office and ADA Humphrey, they did not drag their feet on Pines' complaint. His letter of February 5, 2007 prompted OLR beginning a preliminary investigation on Atty. Sommers on February 22, 2007. (See Attachment #20)

The *Wisconsin State Journal* was contemporaneously informed of what had taken place. One would have thought they would have been interested in evidence of Wisconsin judges falsifying the record. The answer is apparently, no. One would have thought they would have been interested in why innocent defendants plead guilty in Wisconsin courts. The answer is apparently, no. One would have thought that they would have been interested in a powerful insider attorney and the Wisconsin Supreme Court's in-house law firm trying to prevent these matters from being discussed in the most important state-wide judicial election. The answer is apparently, no. In fairness to them, there is no indication that any other mainstream media outlet would have been concerned.

That's the reality of Wisconsin.

The Timing of the Wisconsin Supreme Court's Decision

The timing of the Wisconsin Supreme Court's decision of March 30, 2012 on the Raisbeck matter was not accidental. The Dane County District Attorney's Office is dangerously vulnerable to being exposed for protecting the leadership of a dangerous criminal clique. This clique has committed up to 40-50 armed robberies in the Madison area, and has definitively been involved in multiple homicides.

The Dane County DA's Office desperately needed Atty. Sommers to be stopped. As outlined in Section IV, an evidentiary hearing took place on March 26, 2012, where the culmination of Madison Police and the Dane County DA's Office's actions led to explosive and disturbing testimony. Due to Atty. Sommers being suspended by the Wisconsin Supreme Court, there will in all probability be no follow-up by anyone to what took place.

The *Wisconsin State Journal* and other media outlets have yet to inform the public to what was conceded under oath. And therefore, the public has yet to be made aware of the powerful evidence suggesting that public safety is being seriously compromised due to corruption.

SECTION II: FRAUDULENT PROSECUTIONS AS FAVORS FOR INSIDERS?

Introduction

The purpose of this section and Section III is to establish that:

1. Dane County ADA Paul Humphrey has undertaken questionable prosecutions that have benefitted financially well-connected interests.

2. Dane County ADA Paul Humphrey has prosecuted traffic accident cases where there was no allegation that the driver was under the influence, and where the overwhelming evidence suggests that the prosecution was invalid.

3. Dane County ADA Paul Humphrey was the beneficiary of disturbing beneficial treatment undertaken by the Wisconsin Supreme Court's self-proclaimed in-house law firm (OLR), and the Wisconsin Supreme Court itself.

4. The facts related to the criminality of ADA Paul Humphrey have been obscured and/or distorted.

5. Robert Krenz, a client of Atty. Michael Crooks, the son of Wisconsin Supreme Court Justice Patrick Crooks, has been the beneficiary of disturbing beneficial treatment undertaken by the Wisconsin Supreme Court's self-proclaimed in-house law firm (OLR).

6. The Wisconsin Supreme Court and its in-house law firm OLR knowingly obscured a criminal conspiracy that was orchestrated by the Dane County DA's Office and protected by the Dane County Courts. This cover-up itself utilized falsifications to the point of perjury.

7. The *Wisconsin State Journal* and other media outlets have not only withheld relevant facts related to the above; but have even permitted themselves to be utilized in the planting of falsified facts, to the benefit of the Dane County DA's Office, the Dane County Courts, OLR and the Wisconsin Supreme Court.

The Dane County DA's Office and Prosecutions as Favors

The very idea that a District Attorney's Office in Wisconsin, let alone Dane County, could undergo a criminal prosecution that would financially benefit the well-connected individuals encouraging the prosecution is too much for some to accept. It is, however, a proven fact that this occurred in the 1990's, and that the specific prosecutor involved was Dane County ADA Paul Humphrey.

ADA Paul Humphrey's actions subsequently cost the Wisconsin taxpayers over $100,000, i.e. Porter v. Diblasio, Dane County Humane Society, Humphrey, Dane County Case No. 96-C-264-S. This matter did receive some press, but for the most part was swept under the rug. In this matter ADA Humphrey, on behalf of the director of the Dane County Humane Society, commenced a prosecution whereafter the ownership of horses was transferred to the Dane County Humane Society director and her friends. It was also alleged, and mostly conceded by the Wisconsin AG's Office, that this prosecution involved serious violations of the horse owner's rights.

The collective worth of the horses seized was later acknowledged by the Attorney General's Office as being at least **$135,000.** The horses' ownership transfer fees charged to new owners, which included the Humane Society director, her friends and her family members, were a sum total of **$675.** ADA Humphrey's star witness to the alleged mistreatment of the horses was a veterinarian who received one of the horses with a value of at least **$18,000** for the mere sum of **$25**. And although rumor had it that Humphrey received a horse, he testified that his actual benefit was one of the horses being used to give free riding lessons to one of his children. It is difficult to comprehend why this matter did not result in a public outcry. It is difficult to comprehend how Humphrey apparently escaped all sanctions, let alone kept his job, for his involvement in this matter.

For those that think, 'that was then, this is now,' read on.

Who has Benefited from Humphrey's Questionable Traffic Criminal Prosecutions?

There is substantial evidence that at least three traffic accident prosecutions handled by Dane County ADA Paul Humphrey were fraudulent. It is important to realize that in none of these prosecutions was it alleged that the driver was under the influence of illicit drugs or alcohol; which is exactly why a criminal conviction would be very relevant in the civil realm.

Two of these three cases resulted in convictions. The one that did not was the Raisbeck matter. In the Raisbeck matter, **Dee Hall and the *Wisconsin State Journal* have adamantly refused to inform the public that the civil law firm that stood to gain the most by Raisbeck being convicted was Hausmann-McNally. The senior partner of this firm, Charles J. Hausmann, was convicted federally for fixing SSI cases** shortly before the Raisbeck prosecution was undertaken by the DA's Office and ADA Paul Humphrey. The incredibly lenient treatment of Atty. Hausmann would have been a scandal to the public, if widely known.

What would also be scandalous to the public would be to know what was spelled out to the Wisconsin Supreme Court on January 4, 2007, as follows:

> ...Is it also legitimate to be disturbed by the criminalization of a traffic accident over twenty months after the fact in State v. Watson, Dane County Case No. 04 CF 876? In that matter the defendant was an elderly African-American woman with no criminal record, and there was no indication that she was driving under the influence. There was no loss of life, nor any permanent injury. Why did the Dane County District Attorney's Office and ADA Paul Humphrey decide that this accident needed, so long after the fact, to become a crime? Was this due to civil negotiations stalling? Was this due to the civil attorney representing the victim being Democratic Assemblyman Gary Hebl?

(As the Supreme Court was informed in a footnote, the source for the above was none other than Gary Hebl's client).

Sworn testimony has taken place on the Watson prosecution, and ADA Humphrey's own testimony to what caused the accident in fact invalidates the prosecution. What about ADA Humphrey's sworn testimony regarding **the civil attorney involved who stood to benefit from Watson's conviction -- then-Democratic assemblyman and now-Democratic State Senator, Gary Hebl?** Attachment #21 is Humphrey's testimony that speaks for itself.

Dee Hall was present during Humphrey's testimony. She and her paper have never felt an obligation to inform the public.

The Ledezma-Martinez Case

This case was particularly troubling. A poor Mexican woman was railroaded on a fraudulent prosecution where it can be easily proven that the prosecutor, ADA Paul Humphrey, committed egregious misconduct. This was despite Madison and Dane County being perceived as the world's bastion for progressive liberalism.

In Dane County Case No. 03 CF 1675, Ms. Ledezma-Martinez, a Mexican immigrant, was charged with a vehicular traffic homicide that took place on July 18, 2003, just off the capital square. The victim was a German tourist, and the case received instant press. Ms. Ledezma-Martinez was immediately jailed, and she was unable to post her $10,000 cash bail. She would ultimately be held in the Dane County Jail until the completion of her eventual one year sentence, which basically amounted to time-served. After her conviction, this mother of two small children was deported. These are the facts behind her conviction:

First, there was an interesting twist to the criminal proceeding due to the City of Madison having an interest civilly in Ledezma-Martinez being criminally charged and convicted. The intersection where the accident occurred was considered by many to be a dangerous spot (due to construction), and if the incident was deemed an "accident" any civil case against the City of Madison would undoubtedly be much stronger. Conversely, if reckless driving by Ledezma-Martinez was the cause, the liability of the city of Madison would be less. After the accident, the victim's husband in a letter to the court indicated his desire to be compensated financially for all damages related to the accident, including pain and suffering.

Second, prior to the preliminary hearing, ADA Humphrey was informed by a Madison detective that the results of an accident reconstruction test indicated that Ledezma-Martinez was driving at a speed slower than the 25 mph speed limit. Humphrey ignored what he was told and went forward and had Ledezma-Martinez bound over for trial on the basis that she was driving between 35-40 mph

Third, Humphrey withheld from the defense what the detective had told him. He further withheld the accident scene measurements, thus preventing the defense from doing their own accident reconstruction analysis.

Fourth, Humphrey had a second accident reconstruction analysis done by the state patrol. Their estimate of Ledezma-Martinez's speed at the time of the accident was 20 mph (five mph under the speed limit). Humphrey withheld this evidence.

Fifth, over ½ year after Ledezma-Martinez had been jailed, a court hearing was held on the issue of whether Humphrey was withholding evidence. During the hearing,

Humphrey withheld from both the defense and the court the results of both accident reconstruction tests. Humphrey claimed that he could not provide the accident scene measurements because they had not been preserved. The court was skeptical to how this could be. This hearing was one of the rare instances where media coverage was involved. Attachment #22 is the story.

Sixth, Humphrey, a few weeks later, in the face of a possible dismissal, located the measurements that he claimed in court could not be found. Where were they located? In the evidence locker in which they were supposed to be. Humphrey, though, continued to withhold the results of the two aforementioned exculpatory speed analyses.

Seventh, shortly before the trial date, Humphrey utilized the prosecutor's safety valve for weak cases, i.e. plead out and receive a time-served sentence. Ledezma-Martinez took Humphrey's offer, pled, received a time-served sentence, and was deported.

Eighth, after being provided with information on Humphrey's actions in Ledezma-Martinez, OLR refused to even acknowledge the existence of the allegation for over one year. After the matter was brought to the Wisconsin Supreme Court's attention, another half year went by, with OLR doing nothing, and this having to be brought to the Wisconsin Supreme Court's attention.

Roughly a year later, OLR drafted a complaint against Humphrey on Ledezma-Martinez. However, for reasons that have never been explained, OLR apparently has never acted upon their complaint, and has refused to provide an answer why. The *Wisconsin State Journal's* purported exposé and coverage on Humphrey's misconduct included the Ledemza-Martinez case. And while a number of facts were inexplicably misreported, with the mistakes being to Humphrey's benefit; this pales in comparison to the *Wisconsin State Journal's* reporting on Raisbeck. However, what can explain the *Wisconsin State Journal's* apparent lack of curiosity to why OLR never followed through on their drafted complaint?

The *Wisconsin State Journal's* Protection of the Use of Pseudo-Science in Traffic Accident Cases

One of the most disturbing aspects involved in prosecutions for favors in traffic accident cases is the cynical manipulation of data. It must be remembered that being a traffic accident reconstruction analyst can be a lucrative profession, especially for those willing to produce the results that benefit those who have retained them. However, conversely, it is also true that the very fact of being charged criminally on these cases almost always means to those of ordinary means that financial hardship becomes a fact. Often, the financial hardship in itself can cause defendants who believe themselves innocent to feel they have no choice but to plead out.

Given that this science can send people to prison, one would think that there would be a concern to expose the use of a pseudo- science that can convict. The *Wisconsin State Journal* has decided otherwise. The beneficiary of their decision is foremost the Dane County District Attorney's office.

Raisbeck will be addressed in detail in the next section. For present purposes, the following two tables utilize data from the Dane County DA's Office's experts in the Raisbeck case alone. It is important to realize that each expert was purportedly claiming that his data was accurate to a reasonable degree of scientific certainty.

Expert	**Date of analysis**	**Speed estimate**	**Application of brakes**	**Distance of longest tire mark**	**Total Distance traveled after vehicle left roadway**	**Distance traveled through brush**	**Distance that vehicle rolled over**
Dep. Gnacinski (I)	Fall 2001	88.87 mph	Brakes never applied	82 ft.	318 ft.	94 ft.	224 ft.
Robert Krenz	Feb. 2002	73-81 mph	Substantial braking	82-83 ft.	335 ft.	138 ft.	197 ft.
Dep. Gnacinski (II)	Aug. 2002	77 mph	Brakes locked	132 ft.	268 ft.	94 ft.	174 ft.
Dennis Skogen	Jan. 2005	70-76 mph	Substantial braking	62 ft.	346 ft.	236 ft.	110 ft.

Expert	Tire mark distance furthest left	Tire mark distance second furthest left	Tire mark distance third furthest left	Tire mark distance furthest right	Rate of deceler-ation on roadway	Rate of deceler-ation through brush	Rate of deceler-ation through roll-over
Dep. Gnacinski (I)	30 ft.	49 ft.	48 ft.	82 ft.	N/A	N/A	N/A
Robert Krenz	22-23 ft.	48 ft.	49 ft.	82-83 ft.	.5-.6 g	.35-.45 g	.56 g
Dep. Gnacinski (II)	?	?	?	132 ft.	.5-.71 g	.3 g	.5 g ?
Dennis Skogen	36 ft.	16 ft.	62 ft.	41 ft.	.55-.6 g	.4-.5 g	.45-.5 g

A mere review of the above tables shows that the asserted facts cannot possibly be facts. At best, all they can be are guesses, some more educated than others.

Both Robert Krenz and Dennis Skogen are very high-dollar experts. Both were forced to concede that they came up with their speed estimates (which were dependent upon calculations in which they plugged in their data) ***before*** they ever went to the accident scene!!!

Deputy Gnacinski conceded under oath that his second speed calculation utilized by the Dane County DA's Office was scientifically invalid from the get-go. Gnacinski testified that this calculation was done in Krenz's office, with Humphrey and Krenz present. Gnacinski testified that he came up with a speed estimate compatible with Krenz, due to Gnacinski adding 50 feet to a tire mark distance that he had personally measured otherwise!!! The Dane County DA's Office withheld Gnacinski's purported data for almost one year, in violation of repeated court orders. They suffered no consequences.

The *Wisconsin State Journal* and Dee Hall have suffered no consequences for withholding the above from the public. In whose interest was and is it for the public to be kept in the dark?

SECTION III: IT'S TOO SCARY

Why the Supreme Court at All Costs Cannot Allow the Public to Know What Actually Occurred in the Raisbeck Prosecution.

The prosecution of seventeen-year-old Adam Raisbeck for a non-drinking traffic fatality during Labor Day weekend of 2001 received considerable notoriety in the Dane County press. The case is known foremost for an in-court outburst of defense attorney Joseph Sommers wherein he told the judge that he was running a "kangaroo court." Raisbeck was acquitted. However, the Wisconsin Supreme Court and its in-house law firm OLR committed itself to suppressing the facts behind the prosecution, as well as to discrediting Sommers. The Wisconsin Supreme Court's efforts have been assisted by the apparent indifference of their bipartisan allies in the legal, political and media establishment. Apparently, at all costs, what is outlined below, the public cannot know. Why? It's too scary.

1) The prosecution of Adam Raisbeck was knowingly commenced on a fraudulent basis.

2) The lead partner of the civil law firm, i.e. Hausmann-McNally, that would have benefitted from Raisbeck's conviction, had been federally convicted shortly prior for fixing SSI cases.

3) The prosecutor in Raisbeck, ADA Paul Humphrey, has been involved in a number of illegitimate prosecutions that benefitted well-connected individuals financially, including a Dane County State Senator.

4) Dane County then-DA Brian Blanchard is directly implicated in Raisbeck. Brian Blanchard now sits on the Wisconsin Court of Appeals.

5) Judge Paul Higginbotham also sits on the Wisconsin Court of Appeals. In Raisbeck, Judge Higginbotham halted proceedings half-way on the issue of prosecutorial misconduct, after Blanchard directly intervened in the case. Higginbotham then applied to the Court of Appeals. Before the proceedings were halted, Judge Higginbotham made specific findings related to prosecutorial misconduct for the DA's Office falsifying on the availability of evidence.

6) The evidence in question would eventually lead to Dane County DA's Office's expert, Robert Krenz, conceding that this evidence proved that ADA Humphrey utilized evidence invalid to a scientific certainty to commence the prosecution, and that Krenz told Humphrey this during the relevant time period.

7) Between when Judge Higginbotham applied to the Court of Appeals and before he was appointed to the Court of Appeals, he reversed his position in part and ordered that the Dane County DA's Office directly respond to numerous instances where evidence had been submitted substantiating misconduct. Blanchard's DA's Office refused to comply. After Judge Higginbotham was appointed to the Court of Appeals by Gov. James Doyle, he let the matter drop.

8) After Judge Higginbotham joined the Court of Appeals, he got a special order from Wisconsin Supreme Court Shirley Abrahamson to revisit the Raisbeck case. Judge Higginbotham then took away his prior findings of prosecutorial misconduct/ falsification. He took the extra step of falsely claiming that no such findings had ever been made.

9) Ten days after Judge Higginbotham's falsification of the record to the benefit of the Dane County DA's Office, evidence of what had taken place was outlined and provided to both Chief Justice Abrahamson and Gov. James Doyle. Neither acted.

10) Post-Raisbeck, the investigation into whether the Dane County DA's Office's expert Robert Krenz conspired and committed perjury on behalf of the Dane County DA's Office was assigned by the Wisconsin Supreme Court's in-house law firm OLR to an attorney in an existing business relationship with Krenz.

11) Robert Krenz's attorney was Michael Crooks, the son of Wisconsin Supreme Court Justice Patrick Crooks. Michael Crooks later made threats of utilizing criminal, civil and OLR actions to prevent the public from being informed to what a judge testified to under oath in regard to the evidence that Crooks' client, Krenz, lied under oath for the DA's Office.

12) Atty. Crooks' threatening letters were provided directly to the Wisconsin Supreme Court. Neither Justice Crooks nor any of his fellow justices considered it to be a conflict for Justice Crooks to remain on the OLR proceeding related to Raisbeck.

13) The misconduct in Raisbeck also included a shocking aspect where ADA Humphrey utilized a false affidavit, a fraudulent warrant, and numerous falsified subpoenas in an effort to harass a teenage boy into committing perjury for Humphrey's benefit. The harassment culminated with the boy being told that his options were to testify as desired, or stay in jail.

If one reads Chief Justice Abrahamson's opinion or Justice Prosser's dissent of March 30, 2012 on the OLR cases related to Raisbeck, one will have little idea of the above outlined facts.

The Background to Justice Crooks' Son's Role in Raisbeck

In Raisbeck the Dane County DA's Office's retained Robert Krenz as a traffic accident reconstruction expert. Krenz would be forced to concede under oath that he had told the prosecutor, ADA Paul Humphrey, at the commencement of the case that the photographic evidence itself proved that the state's case was scientifically invalid, to a reasonable certainty. **A deputy sheriff testified under oath that he had removed the subpoenaed photographic evidence at the prosecutor's direction, and brought it to Krenz's office where it was left. The deputy also testified under oath that the prosecutor's representations in court that neither he nor the prosecutor knew the whereabouts of the subpoenaed photographic evidence were false.**

On behalf of the Dane County DA's Office, Krenz testified to an expert summary submitted by the Dane County DA's Office in his name, and to the truth of what was emphasized in this expert summary.

However, Krenz would later be forced to concede under oath that the expert summary submitted in his name was not accurate, and that he could not have truthfully testified to its emphasized contents. Krenz further conceded under oath that the emphasized contents were proven false by specific photographic evidence. This specific photographic evidence Krenz referenced was part of the subpoenaed photographic evidence that the prosecutor had removed from a deputy's locker and taken to Krenz's office so that it could not be produced in court.

If anyone is puzzled to how Krenz escaped prosecution, they should consider who would be Krenz's attorney -- Michael Crooks, the son of Supreme Court Justice Patrick Crooks.

There is Substantial Evidence that Michael Crooks' Client, Robert Krenz, Committed Perjury on Behalf of the Dane County DA's Office

1. Pursuant to a court order, an expert summary was submitted in the name of Robert Krenz. (Attachment #23). What is significant in this summary is what was underlined for emphasis, i.e. that **Krenz "will testify that it does not appear that the driver of the Raisbeck vehicle locked the brakes prior to leaving the road."**

2. The emphasized language in this expert summary would be subsequently proven to be categorically false. This led to the question of who was responsible for the expert summary. Humphrey testified under oath that Krenz drafted it. Krenz testified under oath that he did not, and that it was his assumption that it was Humphrey. (Attachment #24, Attachment #25)

3. An evidentiary hearing was held on April 7, 2003. On Humphrey's behalf, Krenz testified to the validity of the summary. Krenz also testified in specific that **"to a reasonable degree of scientific certainty, there was no evidence of locking of brakes."** Krenz also testified in specific that when it came to braking, he **"could define that it was not locked wheel."** (Attachment #26)

4. Following Krenz's testimony, an issue arose in regard to the photographic evidence appearing to definitively show that the brakes had been locked before Raisbeck's vehicle left the roadway. The question arose, were both the expert summary and Krenz's testimony fraudulent? To head off testimony, DA Brian Blanchard submitted an affidavit from Robert Krenz in which Krenz referenced email communications between Humphrey and himself. (Attachment #27, page 2 of Krenz's affidavit).

5. Krenz's affidavit produced a concession. In his final paragraph, Krenz asserted under oath as follows:

> **"be advised that when looking at photographs from the scene, I note that the black marks in the final feet before the car leaves the roadway suggest braking. I note two lines in close parallel that suggest marks made by a set of treads in a manner consistent with locked wheel (or near locked wheel) braking in those final feet. However, this observation does not alter my energy analysis or my opinion of the vehicle speed."**

(Attachment #28, page 3 of Krenz's affidavit).

6. DA Brian Blanchard was the individual personally responsible for the withholding of the emails Krenz referenced in his affidavit. For almost one year the DA's Office refused to provide the emails. When the emails were provided, then-sitting Judge Robert Pekowsky was informed that the emails contained a bombshell and substantiated serious misconduct, and falsifying of expert analysis. Judge Pekowsky refused to address the issue, even going so far as to refuse to permit the emails to be read into the record. (See Attachment #29)
Judge Pekowsky would never address the issue. When under oath he could not provide a reason.

7. Judge Daniel Moeser succeeded Judge Pekowsky as the judge in Raisbeck, due to (in his own words) "volunteering." Judge Moeser's son was an assistant Dane County District Attorney whose immediate superiors in the Dane County DA's Office were the then-prosecutors on Raisbeck, i.e. DDA Timothy Verhoff and DDA Judy Schwaemle. Judge Moeser did not see a conflict, or even the appearance of a conflict.

8. On October 21, 2004, Judge Moeser ruled that the emails between Krenz and ADA Paul Humphrey substantiated that Humphrey had misrepresented Krenz's true opinion on the issue of braking, and that the withheld emails were withheld exculpatory evidence. Judge Moeser further ruled that this discovery violation was so serious that it justified prohibiting Krenz as a witness in Raisbeck. (See Attachment #30, *Wisconsin State Journal* and *Capital Times* articles of 10/22/2004).

9. However, Judge Moeser would twist his ruling a couple of months later to where his ruling would now be beneficial to the Dane County DA's office, and highly detrimental to Raisbeck. Judge Moeser would rule that the Dane County DA's office would be able to replace Krenz with a second expert, i.e. Dennis Skogen, and he would likewise prohibit the defense from going into why Krenz had been removed. Judge Moeser had no concern for the financial impact his decision would have on Raisbeck.

10. Krenz would later be deposed, with Judge Moeser ruling that most of his testimony would be impermissible for the jury to hear. When deposed, Krenz would concede that the photo evidence showed to a reasonable degree of scientific certainty that Raisbeck's brakes had been applied, and that this absolutely voided Dep. Gnacinski's expert analysis (the evidence utilized by Humphrey to have Raisbeck bound over for trial). Krenz also testified that he had been retained by Humphrey as of February 2, 2002, and that he told Humphrey of the above in February of 2002. (Raisbeck was bound over for trial on February 15, 2002. Humphrey would never even infer that Krenz told Humphrey that Gnacinski's analysis was invalid until May 12,

2003). (See Attachment #31, Krenz's testimony, pgs.12, 13, 53-55, 131-132; Attachment #32, Humphrey's letter on Krenz and Gnacinski).

11. Humphrey represented for months that Krenz's and Gnacinski's analyses were compatible and this was the prime significance of the summary done in Krenz's name.

12. As aforementioned, Judge Moeser refused to permit the jury to hear any of the above relating to the DA's office and the manipulation of evidence. The Supreme Court's in-house law firm, as will be shown, would act to ensure that no investigation into whether the Dane County DA's Office suborned perjury from Robert Krenz would ever take place.

13. Something most remarkable is that neither Chief Justice Abrahamson's opinion nor Justice Prosser's dissent ever make the slightest mention of Judge Moeser's finding that Humphrey had falsely represented Krenz's opinion on the braking.

Which Individuals Under Oath Have Conceded That There is Evidence That Michael Crooks' Client, Robert Krenz, Testified Falsely on Behalf of the Dane County DA's Office?

It doesn't take a rocket scientist to conclude that there is strong evidence that Krenz testified falsely on at least one date under oath. Witnesses who have conceded the obvious under oath are as follows:

First there is Judge Paul Higginbotham, who went from being the presiding judge on Raisbeck to being appointed by Gov. Doyle to the Court of Appeals. Judge Higginbotham initially was going to address the issue of whether Krenz had committed perjury. However, he was persuaded otherwise by the DA's Office at the very time he decided to seek an appointment to the Court of Appeals.

Under oath, Judge Higginbotham has conceded that Krenz's sworn affidavit contradicts his sworn testimony, and that probably there is no reasonable conclusion that both statements could be true. Judge Higginbotham acknowledged there seems to be a prima facie case that one testified statement must be false. (See Attachment #33)

Second, Judge Robert Pekowsky succeeded Judge Higginbotham on Raisbeck. While the judge in Raisbeck, Judge Pekowsky refused to address the issue of whether the Dane County DA's Office suborned perjury and falsified expert analysis. He took strong exception with Atty. Sommers for insisting that he had an obligation to do so in order to protect Raisbeck's constitutional right to due process. Judge Pekowsky made statements on the record highly critical of Sommers' efforts, and strongly inferred they were slanderous.

Under oath, Judge Pekowsky has conceded that Krenz's contradictory testimony suggests that there is a prima facie case that Krenz committed the crime of false swearing, and that someone is obligated to look into it. (See Attachment #34)

Third, OLR Director Keith Sellen of the Wisconsin Supreme Court's self-proclaimed in-house law firm oversaw the investigation of misconduct related to the Raisbeck matter. He conceded under oath that Krenz's contradictory testimony on different dates makes it very likely that Krenz testified falsely on one of the dates. (See Attachment #35)

Fourth, Atty. Margery Mebane Tibbetts was the attorney that Sellen appointed to investigate whether Dane County ADA Humphrey has suborned perjury from Robert Krenz. She conceded under oath that Krenz's testimony on two dates was "inconsistent" with a direct contradiction in the concepts to which Krenz was testifying. (See Attachment #36)

Did OLR investigate whether Humphrey suborned perjury from Krenz? As you shall see, OLR's answer has been "yes" and then "no."

Who was Appointed by OLR to Investigate into Whether Dane County ADA Paul Humphrey Suborned Perjury from Robert Krenz?

Under oath, Mr. Sellen conceded the obvious when he acknowledged that OLR's investigation into whether Paul Humphrey had knowingly elicited false testimony from Robert Krenz could lead to both being criminally charged. (See Attachment #37)

Commonsense would seem to dictate that an impartial investigator be appointed by OLR to do the investigation. Mr. Sellen on behalf of his bosses, the Wisconsin Supreme Court, would surely agree to this. The attorney he appointed was Margery Mebane Tibbetts, then of the inside law firm Brennan, Steil, Bastings & MacDougall SC; and now of the inside firm, Murphy Desmond SC.

Atty. Tibbetts was an attorney of record in an effort to prohibit convicted defendants from litigating their responsibility in subsequent civil actions related to the traffic accident, i.e. Ambrose v. Continental Insurance Co., 96-1522. If this raises eyebrows, it pales in comparison to what is below.

At the time Sellen appointed Atty. Tibbetts to investigate whether Humphrey had elicited false testimony from Krenz, Tibbetts was in a business relationship with Krenz. She was utilizing him as an expert in Green County Case No. 04 CV 255. (See Attachment #84)

Under oath, Sellen first tried to evade his knowledge and claimed that he did not have knowledge of the case for which Tibbetts retained Krenz as an expert prior to his testimony that day.[1] However, he was then forced to revise his testimony and concede that he had traded emails with *Wisconsin State Journal* reporter Dee Hall, wherein he had been informed that Atty. Tibbetts had retained Krenz in the aforementioned case. (See Attachment #38)

Dee Hall was present during Sellen's testimony. Neither she nor her paper have felt obligated to inform the public. Nor has she or her paper felt obligated to inform the public to what follows.

[1] Sellen's evasion was but one of a number of steps he took to close off any inquiry into whether Tibbetts had a conflict of interest pertaining to Krenz. The Supreme Court has been fully advised to all of this. Their response has been to refuse to even acknowledge what they've been appraised of.

OLR's Investigation (or OLR's Non-Investigation) into Atty. Michael Crooks' Client, Robert Krenz

OLR attempted to prevent Sellen and Tibbetts from being forced to testify. **OLR staff attorney Julie Scott-Falk asserted that OLR had "already thoroughly investigated allegations of misconduct, as it relates to Humphrey's actions during the Raisbeck trial."** (See Attachment #39) And, based upon this assertion, OLR claimed that Sommers should be prohibited from deposing anyone in regard to the specifics of the OLR investigation. This would be one of the few battles OLR would lose, and Sommers was permitted to put both Tibbetts and Sellen under oath.

Under oath, Atty. Tibbetts asserted that she felt her business relationship with Robert Krenz did not affect her impartiality. **She testified that she investigated whether Krenz committed perjury on behalf of Humphrey.** (See Attachment #40)

However, a problem arose for OLR when they were unable to produce a scintilla of evidence substantiating that Atty. Tibbetts had taken a single step into investigating whether Krenz had committed perjury. OLR then reversed course and now OLR staff attorney Julie Scott-Falk asserted in court that, **"The Office of Lawyer Regulation has not investigated or initiated an investigation as to whether Expert Robert Krenz committed perjury."** (See Attachment #41)

This led to Atty. Tibbetts repudiating under oath her prior testimony under oath, and now claiming that she never investigated whether Krenz committed perjury, and that her prior testimony to the contrary was due to a court reporter error. (See Attachment #42)

The problem with Atty. Tibbetts' new testimony was that when she prior testified that she had investigated whether Krenz committed perjury, she gave numerous answers (taking up pages and pages of transcript) consistent with her claim that there had been an investigation; while conversely, she had given no answers consistent with her latter claim that no investigation had taken place. Atty. Tibbetts had little to worry about, because it would be decided that the transcripts related to the hearings would be treated as if they did not exist.

Evidence and Testimony Deemed Not to Exist #1

When accused by OLR, Atty. Sommers drafted a counterclaim and simultaneously provided documentation substantiating numerous OLR falsifications regarding what had taken place in Raisbeck.

Chief Justice Shirley Abrahamson replied to Sommers in a letter dated February 12, 2007. (See Attachment #43) In her letter, Chief Justice Abrahamson asserted that any investigation into OLR misconduct would be stayed until after the disciplinary proceedings relating to Raisbeck. She also asserted that the referee could consider the allegations against OLR "in the form of a counterclaim." Her letter was cc'd to the referee.

The referee, the Supreme Court's hand-picked judicial official, was Russell Hanson. Pursuant to Chief Justice Abrahamson's letter, Hanson granted Atty. Sommers a counterclaim against OLR. However, shortly before the scheduled evidentiary hearings, Hanson reversed himself and now claimed that Sommers could not have a counterclaim because Hanson had no authorization to permit a counterclaim. Hanson further claimed that he had never ruled otherwise. However, Hanson's assertions were bizarre in that they were not only blatantly false, they could be proven as such by merely reviewing transcript pages.

After Sommers informed the Wisconsin Supreme Court about Hanson's flip-flop and provided the transcripts pages, Hanson was replaced as the referee. The Wisconsin Supreme Court now hand-picked Stanley Hack.

Hack held that Sommers could not have a counterclaim, but over OLR opposition, he held that Sommers could have an affirmative defense. Hack defined an affirmative defense as meaning that Sommers could present the same evidence as if he had a counterclaim, and that the referee, i.e. Hack, would make findings of facts based upon the evidence submitted. All that Sommers would lose by having an affirmative defense versus a counterclaim was that the referee could not enforce any punishment against OLR. Hack asserted that it would be up to the Supreme Court to act or not act upon the findings he would make in regard to OLR's falsifications and misconduct. Sommers thus agreed to have his counterclaim modified to an affirmative defense.

Two sets of evidentiary hearings took place related to the affirmative defense. These hearings involved evidence on the Dane County DA's Office falsifying expert analysis in Raisbeck, hiding subpoenaed evidence, and OLR's falsification of facts in order to obscure what had taken place and to falsely accuse Sommers. The first set of hearings took place in autumn of 2008, with Dee Hall of the *Wisconsin State Journal* in attendance. The second set took place in May of 2009.

Upon the conclusion of the first set of hearings, **Referee Hack was persuaded by Atty. Crooks (representing Robert Krenz) that Hack had no authority to make any factual findings on whether Krenz had committed perjury on behalf of the Dane County DA's office**, and to whether this had been covered up by OLR. Hack's reversal came with the inadvertent disclosure that Hack and Atty. Crooks had engaged in multiple ex parte contacts.

Upon the conclusion of the second set of hearings, Hack again reversed himself, and now ruled on OLR's behalf, that he had no authority to make rulings or findings of fact related to misconduct on the part of Dane County judges, the Dane County DA's Office and OLR. Hack also ruled that Sommers could put on the same evidence at the final hearing set for the middle of June, but Hack would not utilize any evidence related to misconduct on the part of the Dane County judges, the Dane County DA's Office or OLR.

Hack eventually drafted a report and recommendation dated October 1, 2009. This 27 page document inferred that it was a blow-by-blow account of the proceedings in front of Hack. **However, this document did not contain a single reference to any evidence/ testimony from either set of the aforementioned evidentiary hearings. In fact, the names of Krenz and Gnacinski, let alone their actions, were never referenced a single time.**

However disingenuous Hack was, he would be far surpassed by his superiors in the Wisconsin Supreme Court, as shown next.

Evidence and Testimony Deemed Not to Exist #2

When it came to what Hack had done and the official record, Sommers received a tip that the Supreme Court was playing with the record. Sommers inquired and found that it appeared that a significant number of transcripts had not been placed in the record, and were not reflected in the official Record Index. This led to an inquiry from Sommers to the Supreme Court. This led to a February 10, 2010 Supreme Court order with an attached purported Record Index in regard to the transcripts in question. (See Attachment #44)

What was provided to Atty. Sommers disingenuously inferred that the transcripts in question, which were identified as being part of the Record Index in the document provided to Sommers (See Attachment #44) were being made part of the record. However, Sommers was tipped off again that the Supreme Court was acting disingenuous, and that Attachment #44 did not mean the transcripts mentioned therein were being placed into the record. Sommers inquired and found out that the tip was accurate, and that **the Supreme Court was refusing to include the transcripts from both sets of evidentiary hearings into the record. The Supreme Court's actions were in clear violation of Wisconsin Statute §809.15(1)8,9,10, Stats. which mandated that the transcripts be included.**

Sommers pointed out to the Supreme Court what was mandatory under statute. The Supreme Court then reversed itself...but, not quite. The Supreme Court now entered an order that the transcripts were to be included. **However, the Supreme Court refused to enforce its own order**, and throughout the briefing stage the transcripts continued to be withheld from the record. It is not known whether these transcripts were ever included. However, it would make no difference, given that the Supreme Court decided that the evidence/ testimony from these evidentiary hearings would not be considered by the Supreme Court when rendering their decisions on the OLR cases related to Raisbeck.

The cost to Atty. Sommers for these evidentiary hearings that were deemed non-existent was exorbitant in time, energy and money. If one reads Chief Justice Abrahamson's decision, one would have no clue to what actually took place. Dee Hall and the *Wisconsin State Journal* know exactly what took place; however, they apparently don't believe the public needs to know.

The Wisconsin Supreme Court's Falsifications to Obscure the Scandalous Treatment of Kevin McCoy by the Dane County DA's Office

As outlined below, one particular aspect of Raisbeck was especially egregious. This situation was known to many, and the scariness of what took place would terrify all who knew. The Wisconsin Supreme Court and OLR decided that the best way to handle the scandal was to minimize ADA Paul Humphrey's misconduct by reducing it to a relatively minor discovery violation. Simultaneously, Sommers was falsely accused of fabricating in a motion that evidence be heard on Kevin McCoy's treatment. The accusation was useful to infer to the public that Sommers had embellished what occurred to McCoy.

Sommers would be cleared by the OLR process. The very allegation against him relied on numerous falsifications. These included misquoting both documents and testimony. They included **OLR Director Keith Sellen falsely claiming to have personally found in a court file a served subpoena that everyone now concedes could never have been in the court file, because the DA's Office has conceded the subpoena was never produced**.

OLR's false allegation was very successful for the Supreme Court's agenda. Sommers paid a heavy price in time, money and energy. However, this price paled in comparison to the irreparable damage done to Sommers' reputation.

As the Dane County DA's office prosecution of Adam Raisbeck began to fall apart due to disclosures related to the fraudulent expert analysis, **the DA's Office came up with an alternative way to convict Raisbeck: Pressure a teenage friend of Raisbeck into committing perjury by falsely claiming that Raisbeck had confessed his speeding to this teenage friend.**

Kevin McCoy was the teenage friend of Adam Raisbeck. He gave an innocuous statement to police on the day of the accident where he indicated no knowledge whatsoever of the accident. However, McCoy would find himself harassed by both fraudulent subpoenas and a fraudulent warrant. McCoy's mistreatment culminated in a fraudulent warrant, leading to McCoy being given the alternative of staying in jail or having to agree to testify against Raisbeck, as desired by the Dane County DA' Office.

The Dane County DA's Office's treatment of McCoy had a clever, but sinister twist to it. If permitted to play out, with the court's acquiescence, this evidence would have been disingenuous at Raisbeck's trial, but possibly definitive to the outcome. If McCoy took the stand and he conceded to making the statements that the DA's Office attributed to him, the DA's Office's case was enormously boosted. If McCoy denied making the statements, there was an insurance valve. Pursuant to Wisconsin evidentiary statute

§908.01(4)(a)1, Stats., (i.e., a witness' prior inconsistent statement), the jury would still hear via the detectives the statements attributed to McCoy. The jury would then be told that McCoy's reluctance to testify to these statements was merely because he didn't want to be responsible for his good friend's conviction.

Raisbeck's defense therefore needed the jury to hear the circumstances surrounding McCoy's statements in order for the jury to realize why and how these statements came about, and why they could not be trusted. The Dane County court was presented with powerful evidence to McCoy's mistreatment.

McCoy, his roommate and his cellmate would all provided sworn affidavits to McCoy's mistreatment. (See Attachment #45) These three and two other witnesses were willing to testify. The Dane County DA's Office, while categorically denying that McCoy was mistreated, convinced the trial court that they could not permit any testimony on McCoy's treatment at either an evidentiary hearing or Raisbeck's trial.

Eventually, the DA's Office lost control of the McCoy scenario, and the facts were so nasty that the DA's Office wanted the entire matter suppressed. The DA's Office no longer wanted McCoy to testify, but they also convinced the court that no testimony related to the McCoy matter would be permitted in any circumstance.

Post-trial, **powerful evidence to McCoy's scandalous treatment surfaced. The evidence came from Humphrey's boss, Humphrey's subordinate and Humphrey's case detective. All of these were ignored by both OLR and the Wisconsin Supreme Court.**

Humphrey's boss, DA Brian Blanchard, in an internal letter dated January 20, 2004, acknowledged that the warrant obtained for Kevin McCoy was illegitimate, was an abuse of Humphrey's authority, and the unnecessary harassment of a witness. (See Attachment #46)

Humphrey's subordinate, Jeanne Higuera, testified under oath that the affidavit Humphrey utilized to obtain the warrant on McCoy was "not true." (See Attachment #47)

Humphrey's case detective, Janet Boehnen, testified that she served McCoy with the attached subpoena on June 11, 2002, where McCoy was told on the subpoena that he was to meet with Humphrey on July 5th at 3:00 p.m. (See Attachment #48) This served subpoena constitutes a criminal act, because at the time McCoy was being subpoenaed and subjected to an interrogation, there was no actual court date validating McCoy being served.

None of the above is included, or even hinted at, in either of Chief Justice Abrahamson's decisions relating to Raisbeck, and in particular the McCoy scenario. Justice Prosser's dissent, where he complains that Humphrey has been treated unfairly, makes no mention of how the Supreme Court and its in-house law firm (OLR) swept all of the above under the rug. This is despite Justice Prosser knowing all of the above.

The Wisconsin Supreme Court's handling of the McCoy matter must be seen in light of the *Wisconsin State Journal's* reporting on the McCoy scenario.

The *Wisconsin State Journal's* Obscuring and Distorting of Facts on the Scandalous Treatment of Kevin McCoy

It is widely believed that Dee Hall and the *Wisconsin State Journal* did an exposé on Dane County ADA Paul Humphrey. However, the truth of the matter is, this coverage, which included a major piece in the Sunday edition of July 8, 2007, a series the week of September 30, 2007, and other coverage has actually saved ADA Humphrey. How can this be so?

The *Wisconsin State Journal* and Dee Hall's reporting minimalized Humphrey's actual conduct and withheld from the public the facts connecting Humphrey's misconduct to misconduct involving DA Brian Blanchard, the Dane County Courts, OLR and the Wisconsin Supreme Court. This was done, especially when Humphrey's misconduct could easily be deemed criminal.

If you search the *Wisconsin State Journal* coverage, you'll find nothing touching upon whether Humphrey suborned perjury from Krenz. You'll find nothing about the deputy testifying that Humphrey directed him to remove subpoenaed photographic evidence, and then how Humphrey blatantly lied in court when claiming that neither Humphrey nor the deputy knew the whereabouts of the subpoenaed photos. You'll find a reference to Dep. Gnacinski's second speed calculation; but you won't find that Dep. Gnacinski testified to how this speed calculation was done, and who was present, and how it was scientifically invalid from the get-go. You'll find nothing of Humphrey's subordinate testifying under oath that Humphrey's affidavit to obtain the warrant on McCoy was "not true." There are numerous other examples.

Dee Hall's and the *Wisconsin State Journal's* misleading coverage went so far as to provide the following pseudo-facts in the July 8, 2007 story. (See Attachment #49)

> "both the Office of Lawyer Regulation and Blanchard said the document (McCoy's purported statement of October 27, 2003) was clearly a witness statement that Humphrey should have given to Sommers. Blanchard reprimanded Humphrey in 2004 for failing to turn over the statement and removed him as prosecutor on the case. To punish the prosecution, Judge Moeser barred McCoy from testifying." (See attached)

Dee Hall withheld that while DA Blanchard reprimanded Humphrey in January of 2004 in an internal letter, Blanchard and his office withheld from the court what was conceded in his letter.

The spring after Dee Hall's exposé, Judge Pekowsky conceded that the contents of Blanchard's letter were exculpatory because they supported what Atty. Sommers was claiming, and therefore should not have been withheld from both the court and the

defense. (See Attachment #50) The *Wisconsin State Journal* and Dee Hall have felt no need to inform the public to Judge Pekowsky's sworn concessions.

Dee Hall's assertion that, "to punish the prosecution, Judge Moeser barred McCoy from testifying" (which put Judge Moeser in a favorable light) was unfortunately categorically false.

Kevin McCoy and others were in court on multiple dates to testify to McCoy's treatment by the Dane County DA's office. However, Judge Pekowsky and then later Judge Moeser were persuaded by the Dane County DA's Office to prohibit their testimony. And then Judge Moeser, at the Dane County DA's Office's request, prohibited Sommers from presenting at trial testimony from Kevin McCoy and others to his treatment.

On August 12, 2007, the *Wisconsin State Journal* printed a retraction (See Attachment #51) which acknowledged that Sommers wanted McCoy to testify, and that Judge Moeser agreed with the DA's office in excluding McCoy's testimony.

All of this led to a very bizarre turn of events that go a long way in suggesting that the OLR proceedings related to Humphrey were contrived. As shown in the next piece, all of this led to a very bizarre turn of events.

The Wisconsin Supreme Court's Hand-Picked Judicial Official Utilizing a Retracted Pseudo-Fact to Provide Cover For the Dane County Courts

As mentioned prior, the most serious allegations against Humphrey were taken off the table by OLR. Also taken off the table from any inquiry was the questionable conduct of the Dane County courts in protecting ADA Humphrey and the Dane County DA's Office. In the Supreme Court's hand-picked judicial official Russell Hanson's ruling related to Humphrey, the following assertion was made regarding Humphrey's conduct on McCoy and the Dane County court's response:

> "the state lost the use of a witness who would have testified that the defendant did remember the accident (contrary to his prior assertions) and had admitted his negligence. The defendant was eventually acquitted at trial, possibly in part, because the state was prohibited, as a sanction for Humphrey's conduct, from using that evidence." (See Attachment #52, pg. 4 of Hanson's decision)

Hanson's decision was widely reported. The above quote clearly infers: 1) There is a good chance Raisbeck was guilty and would have been convicted if McCoy was permitted to testify; and 2) The Dane County court was vigilant in protecting Raisbeck's rights against Humphrey's misconduct. In that, as put forth in the *Wisconsin State Journal* retraction, the Dane County court prohibited McCoy's testimony at the request of the Dane County DA's Office, Hanson's pseudo-fact could not have been pulled from any evidence or court documents. Commonsense dictates the distinct possibility that it was pulled from the retracted fact of the *Wisconsin State Journal's* piece of July 8, 2007. (See Attachments #49 and #51).

Remarkably, it appears that Hanson's pseudo-fact was apparently agreeable to OLR, Humphrey and his attorney Lester Pines, and the Wisconsin Supreme Court. Likewise remarkable, Justice Prosser's concern over the irregularities of what occurred in Humphrey's OLR/Raisbeck case not appear to extend to the irregularity of the Supreme Court's hand-picked official utilizing a pseudo-fact that was subsequently retracted by its source.

Other Media and the Reporting on Humphrey and Raisbeck

One disturbing reality of Dane County is the willingness of the local media to be used to print or broadcast falsified facts. Unfortunately, this is a frequent occurrence.

One glaring example occurred in Raisbeck. On March 9, 2005, roughly a month before the trial, **Channel 27 did a news feature on the Raisbeck case.** The feature was purportedly about the controversy surrounding the Raisbeck prosecution. **The feature ended with the assertion that the case and testimony against Raisbeck was that he was driving over 100 mph** at the time of the accident. This assertion was egregiously false because at that time (and at the trial shortly thereafter), **the DA's Office claimed that the fastest Raisbeck was driving at the time of the accident was 76 mph – obviously, a mighty big difference!!!**

Channel 27 did a retraction on their website. However, they refused to do a retraction on the air. To this day, Atty. Sommers is asked, 'how did you win the trial if the kid was going 100 mph?'

Attachment #85 is a piece in which Atty. Sommers has readily acknowledged assisting, in an effort to combat Channel 27's broadcast. The Wisconsin Supreme Court considers this to be alarming, and apparently in violation of the Supreme Court Rules. In contrast, they and their in-house law firm have had no interest in attempting to discover who planted the falsified facts. And this is despite the evidence being that the jury pool was tainted by Channel 27's story and unaware of any efforts on Raisbeck's behalf.

Raisbeck, Judge Paul Higginbotham and Chief Justice Shirley Abrahamson

As was laid out in a prior piece (see piece related to Lester Pines), Judge Higginbotham, after being appointed by Gov. Doyle to the Court of Appeals, sought and obtained an order from the Wisconsin Supreme Court, permitting him to revisit the Raisbeck case. After obtaining the order, Higginbotham revised his findings that ADA Humphrey committed prosecutorial misconduct by fabricating to the court on the status of evidence. Higginbotham now claimed that Humphrey had made no fabrications. Higginbotham further claimed that no prior findings had been made to that effect.

Ten days after Judge Higginbotham's order, what had taken place was spelled out in a letter dated September 29, 2003. Atty. Sommers provided this letter to both Gov. James Doyle and Wisconsin Chief Justice Shirley Abrahamson. This letter spelled out the dishonest actions of Judge Higginbotham and their context. The letter spelled out how the Dane County courts were permitting the DA's Office to utilize false testimony and expert analysis from Robert Krenz.

This letter (Attachment #53) spelled out how the misconduct involved Dane County DA Brian Blanchard and Dane County DDA Judy Schwaemle. The letter also spelled out how the governor and chief justice could and should act, pursuant to statute. **Neither Gov. Doyle, nor Chief Justice Abrahamson acted upon this letter and the accompanying documentation.**

The *Wisconsin State Journal* has kept the above facts from the public. These facts go a long ways in explaining the Wisconsin Supreme Court and Justice Abrahamson's vested interest in discrediting Atty. Sommers.

The Attitude of the Wisconsin Attorney General's Office and United States Attorney's Office to the Evidence of Criminal Misconduct Orchestrated by the Dane County DA's Office

Both the Attorney General's Office and the U.S. Attorney's Office were hand-delivered a cover letter (See Attachment #54) and substantiating documentation to criminal conduct on the part of the Dane County District Attorney's Office in Raisbeck. The long and short of it is, the interest of either office (or lack of) corresponds to their interest in obtaining the witness statement related to Detective Markham's possible corruption and criminality.

SECTION IV: DANE COUNTY PROTECTION OF VIOLENT CRIMINALS

Introduction

The purpose of this section is to establish that:

1. Very dangerous street criminals have received inexplicably lenient treatment by elements of Dane County law enforcement and the Dane County DA's Office.

2. These dangerous street criminals have received passes on serious crimes to which there is overwhelming evidence of their guilt.

3. Elements in Dane County law enforcement and the Dane County DA's Office have taken extreme steps to obscure the criminality of the aforementioned dangerous criminals. This has included withholding evidence, falsifying evidence, even to the point of law enforcement committing perjury under oath.

4. The apparent protection of the dangerous criminals even appears to include efforts to frame others for the crimes that were committed.

5. Both the Dane County courts and the Dane County media appear paralyzed in the face of what is taking place in front of them.

The Protection of Michael D. Evans #1

Michael D. Evans is an incorrigible criminal who is not in prison despite recently committing numerous serious crimes and having a substantial criminal record. Why is he not in prison? One reason is that he has only been charged and convicted with one of the many recent crimes to which there is substantial evidence of his guilt. In fact, Evans has even admitted to participating in two serious recent crimes for which he was never charged. Evans was literally caught in possession of the fruits of numerous crimes for which he was never charged. Why has Evans escaped prosecution for so many crimes?

If Evans is to be believed, as he claimed in a recorded statement, the reason is that Evans' woman's mother is a wealthy and powerful individual. Is this the reason? Whatever the reason, the overwhelming evidence is that Evans is indeed protected by elements within the Sun Prairie Police Department and the Dane County DA's Office.

This protection extends to falsified information being provided to the courts. It also extends to a Sun Prairie Detective, Randall Sharpe, testifying falsely on Evans' behalf on a number of matters, including falsely testifying that an alibi for Evans had been confirmed for a serious crime when in fact the opposite was true.

The only recent crime for which Evans was charged and convicted was his strong-armed robbery of the Check Advance in Sun Prairie, WI on March 13, 2010. Evans initially denied committing the crime, but reversed himself in face of the overwhelming evidence which included his DNA.

On October 28, 2011 Michael D. Evans was sentenced by Dane County Judge Sarah O'Brien. Evans was not sentenced to prison, but was rather placed on probation with a condition being one year in the Dane County Jail with work release privileges. The light sentence appears to be related to the Dane County DA's Office representing that Michael D. Evans had never been arrested subsequent to his arrest for the March 13, 2010 strong-armed robbery. This blatantly false representation was referenced by Judge O'Brien when pronouncing sentence. The State did not correct her misunderstanding, but when it comes to the protection of Michael D. Evans, it is but the tip of the iceberg.

The Protection of Michael D. Evans #2

A second armed robbery of the Check Advance occurred on July 12, 2010. According to police, the perpetrator committed the crime with Evans' car, with clothing found in Evans' residence, and leaving behind paperwork connected to Evans' woman's employment. In addition, Evans was seen outside of the robbed establishment shortly before the crime. Evans initially falsely claimed he was out of town on the day in question. **Given the above evidence, why would Evans not be charged for this crime?**

Another individual was charged with the crime in large part because Evans claimed this individual had committed the crime, and because the police, and **Detective Sharpe in particular, claimed that Evans had a confirmed alibi for the particular time that the crime was committed.**

Despite numerous court orders that evidence be turned over by the Sun Prairie Police Department, evidence was not turned over. Explanation after explanation would be provided, almost always proven not accurate, and almost always provided by Detective Sharpe. After considerable time had elapsed, an evidentiary hearing was held with Detective Sharpe forced to testify. Luckily, the eventual result of Detective Sharpe's testimony was the charges being dismissed against the person who was prosecuted in place of Evans. This was not the intentional result of Detective Sharpe's testimony; however, Sharpe can take credit because it was his blatant perjury that led to it. On multiple matters, Detective Sharpe testified in a fashion that was blatantly untrue. The most compelling being the following.

Detective Sharpe, as shown in the attached transcript pages, (Attachment #55) testified that at the time of the crime (i.e. 10:30 – 11:45 a.m.) he confirmed that Michael D. Evans was attending his daughter's graduation at a Sun Prairie school. A dispute arose to whether the purported evidence behind Sharpe's testimony should be produced. The DA's Office took the position that the evidence was not exculpatory, and therefore they did not have to produce any data behind Sharpe's testimony. Eventually, the DA's Office would acquiesce to the evidence being provided. This led, pursuant to a court order, to a police report by Detective Sharpe (Attachment #56).

A comparison of this report and Detective Sharpe's testimony shows that, **contrary to Detective Sharpe's testimony, there was no evidence confirming Evans' alibi**. In fact, Sharpe couldn't even confirm that Evans had ever been to the school in question on the day in question.

The Protection of Michael D. Evans #3

Detective Sharpe and the Dane County DA's Office never produced the data that Detective Sharpe claimed was attached to his report, and due to the case being dismissed they were never forced to. This however, was not the only case in which the same defendant was charged for a crime involving Evans.

Evans was involved with check forgeries committed on multiple dates with a Camille Major. Both of these individuals would admit to their involvement under oath, and would be forced to admit that the defendant charged in relation to the check forgeries was not even present on at least one occasion forged checks were passed. (She claimed this was twice; Evans claimed this was once). Remarkably, neither Evans nor Major were charged with passing forged checks despite their own sworn testimony being enough for an easy conviction.

Luckily, due to evidentiary problems suggesting misconduct, this case as well was eventually dismissed.

One possible explanation for why the defendant was charged for crimes for which there was overwhelming evidence to Evans' guilt may be related to the fact that Sun Prairie detectives took over $1300 from the defendant. The circumstances to this money being taken are most disturbing and raise questions of impropriety, maybe even criminal. Were the charging decisions due to the notion that by charging this defendant, two birds could be killed with one stone?

First, two crimes would be deemed solved. Second, the defendant would be discredited if he ever called attention to the over $1300 that was taken from him.

For those who find it difficult to accept the possibility that police officers illegally remove money from witnesses and suspects, they should recall the Detective Denise Markham section of this document.

For those interested in an appraisal of the evidence related to Evans and Major, see Attachment #79.

Whatever the reason, when it comes to protecting Evans from the consequences of his criminality, there is still more.

The Protection of Michael D. Evans #4

On June 19th, 2010, Sun Prairie Police confiscated at Evans' residence an SUV that Evans claimed was his own. The problem was the vehicle had been stolen from Monroe, WI. Evans, for reasons yet to be explained, has never been charged.

On October 22nd, 2010, police searched Evans' Sun Prairie residence. This search of Evans' home yielded numerous items taken in burglaries and thefts that occurred in the Madison and Sun Prairie areas. Evans had no explanation for possessing the items and even admitted point-blank to police to committing at least one of the burglaries. However, as of this date Evans has not been charged in regard to any of this. No explanation to why has ever been provided.

Later pieces will discuss the police practice of using police reports for the purpose of discrediting. An example of this can be seen in Attachment #56. Detective Sharpe was in a difficult spot. He falsely testified that he had confirmed Evans' alibi for July 12, 2010 (i.e. being at the Prairie Phoenix Academy between 10:30 and 11:45 a.m.). And now, pursuant to a court order, he had to provide the information/ evidence behind his testimony. Unable to do so, what does Det. Sharpe do? He uses his police report to label Atty. Sommers a 'conspiracy theorist.' Unfortunately, his tactic is oh so typical of what Dane County police officers do, especially when their misconduct has been substantiated.

Lic Squad/MAD (Mad About Dollars)
Madison's Most Dangerous Criminal Clique

Attachment #57 are photos of roughly 1/4th of the very dangerous criminal clique in Madison, WI now known as MAD, previously known as the Lic Squad. The new name morphed from the old name and this occurred in part to take advantage of the police and the Dane County DA's Office covering up for the clique's leadership's criminality.

This clique has committed numerous armed robberies in the Madison area. Very likely the number is beyond fifty. They often pick victims whom they believe are unlikely to report their crimes. They have considered it to be very advantageous that the word on the street is, "You best not tell on these guys. Not only may it go nowhere with the police, but you'll find yourself in danger as well." This criminal clique is responsible for two homicides that occurred last fall in Madison.

As will be set out later, Madison police were in position to seriously wound and perhaps even completely remove this clique from the streets in Winter/Spring of 2011. This never occurred. Instead Madison police and the Dane County DA's Office went on a sustained effort to withhold evidence and to falsify both evidence and information in order to specifically protect the leadership of this criminal clique. This effort would continue through an evidentiary hearing on March 26, 2012. This protection would go so far as to having a Madison detective commit blatant perjury.

The Madison police and the Dane County DA's Office's protection of the clique's leadership has been assisted, in a certain sense, by both the Dane County courts and the Wisconsin Public Defender- an assistance that has escalated.

The Protection of Darell Fowler

Darell Fowler loves weapons. Attachment #58 are two photos with him holding guns and a third photo obtained from his cellphone of an automatic submachine gun. Fowler loves money. Attachment #59 are photos of his tattoo to that effect and a photo showing the loot from one of his crimes, taken from his cellphone. Fowler is walking about. Why? In large part it is because Fowler is a protected man. Why?

The answer to the above may lead to speculation, but it cannot be doubted that Fowler is protected. Fowler's protection is despite Fowler often receiving 50% of the loot from armed robberies committed by his clique due to Fowler providing both the weapons and the targets.

Fowler has often targeted college students because Fowler knows that college students may be reluctant to report being robbed if there may be a hint or suspicion that drugs were involved.

Good evidence to Fowler's protection is attachment #60, the formal plea agreement that was proposed to Fowler in regards to an armed robbery. The plea agreement speaks for itself on the extreme leniency the DA's Office is willing to show.

Fowler's protection from the Dane County DA's Office extended to the DA's Office withholding, in violation of a court order, evidence of the aforementioned photos and text messages between Fowler and an Ashton Davis greeting each other with their Lic Squad status.

Beyond the above, the DA's Office falsely claimed for months that there was no evidence of Fowler being connected to any other armed robberies and that all police reports relating to Fowler had been turned over. However, a police report (Attachment #61) surfaced last fall wherein Officer Rene Gonzalez acknowledged Fowler's involvement in what would have to be another armed robbery. Despite the court acknowledging that this evidence contradicts the DA's prior representations, the court's attitude appears to be "How can we get past this moment without having to do anything about it?"

The protection of Fowler took a surreal and bizarre twist on March 26, 2012, as will be shown later.

The Protection of Ashton Davis #1

If Fowler is the planner and organizer of the criminal clique, Ashton Davis is the clique's man of action on the street. Davis is the man to the far left in the aforementioned group photo. Davis, as set out later, led and participated in a home invasion of 1818 Fordem Avenue in Madison on February 4, 2011. Immediately following the crime, Davis fled to Des Moines, Iowa going by the peculiar route from Madison to Milwaukee to Chicago to Des Moines.

Davis is as protected as Fowler, if not more so. In regards to his whereabouts following the February 4, 2011 home invasion, Madison police inexplicably delayed in obtaining evidence to his whereabouts and systematically went out of their way to insure that all police reports in regards to this robbery and another armed robbery were sanitized of the name "Ashton Davis". And when Madison police finally gathered evidence relating to Davis' flight from Madison, police seriously mischaracterized the evidence to Davis' benefit. The evidence was in fact exactly the opposite of the police characterization.

Madison Detective Tom Helgren and Dane County Assistant District Attorney Corey Stephan represented to the court that: (1) all police reports related to Ashton Davis had been turned over, and (2) Davis should not be a suspect because he was residing in Des Moines, Iowa. However, both representations which were made repeatedly were false. (Incidentally, the police and the DA's Office took the bizarre attitude that if someone lived in Des Moines they could not possibly be committing crimes in Madison). In fact, the police and the DA's Office specifically withheld a police report that showed that during the time they claimed Davis was residing in Iowa, Davis had been in Madison and had been claiming a local residence as his address.

The court's attitude toward the falsifications can best be characterized as impossible to characterize. While the court notes its concern, the court appears paralyzed to do anything.

The Protection of Ashton Davis #2

Dane County ADA Corey Stephan made a production in court that he was providing all booking photos related to Ashton Davis. Stephan was simultaneously claiming that there was no evidence in the State's possession linking Ashton Davis to any "Lic Squad". Both representations were in bad faith.

First, Stephan was then withholding, and would continue for some time to withhold, text messages in his possession where Davis and Fowler greeted each other with their "Lic Squad" status. When this evidence was finally revealed, Stephan's justification was that the evidence of them claiming "Lic Squad" status was not evidence of them being connected to a Lic Squad. While the court recognized the absurdity of Stephan's position, that is as far as the court has been willing to go.

Second, Stephan was also withholding a booking photo (Attachment #62) that shows Davis has tattooed on one arm "Lic" and tattooed on the other arm "Squad". Here again, Stephan claimed that this photo is not evidence of Davis having any connection to a purported Lic Squad. Again, while the court recognized the absurdity of Stephan's position, that is as far as the court is willing to go.

It gets even worse.

The Protection of Ashton Davis #3

Demarious Gray is Ashton Davis' look-a-like cousin. Davis convinced Gray to move from Chicago to Madison in late January of 2011. Gray claimed that Davis was framing him for crimes that Davis orchestrated. Gray was arrested and charged with a second armed robbery committed in mid-February to which Darell Fowler has admitted his own involvement. Fowler claimed that Gray, whom Fowler has no history with, had the primary responsibility and that Davis, with whom Fowler has a lifelong history, was not involved. The police and the DA's Office took Fowler's word verbatim and thus the aforementioned plea agreement to Fowler. Simultaneously, evidence was withheld that connected Fowler and Davis while the DA's Office denied the evidence existed.

The initial discovery provided by the Dane County DA's Office did not contain the name "Ashton Davis" a single time. The DA's Office inferred that police claimed Davis' name had never come up and that Gray was not only making this up, but that he was also making up the fact that he had had an extended conversation with Detective Helgren about Davis and the Lic Squad.

However, it was later acknowledged that a conversation did indeed take place, but the claim now was that the conversation was very brief, as indicated in Helgren's report. The DA's Office did acknowledge that Helgren's report was problematic given other facts. **This led to a later acknowledgement and production of a prior report by Helgren that had been withheld for over two months.** In this report Detective Helgren acknowledges a lengthy conversation with Gray that discussed Davis and the Lic Squad.

Gray claimed that the report mischaracterized and omitted aspects of the conversation that would be confirmed, if one reviewed the video recording referenced in Helgren's report. **However, both Helgren and Stephan took strong exception to this claim because they vehemently denied that a video recording existed, and asserted that they should be taken at their word.** They claimed there was no recording despite what was said in the report because an unnamed police officer was responsible.

Over their objection, the court ordered that the unnamed officer be identified. This led to Stephan and Helgren acknowledging, roughly two weeks later, that **in fact the video recording indeed existed and had been sitting on Helgren's desk for the previous 2 ½ months**.

It gets worse…

The Protection of Ashton Davis #4

There is one critical difference between Davis' and Gray's physical appearance. Gray has a very prominent mole on the left side of his chin. The victims were asked, in specific, to whether the perpetrator had any distinguishing characteristic(s) on his face. According to the police reports, they said "No". According to Helgren's own, original lengthy affidavit detailing the evidence, there was no indication of a mole.

However, despite the police knowing of a connection between Fowler and Davis, the police did not include Davis' photo in a photo lineup, but that of Gray. The justification for this was twofold: (1) police claimed there was data connecting Fowler and Gray and (2) police had received information at the time of the crime that the perpetrator had a mole. However the police acknowledged that none of the contemporary reports or data could substantiate any police claim that a mole had ever been mentioned. In fact, both police and the DA's Office were forced to concede that the first mention of a mole on the perpetrator in any document was roughly 3 ½ months after the crime and only after Gray raised the issue as to why he, and not Davis, had been included in the photo lineup. This issue led to an evidentiary hearing on July 1, 2011.

On July 1st, 2011, Detective Helgren under oath was asked by the court why Davis had not been included in a photographic lineup. Detective Helgren testified that Davis was not included because (1) the perpetrator's hair was inconsistent with Davis' hair (i.e. dreadlocks vs. no dreadlocks) and (2) Helgren, at the time of the lineup, had received information that at the time of the crime, Davis was not in Madison, but in Atlanta, GA. (See Attachment #63)

Both of Detective Helgren's reasons were proven to have been in extreme bad faith. First, the perpetrator's hair was a non-issue because the victims had been asked about the perpetrator's hair and asserted they could not see it because it was covered by a hat/hoodie. Second, there was no basis whatsoever for any claim that Davis was in Atlanta, GA. Helgren was unable to produce a scrap of evidence to this effect or to substantiate that he had ever received any such information.

The above obviously put Helgren and the DA's Office in a bind. How would they get out of it?

The answer is that **on October 6th, 2011, Helgren repudiated under oath his prior testimony under oath. Helgren now testified that the reason Davis was not included in the photo lineup was because at the time of the lineup Helgren had never heard of Ashton Davis.** (See Attachment #64)

Detective Helgren's revised testimony directly contradicting his prior testimony is prima facie evidence of the criminal felony of false swearing. Due to this, and the many prior assertions of both Stephan and Helgren that were proven to be false, one would think that the court would be most alarmed by Helgren's testimony and seek to have something done about it.

One would think wrong. Not only has the court done nothing, the court has refused to even address this issue or a number of other similar issues related to police and prosecutorial deceit and misconduct. Why?

The matter gets even more bizarre as will be shown later, in light of what was the testimony of March 26, 2012.

February 4th, 2011 Home Invasion of 1818 Fordem Avenue

As put forth in the attached *Capital Times* article (Attachment #65), an armed home invasion took place on February 4th, 2011 at 1818 Fordem Avenue in Madison. **While the article does not identify the four perpetrators, they were Ashton Davis, Anthony Williams, Zachary Mays, and Egber Ruiz.**

Shortly after the robbery, one of the victims identified Anthony Williams and Zachary Mays as perpetrators. The surveillance photos of 1818 Fordem Avenue capture Williams and Mays as identifiable perpetrators entering the building. However, for some inexplicable reason, the Madison Case Detective John Messer failed to arrest either man, let alone seek to have either man charged. Why?

The answer appears to be related to the protection of Ashton Davis. Davis is captured in the surveillance photos but it appears that Detective Messer, rather than apprehending Davis, who fled Madison immediately after the crime, appeared more interested in focusing on Davis' look-a-like cousin Gray, whom Davis had recently convinced to move to Madison from Chicago in late January in 2011. However, it should not be overlooked that the best way to ascertain whether it was Davis or Gray would have been the obvious option of arresting and charging both Williams and Mays. Why didn't Detective Messer take this standard step given that he had IDs of Mays and Williams and corroborating photographic evidence? Is it because there could be no guarantee that these men would not identify Davis, their fellow clique-member, as the lead perpetrator?

The fourth man, Egber Ruiz as shown in the attached article (Attachment #66), was recently arrested for committing further armed robberies in the Madison area. However, as bad as this may be, it pales in comparison to what was the price of Detective Messer's inexplicable failure to arrest Williams and Mays. That failure resulted in the homicide of Michael Keith on September 15, 2011, as set out later.

Also set out later, is what occurred at the March 26, 2012 evidentiary hearing. The evidence on that day overwhelmingly suggests that Det. Messer was committed to keeping the February 4, 2011 home invasion unsolved.

The October 20th, 2011 Homicide at 802 Vera Court

Attachment #67 is part of an October 17, 2011 court filing. It was asserted that a criminal clique headed by Ashton Davis and Darell Fowler, used 802 Vera Court in Madison as a safe-house to stash their guns and the fruits of their crimes. Also alleged was that this same criminal clique had committed an armed robbery on February 4, 2011 at 1818 Fordem Avenue. Further alleged was that Madison Detective Thomas Helgren had systematically obscured the criminality of both Davis and Fowler.

The filing was addressed in open court on October 19th. The very next day a homicide connected to 802 Vera Court took place, as shown in Attachment #68, the *Wisconsin State Journal* article of October 21, 2011. This article made no mention of the court filing of October 17th and what took place in court on October 19th.

However, the six individuals charged with the murder connected to 802 Vera Court are all members of the criminal clique headed by Davis and Fowler. Two are Fowler's first cousins. One of those charged was a Shon Hamilton, in whose apartment the robbery was planned that lead to the eventual murder of Michael Keith, as shown in the next piece.

The Murder of Michael Keith

According to police, on September 14, 2011, in an 1818 Fordem Avenue apartment in Madison, members of Lic Squad/MAD met up. One was Shon Hamilton (who would later be one of the six Lic Squad/MAD members charged with the 802 Vera Court homicide). Two of the others at the meeting were Zachary Mays and Anthony Williams, both of whom had been identified and captured in surveillance photos shortly after the armed robbery that had taken place at that very building on February 4, 2011. Both of these men are in the aforementioned photo that includes Ashton Davis and others flashing gang signs.

According to police, the long and short of this meeting was a planned robbery of a Michael Keith. On September 15, 2011, the plan went into effect with a few unanticipated results. Keith and another man were shot and Keith was shot again and murdered execution-style by Zachary Mays. This robbery/murder took place just down the street from 1818 Fordem Avenue, outside of 1718 Fordem Avenue.

Anthony Williams was eventually arrested and charged with first degree intentional homicide. Williams requested that Atty. Joseph Sommers represent him. Williams also wanted to come forward to reveal what had taken place on a homicide, crimes committed by Lic Squad/MAD, and to Williams' first-hand knowledge and observations regarding police corruption. At all costs the Dane County courts and the Dane County DA's Office (with the Wisconsin State Public Defender's assistance) could not permit this to happen.

There was an effort to prevent Atty. Sommers from handling the March 26, 2012 evidentiary hearing. After this was unsuccessful, the Wisconsin Supreme Court set things in motion so that Atty. Sommers would be prevented from having the truth and justice pursued.

Preventing Anthony Williams From Coming Forward #1

A written document dated October 3, 2011 was initialed and signed off on by Anthony Williams. The document spells out Williams' request to have Atty. Sommers represent him and to what are the priorities of Sommers.

This document (Attachment #69) was done in strict accordance with the Supreme Court Rules, which were followed to the "T". A reading of this document shows that Anthony Williams was not painted a rosy picture by Sommers as to his prospects. In fact, Williams was told that the best case scenario Sommers could envision was that Williams would be convicted of felony murder versus first degree intentional homicide.

The document substantiates that Williams was, in an effort to attempt to facilitate being convicted for felony murder rather than first degree intentional homicide, willing to provide complete information on criminality that Williams was aware of in the Madison area. The document shows that Williams had informed Sommers of criminal activities involving Lic Squad/MAD. The document spells out that Williams had informed Sommers of the facts behind criminal activities orchestrated by both Ashton Davis and Darell Fowler.

The document spelled out that Williams had informed Sommers of his personal observances and conversations which led Williams to believe that Fowler and Davis were protected by dirty cops.

The document spelled out that Williams was aware that Atty. Sommers represented Demarious Gray and that Sommers believed Gray was being railroaded for the benefit of Davis and Fowler. The document spelled out that Williams was aware that Sommers would continue to prioritize his efforts to expose dirty cops protecting criminals, and his prior and current representation of Demarious Gray.

The document spells out that Williams made a free, intelligent, and voluntary decision, in light of all of the above facts, to request that Atty. Sommers represent him on his homicide case.

Neither the Dane County DA's Office nor the Dane County courts could ever allow Atty. Sommers to represent Williams.

Preventing Anthony Williams From Coming Forward #2

Williams later wrote a hand-written document dated December 5, 2011 (Attachment #70) where Williams asserted again that he is willing to give a complete statement to all crimes that Williams was aware of, including the February 4, 2011 home invasion at 1818 Fordem Avenue.

Williams asserted that Ashton Davis organized and participated in this crime. Williams also asserted that he had spoken about this crime with Madison detectives.

The above was significant because for some period of time Madison detectives and the Dane County DA's Office, in their efforts to prevent testimony and the production of evidence, were claiming that Williams had never spoken to them in regards to the 1818 Fordem Avenue home invasion; and that there was no evidence in existence connecting Williams to that crime.

On December 9, 2011, Dane County Judge Sarah O'Brien, at the Dane County DA's Office's behest, removed Sommers as Williams' attorney. On that day, Judge O'Brien refused to permit any testimony to whether the DA's Office was seeking to have Atty. Sommers removed in order to protect their own misconduct and corruption from being exposed. This was despite Judge O'Brien's legal obligation to explore the reasons behind the DA's Office's effort to remove Atty. Sommers.

On that day, Judge O'Brien was uninterested in comparing police reports in relation to assertions of ADA Robert Kaiser, who was falsely claiming that there was no evidence outside of Williams' say-so connecting Williams to the February 4, 2011 home invasion. Judge O'Brien was told that Kaiser's assertion was blatantly false, and could be easily proven as such; however Judge O'Brien was completely uninterested.

Judge O'Brien scoffed at the idea that if Atty. Sommers was removed, Williams would never be given an opportunity to provide his information on crimes and corruption.

Williams has never had the opportunity. Williams recently wrote Atty. Sommers and pled with Sommers to try to be reinstated as Williams' attorney. The attorney that Williams was appointed after Atty. Sommers was Ron Benavides. As will be shown later, this was despite Atty. Benavides having an extreme and blatant conflict of interest.

Preventing Anthony Williams From Coming Forward #3
The Villarreal Case and Atty. Benavides

At the time Atty. Benavides was appointed by the State Public Defender to represent Anthony Williams, he was also representing Demitrius Matticx. Matticx is one of the alleged killers in the October 20, 2011 homicide at 802 Vera Court, and is a known member of Lic Squad/MAD.

At the time of Atty. Benavides' appointment, the professed reason for the need for a replacement attorney was that the court and the DA's Office were disturbed that a conflict of interest existed for Atty. Sommers to represent Williams while simultaneously having Williams reveal criminal acts of Lic Squad/MAD, of which Williams was a member. However, somehow the DA's Office, the court, and the State Public Defender were not concerned about the blatant conflict of interest presented by Atty. Benavides representing both Williams and Matticx.

The scenario gets even worse. Atty. Benavides did not follow the Supreme Court rule in having Williams sign off on paperwork acknowledging the potential conflict. This, though, is exactly how Atty. Benavides had acted once before when engaging in what the DA's Office has acknowledged was a conflict of interest so serious that the DA's Office said the defendant was entitled to have his conviction reversed and to receive a new trial. It gets worse…

In the aforementioned matter, one possible reason why the Dane County DA's Office made their concession was that they were seeking to prevent testimony on their own possible extreme misconduct.

In the midst of a jury trial in Dane County Case 07 CF 567, State vs. Jesus Villarreal, the presiding judge, James Martin, on the record became aware and highly concerned about what appeared to Judge Martin to be the DA's Office's withholding of evidence and intimidation of a witness. Judge Martin was so affected by what he came across that he needed to step off the bench, apparently to compose himself. However, when he came back the issue that had concerned him had turned into a non-issue. Why?

The answer was that Atty. Benavides reached an agreement with the State after Judge Martin had left the bench. The DA's Office, via ADA Mary Ellen Karst, acknowledges that in their conversation when they reached their agreement with Atty. Benavides, they raised with Benavides that he had a possible unethical conflict of interest.

One result of the reached agreement, which was by any rational perspective detrimental to Benavides' client, was that Atty. Benavides did not pursue the issue of the DA's Office withholding evidence or intimidating Benavides' star witness. And in conjunction, the DA's Office never raised Atty. Benavides' unethical conflict of interest. It gets even worse…

Following the conviction and sentence of Villarreal, Atty. Benavides took an inexplicable course of action. He convinced the Villarreal family that they should retain him to do the appeal. However, when doing so, he completely disregarded the Supreme Court rules on a written fee agreement, the potential conflict issue, and to financial fees for which the Villarreal family would be responsible.

Atty. Benavides told the Villarreal family that he had had a meeting with Judge Martin after the trial (a different judge than the sentencing judge) and that due to this and to Atty. Benavides' inside track, he would be able to have the conviction overturned. Atty. Benavides took moneys for the appeal, and then never took a single step to further the appeal. By taking the moneys and never processing the appeal, Atty. Benavides financially benefited in a way that the Villarreal appeal could have been completely killed legally for deadlines elapsing. Of course, if this had taken place, the issue of Atty. Benavides' blatant conflict of interest would have never surfaced.

Atty. Benavides would eventually return moneys to the Villarreal family. This would be roughly 1 ½ years later and only after Benavides had no realistic choice to do otherwise.

All of the above is known to the DA's Office. The bottom line is that Atty. Benavides is in a most compromised position. The DA's Office could easily justify bringing criminal charges against him. This scenario was apparently of no concern to the DA's Office, the court, and the State Public Defender.

After Atty. Sommers asked "What is going on?" in regards to Atty. Benavides being appointed as Williams' attorney, Benavides stepped away, but not before claiming that Williams no longer wanted to talk. The State Public Defender, as shown later, then retaliated against Atty. Sommers.

The Shocking and Disturbing Testimony Elicited on March 26, 2012

An evidentiary hearing took place on March 26, 2012 wherein Madison Detective John Messer, Madison Detective Thomas Helgren, and Madison Police Officer Rene Gonzalez all testified. Darell Fowler was subpoenaed to testify but, as shown below, Fowler and his attorney, Dennis Burke, defied the subpoena and walked away from the courthouse without the slightest consequence. The Dane County DA's Office appears to be in full agreement with Fowler and his attorney's actions, and the Dane County court appears to be paralyzed from doing anything about it.

Some may be skeptical that something so outrageous could take place in the Dane County Courthouse. Their skepticism may be challenged by what is outlined below.

Brief Recap of Det. Messer's Testimony of March 26, 2012

John Messer testified that he was the case detective for the February 4, 2011 home invasion at 1818 Fordem Avenue. Messer testified that he had surveillance photos related to the February 4th home invasion within a week or so of the crime. Messer testified that in February of 2011, the victim ID'ed both Anthony Williams and Zachary Mays as perpetrators. **Messer testified that despite having both the IDs and the photo evidence, he never acted upon these as of March 26, 2012.**

Det. Messer justified his non-action as being due to overwork from a large caseload that he claimed was further aggravated by the demonstrations at the State Capitol. However, Det. Messer was then forced to concede that he indeed had had the opportunity to interrogate both Mays and Williams, because he did interrogate both Williams and Mays on another matter. Messer testified that during these interrogations he never raised the February 4, 2011 home invasion as a topic despite nothing precluding him from doing so.

Messer testified that he was also one of the case detectives in the Michael Keith homicide. However, Messer testified that prior to March 26, 2012 he was not aware that Williams had signed off on a hand-written document dated December 5, 2011 and filed in the Keith homicide matter. (See Attachment #70) Messer testified that therefore, as of March 26, 2012, he was unaware that Williams was willing to talk on all crimes of which he was aware, including the February 4th home invasion, in which Williams asserted Ashton Davis had been the organizer and lead participant.

Det. Messer testified that group photos of Lic Squad/ MAD members, which were provided to the DA's Office on February 1, 2012, were provided to him personally soon after. Messer ID'ed Williams in the photos. However, Messer testified that he was not aware that Ashton Davis was in the photos (even though the DA's Office had been so

informed). Messer testified that he had never compared any police photos of Ashton Davis to the lead perpetrator captured in the surveillance photos of the February 4, 2012 home invasion of 1818 Fordem Avenue. This was despite Messer conceding that the victim told him that the lead perpetrator looked like Demarious Gray but was not Demarious Gray. (Davis is a look-a-like of Demarious Gray) And, Messer had been told of Davis in March of 2011. Messer seemed unaware and uninterested that the group photo came from an apartment located at 1818 Fordem Avenue.

Messer also testified that he was unaware that Madison police, via Det. Tom Helgren, had investigated Davis' whereabouts for February of 2011, where Det. Helgren found that Ashton Davis had left Madison within hours of the February 4th home invasion. And despite Det. Messer and Det. Helgren acknowledging that they spoke with each other in March of 2011, each would testify that they never discussed what Helgren found in regards to Davis' whereabouts.

Brief Recap of Det. Tom Helgren's Testimony

Det. Tom Helgren testified that in early March 2011, another Madison detective told Helgren that the sister of a Tyshaun Robinson told this detective that Tyshaun was bragging about being involved in the crime for which Gray would be charged.

Helgren testified that he took no action on the information he received. He decided not even to speak with the sister. Helgren testified that he took no action despite: 1) knowing that Tyshaun Robinson's girlfriend lived right across the street from where the armed robbery in question had taken place; 2) Tyshaun Robinson having a lengthy criminal history; and 3) Det. Helgren was then investigating Tyshaun Robinson on other serious violent crimes.

Det. Helgren also testified that he did not believe he had any obligation to preserve the information that the other detective provided, to have the information passed on, or have it provided to Gray's defense. Det. Helgren also did not believe he had any obligation to correct the prosecutor of Gray, ADA Stephan, when claiming that all exculpatory evidence had been provided, even though the aforementioned evidence was being withheld.

Brief Background to Darell Fowler and Office Gonzalez

The Dane County DA's Office initially claimed that there was no evidence connecting Darell Fowler to other armed robberies and to a criminal clique known as the Lic Squad. For months ADA Corey Stephan repeatedly made these representations.

However, ADA Corey Stephan's representations were proven to be false. He had withheld: 1) Fowler and Ashton Davis greeting each other in text messages with their

Lic Squad status; and 2) photos obtained from Fowler's phone showed him twice holding rifles, with another of an automatic submachine gun, and with other photos of Fowler flashing gang signs and wads of cash taken from one of Fowler's crimes.

After Stephan's representations were proven untrue, the court ordered that the DA's Office thoroughly review the police department's records for all police reports relating to Fowler. ADA Corey Stephan turned over purportedly all such police reports. The date of the first police report was January 9, 2009. None of the police reports related to serious criminal matters.

However, the dispute continued, and over ADA Stephan's vehement objection, he was forced to provide to the court purported police reports pertaining to Fowler for an in-camera inspection.

For reasons that are too involved to go into here, Stephan provided a report in a very disingenuous fashion. The bottom line was, the court then turned over to the defense a police report dated 11/19/2008 regarding Darell Fowler and authored by Madison Police Office Rene Gonzalez. (See Attachment #61)

Officer Gonzalez asserted in the report, **"I have dealt with Fowler in the past and know that he has a weapons offense and was recently involved in an armed robbery over drugs."**

The court agreed that this report was exculpatory and should have been handed over months prior. The court then ordered that Officer Rene Gonzalez was to give a response to what was being referenced, and that the DA's Office should turn over all police reports related to the mentioned armed robbery.

However, ADA Stephan evaded directly complying with the court's order, and in a letter dated October 27, 2011, Stephan took it upon himself to respond for Gonzalez, asserting as follows:

> "I have been advised by Officer Rene Gonzalez of the following regarding his report dated November 19, 2008 in MAPD case 2008-334836. Officer Gonzalez remembers who Darell Fowler is, but does not remember his source of information regarding the weapons and robbery. Officer Gonzalez's belief is that the information was intelligence only (i.e., not verifiable) and therefore there is no further documentation of the information. At the time Officer Gonzalez was a neighborhood officer in the Langdon Street area and he regularly got unsubstantiated intelligence information." (See Attachment #71)

It was immediately pointed out to the court that it was Gonzalez who was supposed to be providing the response, and that this should be enforced. Unfortunately, the court

took no action and it was not until March 26, 2012, that Officer Gonzalez gave a response (under oath).

Brief Recap of Officer Gonzalez's Testimony

Officer Gonzalez's testimony contradicted ADA Stephan's representations in Gonzalez's name. Officer Gonzalez testified that he would never have utilized the word "know" unless he knew. Officer Gonzalez testified that information on an armed robbery over drugs pursuant to Madison Police standards would have generated an obligation for an investigation, which would have generated an obligation to produce reports. In other words, there should be reports about Darell Fowler and the armed robbery. However, it gets worse…

Officer Gonzalez testified that he personally told ADA Stephan that when Fowler moved into the Langdon Street area, crime in that area went up. Officer Gonzalez also testified that he would have put this information into a police report if directed to do so by ADA Stephan. This testimony means that ADA Stephan personally received exculpatory information, withheld that information, and then made representations in court to the contrary. As of yet, there is no indication that the court intends to take any steps about Officer Gonzalez's testimony. However, due to the Supreme Court's action of March 30, 2012, ADA Stephan will obtain the prize he was seeking on March 26, 2012, i.e. Atty. Sommers removed from the case.

Brief Recap of Darell Fowler and the March 26, 2012 Hearing

Darell Fowler was subpoenaed on March 19, 2012 for the March 26, 2012 hearing. Fowler appeared. However, later, his attorney, Dennis Burke, came to court and then proceeded to leave the courthouse with Fowler. This prevented Fowler from being called as a witness on March 26th. Despite the mind-boggling arrogance of Atty. Burke, there appears to be very little concern about what occurred on the part of the court.

There was good reason for calling Fowler as a witness. One reason was to ask him directly what armed robbery Officer Gonzalez was referring to (that has yet to be revealed). Another was to ask Fowler about statements that Fowler could have answered, or could have been introduced via other witnesses if Fowler took the Fifth. These statements would have substantiated detectives purposely planting false information in their reports.

However, given the plea agreement proffered by ADA Stephan to Fowler (See Attachment #60), ADA Stephan should be insisting that Fowler not take the Fifth if Fowler wants the benefits of the plea agreement, because it obligates Fowler to "offer

truthful testimony in response to both questions from the state as well as Defendant Gray's attorney."

There is no indication that the court is concerned that Fowler's non-compliance with a subpoena precluded Gray from his legal and constitutional right to call Fowler as a witness. There is also no indication that the court is having difficulty with ADA Stephan's vehement hostility of Fowler testifying in light of what is the purported proposed plea agreement. If Fowler is not being required to testify truthfully, then by any reasonable analysis, ADA Stephan and the Dane County DA's Office are obligated to inform both the court and the defense to this effect.

ADA Stephan is not the only beneficiary to the Wisconsin Supreme Court's actions of March 30, 2012 against Atty. Sommers. **Fowler is likewise off the hook.**

There are three other aspects stemming from the March 26, 2012 hearing. Two are addressed in the next pieces, and the third will be addressed in section VI.

ADA Stephan's Prior Utilization of Perjury in Connection With the Withholding of Madison Police Reports.

ADA Stephan's falsifications should be seen in light of what occurred in State v. Tankson, Dane County Case No. 06 CF 1845. An issue that arose on appeal in that case was whether exculpatory evidence had been withheld by the prosecution. After Tankson was convicted, his appellate attorney, Sommers, attempted to obtain Madison Police reports, which resulted in the Madison Police providing contact sheets for all purported police contacts with the alleged victim.

Later, at the postconviction motion hearing, Det. Marian Morgan was asked about her personal contacts with the alleged victim, and to their nature. Det. Morgan testified in a manner that was consistent with what was then thought to be the accurate police contact sheets, and the then-only relevant reports.

However, the defense persisted and successfully persuaded the court that the defense should be able to compare the police contact sheets provided to the court with those provided to the defense. This revealed there were major differences between the two, and that the police contact sheets provided to the defense omitted a number of police contacts.

ADA Stephan was taken at his word when he claimed that he was unaware of any difference between what was provided to the defense and what was provided to the court. The court ordered that the newly-relevant police reports be provided.

These reports substantiated that Det. Marian Morgan had been the case detective on a recent matter where it was alleged that the alleged victim was involved in a specific type of criminal activity. However, before the existence of these reports were revealed, Det. Morgan testified that she had no awareness of the victim being alleged to having been involved in the specific type of criminal activity she was asked about under oath.

Det. Morgan initially attempted to justify her previous testimony, but then was forced to concede that her explanation was disproven by the transcript of her previous testimony.

Nothing happened to Det. Morgan. And of course there was never any investigation into what ADA Stephan did or did not know in regard to the police contact sheets and Det. Morgan's false testimony.

The Disturbing Either/Or Presented Relating to the Brittany Zimmermann Homicide

Darell Fowler and Ashton Davis, by any reasonable analysis, should have come up as possible suspects and/or persons of interest in the homicide of Brittany Zimmermann. This unsolved homicide took place in the student residence area of Madison on April 2, 2008. By any reasonable analysis, there should be police reports related to these individuals and that homicide.

If there are police reports relating to that homicide and these individuals, pursuant to repeated court orders, these reports should have surfaced. They have not. There is extremely good reason, as set out below, to believe that something disturbing is taking place, that can only logically be explained as either: 1) a mind-boggling minimalistic investigation, such as Det. Messer's testimony indicates for the February 4th home invasion, or as Det. Helgren's testimony indicates for the February 19th home invasion; or 2) something ever more disturbing.

Attachment #72 is the *Wisconsin State Journal* article of December 13, 2010. The article quotes then-assistant City of Madison attorney Roger Allen on a possible connection between Zimmermann's murder of April 2, 2008 and the July 9, 2008 break-in at the Blue Moon Bar and Grill. According to the article, the *Wisconsin State Journal's* review of hundreds of pages of police and court records suggest that an unknown accomplice in the Blue Moon burglary may have been at the Zimmermann homicide. **The article puts forth that three Madison teenagers with gang associations connected with the Blue Moon investigation were a Spencer Hutchins, Darrielle Banks, and a Ryan Cook. All three had admitted to multiple burglaries. Hutchins, according to the article, was offered consideration if he was willing to testify on other matters, but he is not because it would put his life in danger.**

There is another burglary for which Hutchins, Cooks and a third young man with gang connections was charged, i.e. Dane County Case Nos. 2009 CF 988-990. This young man is Antjuan Redmond. He is an associate of both Fowler and Davis. It is difficult to believe that an investigation into Zimmermann's homicide would not produce information to this effect, and to the names Fowler and Davis.

Those who blindly trust our police, our DA's Office, and our courts, and find it unthinkable that games could be played in Dane County on homicide investigations, prosecutions, and convictions, should avoid reading the next section.

SECTION V: THE FACTS BEHIND THE MCCANTS AND CRUZ DELVALLE HOMICIDE CONVICTIONS

Introduction

The purpose of this section is to establish that:

1. In Dane County homicide prosecutions, the system has broken down to a terrifying degree.

2. The Dane County District Attorney's Office, the Dane County courts, and the Dane County Office of the State Public Defender are all implicated in the disturbing manipulation of court proceedings that have resulted in convictions, and may have resulted in guilty parties escaping justice.

3. The media at best has been uninterested or paralyzed in informing the public to what has taken place; and in some instances, the media has permitted itself to be utilized in misleading the public.

Why did Dane County ADA Robert Kaiser Blatantly Cheat for the Benefit of Two Possible Hit Men?

Context

What is relayed in this piece is common knowledge to many in Dane County, especially the legal community. However, due to the disturbing and scandalous nature, many are paralyzed from coming forward. One disturbing effect of this matter is that it discourages those who may be inclined to expose serious prosecutorial misconduct and corruption from coming forward. Knowing what Dane County ADA Robert Kaiser blatantly got away with sends the message, 'if they can get away with that, there is nothing they can't get away with.'

Before we get to the facts, it should be realized that Det. Thomas Helgren and Det. Denise Markham each played a role in this matter. Also the prosecutor in this matter, Dane County ADA Robert Kaiser, is also the current prosecutor of Anthony Williams.

Why did Dane County ADA Robert Kaiser Blatantly Cheat for the Benefit of Two Possible Hit Men?

Facts

Alex Ortiz was killed on September 16, 2003 in the city of Madison. Four men were charged with the homicide: Luis Estrada- Jinez, Jeik Romero, Elwin Serate-Andino, and Ramon Cruz-Delvalle. Cruz-Delvalle was alleged to be the shooter. However, he was the only defendant who was not alleged to being a member of the Romero drug conspiracy, making his living as a barber.

The state's case, for all practical purposes, rested almost entirely upon a David Suarez and a Pablo Lopez-Baez, both members of the Romero drug conspiracy. **Both had initially falsely implicated a Victor Cotto in the homicide.** Cotto was lucky enough to prove that he was out of town when the homicide took place.

The fact that these men had falsely implicated another did not deter the U.S. Attorney's Office, Dane County ADA Robert Kaiser and the Madison Police. Pause and reflect upon what has just been asserted: Two men falsely implicate a third man in a homicide, and this means nothing to the U.S. Attorney's office, Dane County ADA Robert Kaiser and the Madison police. This in itself should disturb any concerned citizen, and speaks volumes for justice, Dane County style.

Suarez and Lopez-Baez were rewarded by mind-boggling plea bargains, wherein: **(1) Suarez, facing a ten year mandatory sentence, and a possible life sentence if it was proven that the drug conspiracy in which he was involved resulted in death, received a twenty-seven month federal sentence, with the last six months being placed in a half-way house.**

And **(2) Pablo Lopez-Baez, facing 120 years on multiple sexual assault charges in Dane County, had his case put off so that he could testify and receive the following benefit. Lopez-Baez's charges were reduced to a sole misdemeanor count of fourth degree sexual assault, and he received a mere nine month jail sentence.**

Suarez came forward first and then recruited his close associate and friend, Lopez-Baez, to corroborate his story. They claimed that Romero was the organizer behind the Ortiz homicide and that Cruz-Delvalle was the shooter. They each claimed to have played a marginal role in the plot, and to have been coerced into what other actions they took, due to their fear of Romero and his family. ADA Robert Kaiser would incredibly claim to Cruz-Delvalle's jury that neither had a deal with the prosecution, and that they were coming forward due to sincere remorse.

The four defendants were convicted at multiple trials and Cruz-Delvalle, as did the other defendants, received a life sentence. Cruz-Delvalle is not even eligible to be released from prison until he serves 45 years.

At the time of the aforementioned trials, ADA Robert Kaiser was knowingly cheating by withholding exculpatory evidence of a mind-boggling degree. All four of the trial attorneys involved on the aforementioned prosecutions have acknowledged in emails that the evidence outlined below was not provided to them. (See Attachment #73)

Dane County Judge Sarah O'Brien in notes has conceded that it would be a reasonable inference that Suarez did both the Ortiz murder and the German Gonzalez murder, outlined below. She also conceded that Suarez's presence in both murders was clearly not an accident. (See Attachment #74)

A German Gonzalez was killed in the city of Madison on January 12, 2004, i.e. four months after the Ortiz murder. Another Romero brother was alleged to have been behind the homicide, and Kaiser would re-utilize Lopez-Baez and in particular David Suarez. Incredibly, what was being claimed took place in the Gonzalez homicide was remarkably similar to what was claimed as taking place in the Ortiz homicide.

This is of major significance to Cruz-Delvalle's defense because Lopez-Baez and Suarez claimed that their marginal involvement and subsequent actions were due to fear from Romero, and led each to be wracked by remorse and guilt. Of course, if they played the exact role in a second homicide a few months later, their remorse and guilty could not have been too great. It gets even worse...

Police reports relating to the Gonzalez homicide included the revelation that **two of Suarez's former prison inmates claimed that Suarez had confessed to them that he was the actual killer of Gonzalez.** While Kaiser had these reports prior to Cruz-Delvalle's trial and that of his co-defendants, Kaiser withheld them.

The notion that Suarez's cellmates claim that Suarez confessed to being the killer for a murder on which Suarez implicated another, was not exculpatory, is a notion that could only possibly be accepted in Dane County.

Why would Kaiser cheat for the benefit of David Suarez? Regardless of the answer, the fact is, he undisputedly did. And he did so in the most blatant fashion. This leads to a

better question: Why would Kaiser be so confident he could get away with it? The answer to this is suggested in the next piece.

Another question is, did Judge O'Brien's removing Atty. Sommers as Williams' attorney at ADA Kaiser's request have anything to do with her knowledge to what had taken place with Suarez and her knowledge that Atty. Sommers also had knowledge?

We Pick Your Attorney, Whether You Like it or Not: the Fountain Homicide and McCants Conviction #1

In 2003, Thomas McCants was charged with the homicide of Lizette Fountain. Sommers was then representing McCants on another Dane County criminal case and on a federal case. Sommers was representing McCants on both because McCants had personally requested that Sommers represent him. A few months before McCants was charged with the homicide, his SPD staff attorney suggested that he withdraw on McCants' state case to make it easier for Sommers to become McCants attorney through the SPD, if McCants went from a suspect to the defendant on the homicide.

When McCants was charged with the homicide, Sommers received a call from Deb Smith of the Madison State Public Defender Office to confirm if he was still willing to represent McCants on the homicide. The following day, Sommers received a call from Deb Smith shortly before the scheduled court appearance, wherein she now informed Sommers that she was preventing him from becoming McCants' attorney on the homicide. Her purported rationale was that an unnamed Dane County judge had complained about Sommers, and she claimed that Sommers was not certified to be appointed on homicide cases through the State Public Defender.

Deb Smith's decision came in the following context: First, it was an open secret that Sommers' defense strategy for McCants was going to be that the evidence actually pointed to the son of a local politician as being the killer; and that McCants was being framed due to this individual appearing to be protected by corrupt cops.

One reason why the above would have been an open secret was because it was inadvertently revealed that attorney/client conversations between Sommers and McCants had improperly been recorded. Another component, which made Deb Smith's rationale both bizarre and implausible, was that at that time Sommers had won his last five jury trials against the Dane County District Attorney's Office, and eleven out of his previous fifteen. Her rationale was even stranger in light of the fact that at that very time, Sommers was handling homicide cases through the SPD and had recently turned down another homicide appointment.

The above being pointed out to Deb Smith made no difference. Later, Sommers would be told that it was a bureaucratic mix-up and that he needed to re-apply to be re-certified. After Deb Smith blocked Sommers being appointed by the SPD, he decided to represent McCants pro bono. Neither the Dane County DA's Office nor the Dane County courts would permit this to happen.

Sommers would be removed as McCants' attorney. Before this, the Dane County DA's Office successfully (and as far as one can ascertain, without any legal basis) had the case transferred from the assigned judge, James Martin, to Judge Gerald Nichol, who incidentally it appears was the judge with which Deb Smith had had her conversation. Sommers' removal was due to Sommers supposedly having a conflict of interest for representing both Thomas McCants and a Steven Collins.

The conflict scenario was set up because on May 14, 2003, Collins met with a case detective investigating the death of Lizette Fountain, while Collins was an inmate in the Dane County Jail. They discussed Collins' information on the homicide for which McCants would be charged.

Collins, while still in the Dane County Jail, met with a case detective on May 23, 2003. Immediately after this meeting, Collins, for some reason, called the State Public Defender and asked the State Public Defender to discharge his then-attorney on his pending state cases and to have her replaced with Sommers.

Pursuant to Collins' request, the State Public Defender called Sommers that very day and asked Sommers to represent Collins. Sommers, unaware of Collins' meetings with the case detectives, agreed to represent Collins, as he often did on requested appointments. Five days later Sommers met with Collins for the first time.

Collins informed Sommers that he requested Sommers because he was aware that Sommers was McCants' attorney, and that he knew McCants was innocent due to Collins' first-hand knowledge to who was the killer. Collins claimed that he had tried to pass this information on to police and the DA's Office, but had been discouraged from doing so.

Collins' information was investigated and Sommers and McCants both concluded it could not be truthful. Sommers then informed the court that he would not be presenting evidence related to Collins' story.

Later when Sommers confronted Collins about the implausibility of Collins' story, Collins claimed that Collins was part of a plot hatched between case detectives and Collins to discredit and destroy Sommers. Collins claimed that detectives promised him that Collins would be amply rewarded if he testified when called as a witness by Sommers that someone else had confessed to him to killing Fountain. And then, Collins

was to act as if broken down by cross-examination, and go on to claim his prior testimony was perjury, and that he had been put up to it by Sommers.

Collins told Sommers that when it was known that Sommers did not believe Collins' information on the homicide, the plot turned to having Sommers removed for a purported conflict of interest.

For those who find it difficult that something like this could take place, read on...

We Pick Your Attorney, Whether You Like it or Not: the Fountain Homicide and McCants Conviction #2

As requested by the Dane County DA's Office, Sommers was removed by Judge Nichol as McCants' attorney. McCants would have three sets of replacement attorneys, none of which he wanted. And none of which would pursue the aforementioned defense, or the facts that led to Sommers being removed. McCants was subsequently convicted, and in all probability he will die in prison.

McCants is no angel. However, what occurred in his prosecution is obviously disturbing, and there is very good reason to believe that a jury would have acquitted McCants, if they only knew what was the actual evidence. The following four easily-verifiable factual scenarios should scare all fair-minded citizens of Dane County, Wisconsin and the United States.

1) Don't give that name

McCants was sentenced in federal court the same week he was charged in Dane County for the Fountain homicide. It was established that the son of a local politician was the particular drug dealer connected to drugs found in the safe at McCants' apartment. It was established that this individual had obtained a handgun of the same type that was utilized in the homicide, shortly before the homicide. It was also established that this particular gun was missing and never located, while the handgun of a similar type found in McCants' apartment, which the press inferred was the homicide weapon, was in fact not the homicide weapon.

The above, though, was not the most stunning development. It has never been explained why this individual, who could have been easily convicted for drug dealing, in part due to the testimony produced in court at McCants' sentencing, was never charged either federally or in state court. However, it gets stranger...

Even more inexplicable that day was that the U.S. Attorney successfully persuaded the judge that the individual in question should not be identified by his name during the testimony. Sommers, and probably almost all criminal defense attorneys in Wisconsin, have never experienced anything remotely of a similar nature. (See Attachment #75)

There were reporters in the courtroom that day. After the hearing, Sommers had a discussion with one of the reporters, Kevin Murphy. In particular, they discussed the peculiar ruling preventing the son of the politician/ drug dealer being identified by his

name during testimony. However, Murphy's story nor any other story on that day's proceedings informed the public on the court's peculiar ruling.

2) Planted news story

McCants' scheduled initial appearance led to headlines and news stories, wherein it was claimed that Sommers failed to show up in court and was responsible for the proceedings being delayed. In actuality, there was not a shred of truth to this planted falsification in the Madison papers. Dane County Judge John C. Albert would make a point of setting the record straight when he handled the preliminary hearing. However, the Madison papers and other media outlets would withhold this from the public.

Who was responsible for the planting of the false story? And why did the Madison papers run it without seeking to verify it or to talk to Atty. Sommers? In whose interest was it to falsely discredit Atty. Sommers?

The Capital Times newspaper story did have one benefit. (See Attachment #76) It confirms that the DA's office attempted to prevent Sommers from becoming McCants' attorney due to the SPD certification issue. It also confirms that Sommers' retort was that he had beaten the Dane County DA's Office on five out of six class B felony trials.

3) Detective Todd Stetzer and Steven Collins

After Sommers became Collins' attorney a very troubling thing was going on. Despite Collins being represented by Sommers and seeking leniency on his pending cases via Sommers, Det. Todd Stetzer, the case detective on the Fountain homicide, was meeting with Collins, behind Sommers' back, in the Dane County Jail, with the knowledge of the Dane County DA's Office.

One does not have to be a lawyer to know that the above is very disturbing, unethical and contrary to the law. Nothing has ever been done about it because in Dane County no one ever dares to raise such issues. Sommers never had any standing to raise the issue because he never found out about what was going on until he was in the process of being removed as McCants' attorney. To the court, that, and only that, was the issue that mattered.

4) Detective Todd Stetzer's falsified police report

One of the strongest mechanisms that the Dane County DA's Office and police have to keep individuals in line is their utilization of false information planted in police reports to discredit those they want to discredit. Usually, it is very difficult to prove that something like this has occurred. The following is a rare instance wherein the inferred falsified facts can be proven by merely comparing two documents authored by the same person.

Det. Todd Stetzer drafted a police report for his meeting with Collins on July 24, 2003 (Attachment #77). In this report, Stetzer gives a dramatic account where he claims that he confronts Collins on Collins' purported information on the Fountain homicide. Stetzer has Collins tell his story about whom Collins is claiming committed the homicide. Stetzer's report infers that July 24, 2003 is the first time that Collins is providing Stetzer with the name of the killer.

Stetzer's dramatic account goes on to where Stetzer breaks Collins down, and Collins confesses that the whole story is a lie. Stetzer claims that due to the "gravity" of what Collins is saying, he summons another officer into the room to act as a witness; and then Collins reveals that Sommers was behind his fabricated story, and that Sommers promised Collins that he would receive leniency for his fabrications.

After reading this police report, one would think, 'how did Atty. Sommers ever escape being disbarred, let alone criminally charged?' Sommers was never in any such danger if the evidence was fully revealed. Why? Because there was a witness named Det. Todd Stetzer who could attest that the strong inference of Det. Todd Stetzer's report that Sommers was behind Collins providing fabricated statements, was undoubtedly false.

In addition to the aforementioned police report, Det. Stetzer signed off on a sworn affidavit dated July 31, 2003 (Attachment #78). In that affidavit in paragraph #7, Stetzer acknowledges that case detectives met with Collins on May 14, 2003 and discussed Collins' attempt for leniency in relation to naming Fountain's killer. In paragraph #8 of Stetzer's sworn affidavit, Stetzer asserted that he met with Collins on May 23, 2003, and in that meeting Collins provided to Stetzer the name of Fountain's purported killer. The name Collins provided on that date is the very same name that Stetzer claimed Collins provided on July 24, 2003.

If one now goes back to Stetzer's report, one will see that although Stetzer acknowledged that Sommers first met with Collins on May 28th, Stetzer omitted any mention of his

meeting with Collins on May 23rd and Collins providing on that date the name of the purported killer. **Therefore, Stetzer's police report knowingly withheld that Stetzer knew Sommers could not have been behind Collins' fabrication, because Collins had made the fabrication personally to Stetzer (as Stetzer knew) five days before Collins had ever even met with Sommers!!!** Could Stetzer's dishonesty be more clear and egregious? What was the purpose of the dishonesty? How did Stetzer get away with it? What damage did it cause Sommers?

This is the way things are done in Dane County. This is why ADA Kaiser would have felt very confident that he could get away with his blatant cheating in the Cruz Delvalle prosecution. This is why ADA Stephan would be confident that he can get away with cheating in the Gray prosecution. This is why Dane County police officers are confident that they can get away with perjury.

Det. Stetzer's report and his affidavit were provided to the editors of a number of media outlets, including both the *Wisconsin State Journal* and *The Capital Times*. Dee Hall led Sommers to believe that an article on what had taken place was coming. Apparently, more newsworthy stories got in the way.

If one asks, 'where are the defense attorneys in Dane County?' the answer is provided in the next piece. The bottom line is, in the twisted legal world of Dane County, one wins by losing and loses by winning.

SECTION VI: THE LEGAL REALITY OF DANE COUNTY

It is difficult for laymen to understand the surreal legal reality of Dane County. Hopefully this analogy will help:

Imagine watching a baseball game where one team got two outs and two strikes, and the other team got four outs and four strikes. And if a game got tight, four outs/ strikes went to five outs/ strikes; with the other team then getting one out/ one strike.

One would be very puzzled about what was going on, especially if the wronged team never complained about the blatant cheating. One would eventually conclude that the wronged team did not really care that much about winning or losing, or they were so used to the cheating, they gave up squawking about it. Everything would become even stranger if one read the newspaper stories on the games which acted as if everything was normal. This is the reality of Dane County, with the following hitch.

The difference between the above analogy and what takes place in Dane County (i.e. prosecutors begin with four outs/ strikes, with the defense beginning with two outs/ strikes), is that there is a critical difference between the interests of defense attorneys and their clients/ defendants. For the defendants, winning the game matters, and losing often is a worst case scenario. However, for the attorneys, winning is often meaningless, and hardly ever expected. All that matters is being allowed to play the game for pay; and, as set out below, the umpires gain greater and greater control over who plays.

In Dane County, only 0.8% of all criminal cases ever go to trial. Less than 1.5% of criminal felonies go to trial. Roughly 97% of all cases are resolved pursuant to a plea agreement. In the federal district court based out of Madison, Wisconsin, it is a distinct possibility that not a single defendant has been acquitted on all charges for over the past seven years.

Another fact that needs to be realized is that every year the system gains greater control over who is appointed to represent defendants on criminal matters. Court appointments and SPD appointments take up the overwhelming number of state criminal cases. **Currently the federal court system now literally controls almost 100% of which attorneys represent which defendants**. The idea that this may be connected to the conviction rate in federal court is a question deemed treasonous to the profession by many lawyers (especially those who feed off the system).

What Matters to the State Public Defender #1

I, Joseph Sommers, have been a defense attorney for roughly 20 years. Financially, I have done all right in the sense that I have been able to support my wife and family. For the sake of candor, my wife and I have 13 children. My financial situation has taken a dramatic hit due to my efforts to follow my conscience and to pursue justice.

I have attempted to alert the public to what is happening in their courts. My efforts have forced me to pay a huge price financially, professionally, and in numerous other aspects. While this story will not be told in this document, I would urge those interested to pursue the matter on the internet. Something they may find interesting is my appearance before the Wisconsin Supreme Court which is on YouTube. In particular, they may want to review the highlight video.

Some say (and in fact I have had this said to my face by members of the legal community) that there are few things more unethical than for a defense attorney to be justice-motivated. Instead, an ethical attorney focuses merely on what is best for his client; and to be justice-motivated or to act for the common good, is deemed beyond the pale. Remarkably, while the man on the street would have difficulty understanding it, many attorneys consider their indifference to justice to be a badge of honor.

I have never been convinced to see things this way. In fairness to myself, I believe the facts overwhelmingly suggest that my way has not been to the detriment of my clients and has actually made me a far more effective attorney.

Down through the years, I have taken a considerable amount of State Public Defender appointments, despite the reimbursement rate being $40/hr. Most SPD cases that I have taken are either: (1) appeals of convictions of serious crimes or (2) trial representation for defendants accused of serious crimes. Often individuals have asked the SPD to appoint me due to my reputation, and the SPD has done so. When this occurs, I often accept the case.

One reason why I take SPD cases is that it has always appealed to me to represent indigent defendants. For various reasons, this has been more satisfying for me than representing individuals with money to spare. Having justice on my side also has mattered to me in a big way. Due to this I have turned down cases, both private and through the SPD. A number of the cases I have turned down have been homicide matters, because the case simply did not appeal to my sense of justice. I realize that this goes against the grain; but I also realize that, given the epidemic burnout among

defense attorneys, my philosophy clearly may have a benefit. Regardless, I have never seen any reason to apologize.

Of the criminal cases that I have taken to trial, I have won to my best estimate roughly two thirds. For every trial that I have won, I have had many more dismissed or the end result being a time-served sentence for a lesser charge. Time-served means that the defendant walked out of jail that day, and was not under supervision of any kind.

What follows are my results on Dane County SPD appointments for the past year and my recent treatment by the SPD to prevent me from representing defendants via the SPD in Wisconsin.

What Matters to the State Public Defender #2

Since the end of January 2011, eight felony cases resolved in the Dane County courts, to which I, Joseph Sommers, was appointed via the SPD. The results of these cases are easily verifiable in today's age of CCAP.

To begin with, of the eight resolved cases, six were dismissed and one was resolved by time-served. None of the dismissals were pursuant to a plea agreement on another case. **This means, seven of the eight were resolved as well as they could have been for the defendant. None of this means anything to the State Public Defender.**

The first case was State v. Jamar Sanders-Jackson, Dane County Case 10 CF 1585. Sanders-Jackson had his armed-robbery charge reduced to misdemeanor theft, and the defendant received a time-served sentence. The result was in the context of the defense pushing the issue that the prosecution was actually an effort to assist an incorrigible drug dealer on a drug debt. Evidence was repeatedly withheld, and when obtained substantiated that the alleged victim on a prior occasion had sought to frame others for his own drug dealing. Beyond this, evidence suggested that the alleged victim received special treatment on another bust. Treatment that has never been explained and to which the only logical explanation appears to be that he is an informant, despite assertions to the contrary.

The second case was State v. Tyrone Baker, Dane County Case 10 CF 2111. In this case, the defendant was convicted on drug and gun counts pursuant to a plea agreement, whereafter he received all told a 3 ½ year prison sentence.

The third case was State. v. Maurice Wilson, Dane County Case 10 CF 1852. This case was dismissed outright. This case revolved around gun charges and an allegation that Wilson had shot at a crowd. The dismissal came after considerable withheld evidence was discovered and in the context of evidence being obtained that the state's star witnesses had actually committed crimes on the day in question, to which they had inexplicably received a pass. This was a very draining and disturbing matter.

The fourth case was State v. Maurice Wilson, Dane County Case 11 CF 47. This case was dismissed outright. In fact, it is very difficult to comprehend why this case was charged as it was to begin with. The most reasonable scenario is that it was charged primarily for the sake of leverage on the immediately aforementioned case. The bottom line was the state had no case, and there was evidence suggesting that purported evidence in this case was actually rigged.

The fifth case was State v. Weldon Wesson, Dane County Case 11 CF 897. One could say that the case was charged in good faith; however it is difficult to conceive how the case could have resulted in a conviction at trial. I have never lost a trial when confronted with evidence so weak. For this or other reasons, the state dismissed outright.

The sixth case was State v. Julian Thomas, Dane County Case 11 CF 281. This case was dismissed outright. This is the check forgery case that was discussed in the Evans' pieces of this document. It is difficult to see how this case could have ever been charged in good faith. However, this case was not easily dismissed, and this only occurred in the context of evidence of possible misconduct.

The seventh case was State vs. Julian Thomas, Dane County Case 11 CF 282. This case was dismissed outright. This is the second armed robbery of the Check Advance discussed in the Evans' pieces of this document. There was also an unsuccessful attempt to revoke the defendant's probation due to this charge. Attachment #79 is the revocation decision in favor of the defendant which speaks for itself and to the quality of the State's evidence. To say that this case was a very difficult and draining affair is a considerable understatement. This case, as set out before, raised all kinds of issues of police misconduct and the systematic withholding and distorting of evidence.

The eighth case was State vs. Titus Edwards, Dane County Case 11 CF 936. This case was dismissed in the context of the state withholding, until the eve of trial, considerable evidence, much of which was exculpatory. The state has recently recharged this case, however they have considerable problems. To begin with, they are now proceeding despite two police officers being forced to admit under oath that the evidence of heroin possession is actually stronger against another witness who has not been charged. The evidence suggests that this witness may be an informant.

The state's purported star witness is now claiming that the defendant is innocent and that he is being threatened with federal charges that could result in twenty years unless he changes his tune, to the prosecution's satisfaction. Due to the Supreme Court's recent action, I won't be around when this case is resolved.

One must realize that the SPD has greatly reduced the number of appointments I have received compared to what I once received. My few appointments are often because the defendant requests that I be the attorney, because the word he has received from others (and sometimes even from other attorneys) is, if you are being railroaded, the man you want is Sommers.

The bottom line is, in light of the above, could anyone fairly dispute that my representation of SPD clients in Dane County in the past year has gone very well for these individuals? In all candor, I would defy the SPD to find another attorney whose clients have come out so well. And yet, as shown next, I was decertified by the SPD in a letter dated March 21, 2012. (See Attachment #80)

The timing of my decertification is in the context of the all-important evidentiary hearing that took place on March 26, 2012 in the Gray case. In that matter I have been appointed by the SPD. The March 26th hearing revolved around the issue of why the Dane County DA's Office had not turned over evidence that was first court-ordered last November, and re-ordered on February 1, 2012. It also revolved around the Dane County DA's Office's effort to have me taken off the case.

The Dane County court involved has yet to rule. However, it's now academic because of the Supreme Court's decision of March 30, 2012.

Continued…

What Matters to the State Public Defender #3

Kelli Thompson is the daughter of former Governor Tommy Thompson. She was appointed by Governor Walker to be the director of the State Public Defender. From all indications, she has bipartisan popularity. She decertified me in the aforementioned letter dated March 21, 2011. Before taking her action, she never spoke with me, and apparently solely relied upon the request and report of Deb Smith of the Dane County SPD office. Oddly enough, Thompson informed me that I would be decertified *before* the SPD's investigation, which is to be conducted by Deb Smith.

It is difficult to understand Thompson's notion of fairness. What kind of a person punishes someone before they investigate, and then who assigns the investigation to the accuser? But then again, my hunch is that Ms. Thompson has no knowledge of what I achieved on SPD cases in the past year, and likewise, has little or no knowledge to the context of Deb Smith's actions.

Before we get to my recent decertification by the SPD, it is extremely important to recall Deb Smith's involvement in the McCants prosecution for the Dane County DA's Office's benefit. (See the piece on McCants).

Continued…

What Matters to the State Public Defender #4

Deb Smith utilized two cases in her recent effort to have me decertified. One is the scenario set out immediately below. This scenario appears to be the result of a 'meeting of the minds' between Dane County ADA Corey Stephan and Deb Smith.

ADA Corey Stephan claimed that all police reports relating to the crime in which Demarious Gray had been charged had been turned over, and that all exculpatory evidence had been disclosed. However, my investigator, when working on another attorney's case, came across a police report wherein a Madison detective claimed that she was told by the sister of Tyshaun Robinson, that Tyshaun had confessed *to being involved in the specific crime to which Demarious Gray was charged.*

The detective also claimed that she had personally passed this information on to Detective Helgren. The timing of this was at the very time Detective Helgren was referring charges on Gray, and roughly eight months before the investigator obtained the report. The investigator obtained the report over five months after Dane County ADA Stephan began repeatedly claiming that all exculpatory evidence regarding Gray had been turned over.

In that I had received information that Robinson was an associate with many of the members of Lic Squad/MAD, and had committed multiple armed robberies in the Madison area, I provided this report to the court and insisted that the court address why this report had been withheld by the DA's Office despite representations to the contrary.

ADA Stephan's reaction to the above would be considered bizarre and self-serving by most. He took the position that by providing the report to the court, I was unethical. Stephan also claimed that this unethical action justified me being disqualified as Gray's attorney, which he asked the court immediately to do.

One should reflect upon what was being asserted by Stephan: An ethical defense attorney is one who looks the other way when he obtains exculpatory evidence that was withheld by the DA's Office, despite representations to the contrary?

Maybe even more bizarre than ADA Stephan's opinion is that he found someone to agree with him...Deb Smith of the SPD.

What Matters to the State Public Defender #5

The other reason I've been decertified is due to my representation of Williams. Deb Smith has all kinds of problems with it. However, her attitude is most inexplicable given that Atty. Benavides was appointed by the SPD in the context that was outlined earlier in this document.

What kind of logic could justify, on Williams' behalf, Atty. Benavides being appointed, despite the Villarreal scenario, his blatant conflict of interest, and his failure yet again to follow Supreme Court Rules on potential conflicts of interest?

It apparently means nothing to Deb Smith that Williams wanted me to be his attorney, affirmed this in court and signed off on a document acknowledging what was discussed between he and I and what were the expectations related to the representation.

In fact, Deb Smith's number one complaint related to Williams appears to be completely unrelated to any concern to protect Williams' rights; but rather, to protect the Dane County DA's Office. Smith wants me to divulge information that she believes I have been provided by Williams on crimes and corruption in Dane County, despite me providing everything Williams has authorized me to provide. In other words, Deb Smith's ultimatum has been, 'violate the Supreme Court Rules and betray your ethical obligations to Williams, or be decertified by the SPD.'

And likewise disturbing is Deb Smith's lack of concern, in light of the October 20th 802 Vera Court homicide, that her ultimatums to Sommers could result in Williams or even Sommers being killed. She wanted Sommers to reveal to an attorney of a member of Lic Squad/ MAD information about crimes committed by Lic Squad/ MAD**, even though this attorney's client recently killed someone for the protection of Lic Squad/ MAD.**

Due to the Wisconsin Supreme Court's recent decision, this is and is not academic. There are literally thousands and thousands of dollars that I am owed for work I have done on SPD appointments for which I have not yet been paid. Unfortunately, Deb Smith is setting it up so that I will not be paid. Unfortunately, despite having a large family to support, the odds are there will be very little I will be able to do about it.

What Matters to the Federal Defender

As put forth prior, the conviction rate in the federal Western District of Wisconsin centered out of Madison, Wisconsin over the past 7+ years is 100%, or nearly that. Likewise, the Federal Defender Office for the Western district of Wisconsin literally controls nearly 100% of which attorneys represent which defendants. And, as mentioned earlier, to draw any connection between the two facts is considered by many to be treason against the legal profession.

Once upon a time I received substantially more federal appointments than I have received for the past few years. On a couple of occasions, in federal cases based out of Milwaukee, I had cases dismissed outright on 30+ indictments. In one of these, the defendant literally was free and clear, and the only defendant on that matter that could say that.

What the Federal Defender of Madison defines as a successful outcome has been achieved, according to them, on 37% of local district cases. Some may quarrel to whether their definition of success is success. Regardless, I achieved their definition of success on over 70% of my federal cases (20+ cases).

Despite the above, I have received only one federal appointment in the past three years. These appointments pay literally three times that paid for State Public Defender appointments. When I inquired to why I was no longer receiving appointments, and to whether I am being blackballed, I was informed that this is not the case. What is the case?

As can be seen in the letter I received dated October 25, 2010 (Attachment #81), I am apparently not in step with the Federal Defender's "vision." According to Federal Defender Atty. Daniel Stiller, the goal is a "panel... being comprised of a relatively small group of practitioners who are committed to being professionally tethered to one another and to the group of lawyers within the Defender's Office."

Please reflect on the above. Does it not speak volumes to how things have gone extremely wrong in the courts based out of Dane County? By definition, panel attorneys will often be representing defendants that are at odds with each other. By definition, there will be cases where one panel attorney's client will be claiming that another's client has falsely accused him. By definition, some panel attorneys' clients will be receiving sweetheart plea agreements in order to testify against another panel attorney's client. Is there anyone who cannot see that if the attorneys are "tethered together" this means they may be compromised?

And of course, what if one attorney comes across prosecutorial or judicial misconduct, what should he do if what he believes is his moral responsibility is in conflict with the attorneys to whom he needs to be tethered in order to be on the panel?

My efforts to explain to Atty. Daniel Stiller why I am adamantly opposed to the very concept of being "tethered" to attorneys that do not share my moral and constitutional outlook, went nowhere. The best explanation that he could give me for why it has to be this way had nothing to do with what was best for clients. Instead, it had everything to do with what the other attorneys wanted. From my perspective, this of course is the problem. From their perspective, this is exactly why they say 'good riddance.'