

DISTRICT ATTORNEY 2010 ANNUAL REPORT

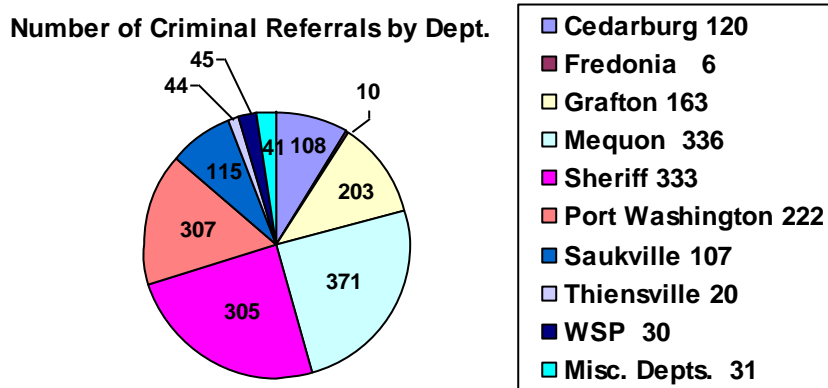
To: The Honorable Board of County Supervisors

January 1, 2010 thru December 31, 2010, the District Attorney's Office received approximately 1,368 requests for criminal charges to be reviewed from various law enforcement agencies; this total does not include multiple charge requests for the same individual. The status for these 2010 request for criminal charges as of December 31, 2010 were as follows:

Additional Information Requested	8
Charged.....	5
Filed	405
Closed	627
487 Misdemeanors closed	
139 Felonies closed	
1 Without Case Number closed	
Warrant	74
No Prosecution	189
Deferred Prosecution Agreement	21
Read-In for Sentencing Purposes	3
Not active.....	5
Special Prosecution	2
Under Review	18
PreCharging Agreement	7

Cases that were referred prior to January 1st but closed in 2010 885

The above listed referrals were submitted in number by the following departments:



	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
Felony (CF)	312	230	316	284	299	304	313	300	280	259	289
Misd. (CM)	835	1,048	1,238	1,239	1,253	1,347	753	692	623	643	651
Traffic (CT)	N/A	N/A	N/A	N/A	N/A	N/A	656	618	587	450	483
Totals	1,147	1,278	1,554	1,523	1,552	1,651	1,722	1,610	1,490	1,352	1,423

The numbers listed above reflect new Criminal Complaints filed in the calendar year of 2010 and, for comparison, the previous ten year statistics. Beginning in 2005, the Clerk of Courts combined Criminal Traffic Complaints and Criminal Misdemeanor cases into the same category; they are incorporated together as Criminal Misdemeanor cases only.

The Legislature substantially changed the laws regarding Operating a Motor Vehicle After Revocation of License, effective July 1 of 2009. The effect of this law change was that the majority of repeat Operating After Revocation charges could only be prosecuted as non-criminal forfeitures, unless the person was revoked for an Operating While Intoxicated Charge. This law change had a significant impact on our case numbers. From January–June of 2009 our office received 245 criminal referrals for Operating After Revocation. In all of 2010, we received 232 referrals for OAR.

Prosecutions across the United States were complicated by the decision of the United States Supreme Court in the case of Arizona v. Gant in April of 2009. Gant changed the laws relating to an officer's ability to search a car incident to a lawful arrest that had been in place since the late 1970's. Before Gant, a police officer could search the interior of a car any time the driver was arrested. After Gant, an officer could only do so where he had a reasonable suspicion that contraband was in the car. The effect of this law change was that it became far more difficult to find drugs and other contraband that previously could commonly be found during mundane traffic stops. Prior to July, 2009, our office automatically charged misdemeanor Bail Jumping charges when a defendant missed a court date. These charges were historically dismissed as part of plea agreements, however, the new filings would often result in adjournments, delayed dispositions and additional file work for the Clerk of Courts and DA support staff. Beginning in July 2009, we abandoned the practice of automatically filing these complaints, and only do so now on a case by case basis, where we are committed to continuing the Bail Jumping prosecution all the way to a conviction. In 2008, 277 Bail Jump cases were filed. In 2009, 195 new cases were filed (Jan-June 139 / July-Dec 56 cases filed) and in 2010 - 163 total bail jumps were filed (79 Felony Bail Jumps and 84 Misdemeanor cases).

2010 contested traffic citations handled by the District Attorney's Office

Wisconsin State Patrol Tickets	363
Ozaukee County Sheriff's Dept. Tickets	420
Dept. Natural Resources	18

For all cases scheduled by the courts in 2010 in which officers or witnesses were needed to testify, the District Attorney's Office generated 595 Officer Subpoenas Notifications, 877 Witness Subpoenas; 139 Traffic Officer/Witness Subpoenas and 30 Juvenile Officer/Witness Subpoenas, to have persons present for court evidentiary hearings.

In the twelve months of 2010, 31 Jury Trials were conducted resulting in 28 guilty verdicts and three not guilty verdicts which includes two Juvenile Fact Finding hearings. These cases involved five OWI 1st offenses; five OWI 2nd offenses; Maintain Human Health Hazard; Escape; Endangering Safety; 3rd & 4th Degree Sexual Assault; Use of Computer to Facilitate Sex Crime; Substantial Battery;

Physical Abuse of Child; Uttering a Forged Writing; Falsely Present Non Controlled Substance; Possess Marijuana; Criminal Damage to Property; Criminal Trespass to Dwelling; five Battery and/or Disorderly Conduct cases; two Obstructing an Officer cases; Burglary and Theft. In 2009 there were approximately 8 Jury Trials, 1 Court Trial and 1 Fact Finding hearing resulting in six guilty verdicts and four not guilty verdicts. In 2008, an approximate total of 23 Jury Trials, Court Trials & Fact Finding hearings were held resulting in 20 guilty verdicts, one not guilty by mental defect and two not guilty verdicts.

In 2010, 61 defendants were sentenced to the Wisconsin State Prisons System; 18 of these were sentenced after violating their Probation with Dept. of Corrections.

In 2010 our office received approximately 114 juvenile referrals from the Department of Social Services for review and recommendation. From these referrals 67 juvenile delinquency petitions were filed. The statuses of these referrals as of December 31, 2010, were as follows:

Closed	65
Pending/Filed.....	27
No Prosecution	21
Special Prosecution	1

The office staff for 2010 included: myself, Adam Y. Gerol, District Attorney; Jeffrey A. Sisley, Assistant District Attorney; Patti L. Wabitsch, Assistant District Attorney; Beth Hodorowski, Victim/Witness Coordinator; Lisa Haasch, Victim/Witness Assistant; June Marx, Office Services Supervisor; Patti Rismeyer, Legal Secretary II; Sara Storck, Legal Secretary II; Jill Kaplan, Legal Secretary II; and Amy Lederer, Office Assistant IV (Legal). Joshua Mathy filled our Paralegal/Special Prosecuting Attorney position from May 10, 2010 through July 17, 2010 and Adam Finkel, Paralegal/Special Prosecuting Attorney filled this position from July 19, 2010 through December 14, 2010.

Respectfully,

Adam Y. Gerol
District Attorney