

# DISTRICT ATTORNEY 2009 ANNUAL REPORT

To: The Honorable Board of County Supervisors

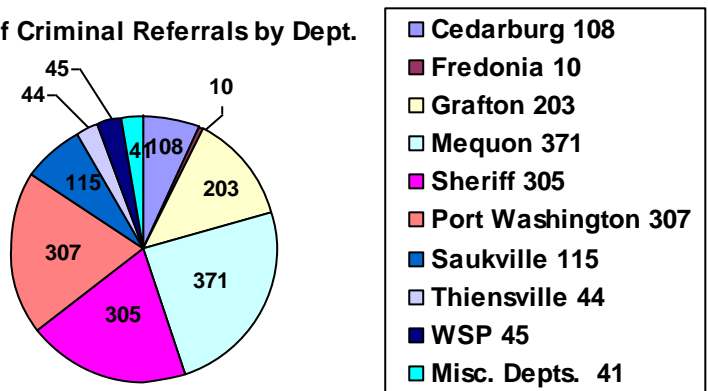
January 1, 2009 thru December 31, 2009, the District Attorney’s Office received approximately 1,549 requests for criminal charges to be reviewed from various law enforcement agencies; this total does not include multiple charge requests for the same individual. This contrasts from 2008, where we received 1,743 referrals. The status for these 2009 request for criminal charges as of December 31, 2009 were as follows:

Additional Information Requested .....	3
Charged.....	14
Filed .....	433
Closed .....	719
596 Misdemeanors closed	
114 Felonies closed	
9 Without Case Number closed	
Warrant .....	108
No Prosecution .....	217
Deferred Prosecution Agreement .....	13
Read-In for Sentencing Purposes .....	2
Not active.....	6
Special Prosecution .....	8
Under Review .....	22
PreCharging Agreement .....	4

Cases that were referred before 2009 but closed in 2009 ..... 914

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

**Number of Criminal Referrals by Dept.**



The numbers listed below reflect new Criminal Complaints filed in the calendar year of 2009 and, for comparison, the previous nine 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 June 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of repeat Operating After Revocation charges could only be prosecuted as non-criminal forfeitures, unless the person was revoked for an Operating While Intoxicated Charge.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 our office received 245 criminal referrals for Operating After Revocation, but from July–December our office received only 94 criminal referrals for Operating After Revocation Due to An OWI Conviction, a caseload drop of approximately 150 cases.

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.

	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000
Felony (CF)	230	316	284	299	304	313	300	280	259	289
Misd. (CM)	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	656	618	587	450	483
<b>Totals</b>	<b>1,278</b>	<b>1,554</b>	<b>1,523</b>	<b>1,552</b>	<b>1,651</b>	<b>1,722</b>	<b>1,610</b>	<b>1,490</b>	<b>1,352</b>	<b>1,423</b>

**2009 contested traffic citations handled by the District Attorney's Office**

**Wisconsin State Patrol Tickets** ..... 317  
**Ozaukee County Sheriff's Dept. Tickets** ..... 523  
**Dept. Natural Resources** ..... 4

For all cases scheduled by the courts in 2009 in which officers or witnesses were needed to testify, the District Attorney's Office generated 609 Officer Subpoenas Notifications, 887 Witness Subpoenas; 145 Traffic Officer/Witness Subpoenas and 8 Juvenile Officer Subpoenas and 22 Juvenile case Witness Subpoenas, to have persons present for court evidentiary hearings.

In 2009 our office received approximately 105 juvenile referrals from the Department of Social Services for my review and recommendation. From these referrals 67 juvenile delinquency petitions were filed. The statuses of these referrals as of December 31, 2009, were as follows:

Closed ..... 60  
Pending/Filed..... 11  
No Prosecution ..... 34

On July 2, 2009, I was appointed by the Governor to succeed Sandy Williams as District Attorney. As you are aware, former DA Williams was elected Ozaukee County Circuit Court Judge in April and assumed the bench on June 1, 2009. I would like to commend the Assistants and the entire support staff for their dedication and hard work through the whole election, appointment and transition process. The caseload of the District Attorney's Office continued to flow without interruption or incident due to their professionalism, experience and dedication.

Ending the 2009 year, the office staff 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; Patti Rismeyer, Legal Secretary II; Sara Storck, Legal Secretary II; Jill Kaplan, Legal Secretary II; June Marx, Office Services Supervisor and Amy Lederer, Office Assistant IV (Legal). The office did utilize a summer intern, which is a great teaching/learning opportunity for an individual, and in return, we receive a fair amount of accomplished work product. In December, we continued this internship with Robin Chamoy filling the position through the end of the year and into 2010. We are very fortunate as Ms. Chamoy is licensed to practice law in the State of Wisconsin.

I am immensely grateful to be back in Ozaukee County. As your District Attorney, I look forward to working closely with you in 2010 and beyond. Please do not hesitate to contact me, should you have any questions or concerns.

Respectfully,

Adam Y. Gerol  
District Attorney