

*1999 DRAFTING REQUEST*

**Bill**

Received: **02/12/1999**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB :

For: **Mark Gundrum (608) 267-5158**

By/Representing: **Jolene Churchill**

This file may be shown to any legislator: NO

Drafter: **olsenje**

May Contact:

Alt. Drafters: **mdsida**

Subject: **Criminal Law - miscellaneous**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Interference with petitions

**Instructions:**

Prohibit interference with petition signature collection, circulation or filing with intent to obstruct that process. Class A misdemeanor. Does not apply to petitions to be filed in connection with judicial or quasi-judicial actions or proceedings.

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	olsenje 04/16/1999			_____			
/P1	mdsida 05/12/1999	chanaman 05/13/1999	martykr 05/14/1999	_____	gretskl 05/14/1999		
	mdsida 09/24/1999	chanaman 09/27/1999		_____			

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FE Sent For:

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9/22 9/27

Jacket for Assembly

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I?	olsenje	cmv /p sk3	km 5/14	JFS km 14			

FE Sent For:

<END>

Submitted

Submit "P" Drafts

JED



STATE REPRESENTATIVE  
**Mark D. Gundrum**

February 19, 1999

Dear Jeff Kuesel and Mark Patronski:

During the first part of February I spoke with you in regard to a constituent's concern about the lack of regulation of petitions, specifically in relation to the Lyn Adelman case.

I have attached a copy of our constituent's letter, a newspaper article, the police report, and a copy of the actual petition that was circulated for you to review.

Representative Gundrum would like to have a bill drafted that would make it illegal to *intentionally interfere with a petition if the intent is to obstruct the petition process*. This bill would include a penalty of a Class A Misdemeanor.

If you have any questions, please call us at 267-5158. Thank you.

Sincerely,

A handwritten signature in black ink that reads 'Jolene Churchill'.

Jolene Rose Churchill  
Legislative Assistant

Attachments

**P.O. Box 8952, Ma&son, WI 53708**  
**(608) 267-5158 ✉ 1-888-534-0084**

Ed Michelic, 5575 S. Greentree Ct. New Berlin WI 53151  
January 25, 1999

State Assembly Representative Mark Gundrum

Dear Representative Gundrum:

I take pleasure in addressing you as my Representative for the 84th Assembly District! I write this according to your expressed intent to initiate legislation that makes it a gross felony for any person to cause interference or contribute to interference with a petition. In the meaning of "interfere," I include disturbing any citizen in the act of circulating a petition or interfering with the display of a petition in a public or private establishment.

Per your request, I have held onto relevant material for you until this month. The main enclosure is a copy of an Incident Report concerning Lynn Adelman. I purchased it from the Village of Big Bend. I believe what follows is a fair summary of the Incident:

Lynn Adelman allegedly took a petition with fourteen names on it from the counter of a store, without permission of the owner. He folded it and put it in his pocket, and returned it later to a clerk witness when she confronted him. In his own statement, Lynn Adelman did not deny taking the petition and did not claim that he had the permission of the owner to do so.

The petition in question requested a maximum sentence allowed for a person involved in poisoning three dogs. (In reports of the incident on public television and in the New *Berlin Citizen*, it was stated that Lynn Adelman is the Attorney for that person.)

I had conversations about this incident with John Schober, during his candidacy for the office you now hold. Mr. Schober related the predicament faced by District Attorney Paul Bucher, that no specific legislation applied to the incident. Even if the allegation were proven, the worst sentence would be disorderly conduct. I was pleased that Mr. Schober said that he would support legislation such as we have discussed.

Some insight into the predicament may be gathered from an interview with Attorney Bucher, broadcast by WISN Radio, December 16, 1998, and recorded by me:

Announcer: "District Attorney Paul Bucher says he has ordered further investigation into the Lynn Adelman case. The Federal Judge Appointee is accused of stealing a petition off the counter of a gas station in Big Bend."

Att'y Bucher: "I may want to speak to some of the witnesses, aahh, myself, maybe take a look at the location itself, try to assist me in determining whether or not this matter is, uh, a criminal matter, or, ~~aaah~~, civil matter or, **frankly**, nothing at all."

Announcer: "The decision may not come until next . . . etc."

I was disappointed with Paul Bucher for saying "**frankly, nothing at all.**" As far as I know, Attorney Bucher has not recommended that the State Legislature take any action. And, among opinions I asked for from, one attorney and one judge, they said "it was a dumb thing to do." Those reactions seems to have so little concern for the right to petition under our Constitution! Yet, ironically, I suppose we ought to be grateful to Lynn Adelman for exposing a potential threat.

Finally, I would hope that other legislators would agree with you that promulgating legislation to protect petitions from interference is in keeping with their oath to "support and defend the Constitution. "

Sincerely,



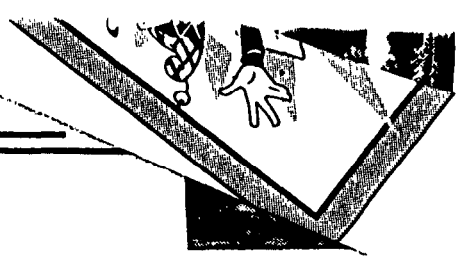


12/18/97

# CITIZEN

Your Official Local Newspaper

1 Section, 39th Year, No. 51



**Woodland mat  
action heats up  
See Sports**



CNI PHOTO BY MARY CATANESE-PUGENS

the book  
ine Staff Sgt. Bob Belk stops in at Elmdale School to read stories to children dur-  
a Winter Wonderland program. The children brought toys to school to be given  
eedy children.

## Crossover borrowing system can't force libraries to Pay

te library official says  
ting off services to  
aries exceeds authority

teve Van Dien  
Writer

That charge had always been covered by the Federated Library System. But because of cuts in state aid, the system **changed its policy earlier this year** to require its member libraries to pay the full amount of their own crossover borrowing costs, after a five-year phase-in period. **And those costs, in some cases, are steep.** For example, the New Berlin Public Library owes more than \$61,000 for

## Adelman may face charges

By lee Raynor  
Staff Writer

**S**tate Sen. Lynn Adelman will know today if he will be charged with attempting to steal a petition sheet from a Big Bend drugstore.

Waukesha County District Attorney Paul Bucher was to announce the Adelman decision Tuesday. However, Bucher said he needed more time to study the case and postponed the announcement until today.

The longtime state senator is expected take his oath of office as a federal judge early in January. He was nominated to the post by President Bill Clinton.

Adelman, 58, is a Democrat, an attorney and a former New Berlin resident. He is married to Betty Adelman, who recently served as the city's municipal attorney.

The couple live in the town of Waterford. Lynn Adelman was first elected to the state Senate in 1976 and has represented New Berlin since then.

An employee at Jerome Drugs in Big Bend told police Adelman picked up a petition containing signatures that called for a strong sentence against one of Adelman's clients. The clerk said she had a difficult time retrieving the petition.

Arnold Holtz, Adelman's client, has been convicted of poisoning two dogs in the town of Vernon. His sentencing is scheduled for April. The complaint against Adelman was filed by Jane Schuster-Kartes, the town of Vernon woman who owned the dogs Holtz poisoned.

Adelman said he had no intention of stealing the petition. He said he intended to take the paper into the pharmacy's bathroom where he planned to read it.

## Vandals tear down shed



**Incident Report** BIG BEND POLICE DEPARTMENT **7-001298-I**

Incident No : 97-001298-I ; Date & Time Reported : 12/09/97 TUE 18:40 ; Complainant/Victim Name : JEROMES MOBILE  
 Occurred From : 12/07/97 18:15 ; Occurred To : 12/07/97 18:15 ; Complainant/Victim Address : W230 S8715 CLARK ST  
 Offense Description: 943.20(1)(A) THEFT ; city : BIG BEND ; St : WI ; Zip : 53103-  
 Incident Location : W230 S8715 CLARK ST ; Telephone : (414) 662-5622 ; Alt Telephone :  
 Municipality : BIG BEND. WISCONSIN ; District : 001 ; Available Place :  
 Current Disposition : ACTIVE INCIDENT ; Disposed To : ; Sex : UNKNOWN ; Race : UNKNOWN ; Ethnic : UNKNOWN ; Birth : / /  
 Disposition Date : / / ; Juveniles Only?: NO ; TTY Sent?: NO ; Cancelled?: ; TTY Number: / /  
 Photos? : NO ; Consent? : NO ; Affidavit? : NO ; Optional Date/Time : / /  
 Officer Assigned : 2638 Officer Jon Kopecky ; Investigating Officer: 2638 Officer Jon Kopecky

Involvement	Name/Address/Phone	Description
P E R S O N S R E P O R T E D B Y	CHERWINK, JILL M S86 W22950 EDGEWOOD AVE BIG BEND WI 53103 (414)662-0616 ( )	Born 10/29/66 FEMALE Hgt. 5'07" WHITE Wgt. 115 UNKNOWN Hair BROWN Eyes GREEN
WITNESS	KARTES, JANE M S107 W25620 HWY. L BIG BEND WI 53103 (414)662-0448 ( )	Born 06/03/60 FEMALE Hgt. " WHITE Wgt. UNKNOWN Hair Eyes
WITNESS	KARTES, CHRISTOPHER H S107 W25620 HWY. L BIG BEND WI 53103 (414)662-0448 ( )	Born 03/05/70 MALE Hgt. " WHITE Wgt. UNKNOWN Ha Eyes
WITNESS	TORGERSON, MICHELE M W229 S8890 CLARK STREET BIG BEND WI 53103 (414)662-3948 ( )	Born 06/01/66 FEMALE Hgt. " WHITE Wgt. UNKNOWN Hair Eyes
SUSPECT	ADELMAN, LYNN S 33725 JANESVILLE DR. MUKWONAGO WI 53149 (414)662-3864 ( )	Born 10/01/39 MALE Hgt. " WHITE Wgt. UNKNOWN Hair Eyes
OWNER	GOTTFRIED, JEFFERY S74 W16982 JANESVILLE RD. MUSKEGO WI 53150 (414)422-1040 ( )	Born / / MALE Hgt. " WHITE Wgt. UNKNOWN Hair Eyes

Description/Name/Comments	Make/Model/Stat	Serial No.	Value
P R O P E R T Y P E T I T I O N W I T H 1 4 N A M E S O N I T P E T I T I O N C O L O R : W H I T E	EVIDENCE	Qty = 1	

Incident No : Date & Time Reported : Complainant/Victim Name  
97-001298-I ! 12/09/97 TUE 18:40 ! JEROMES MOBILE.

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Status/Plate Type/VIN	Reg/E id/Value	Description

'Incident No ; Date &amp; Time Reported ; Complainant/Victim Name

97-001298-I ! 12/09/97 TUE 18:40 ! JEROMES MOBILE,

**N** WHILE ASSIGNED TO THE 4:00 PM TO MIDNIGHT PATROL SHIFT FOR THE  
**A** VILLAGE OF BIG BEND, COUNTY OF WAUKESHA ON TUESDAY DECEMBER 09, 1997,  
**R** AT 6:40 PM, I TOOK A REPORT AT THE VILLAGE POLICE DEPARTMENT OF AN  
**R** ATTEMPTED THEFT OF A PETITION SHEET FROM JEROME'S CORNER MARKET W230  
**A** S8715 CLARK STREET BIG BEND, WI.

**T** AT THE POLICE DEPARTMENT ON TUESDAY DECEMBER 09, 1997, AT 6:40  
**I** PM, I INTERVIEWED KARTES/JANE/M, F/W, DOB 06-03-60, RESIDING AT S107  
**V** W25620 COUNTY HIGHWAY L, BIG BEND, WI., 53103, TELEPHONE NUMBER 414  
**E** 662-0448 AND HER HUSBAND KARTES/CHRISTOPHER/H, M/W, DOB 03-05-70,  
RESIDING AT THE COUNTY HIGHWAY L ADDRESS.

BOTH CHRISTOPHER AND JANE KARTES REPORTED TO ME, THAT ON SUNDAY  
DECEMBER 7, 1997, AT APPROXIMATELY 6:00 PM, A PARTY IDENTIFIED TO THEM  
AS ADELMAN/LYNN HAD ATTEMPTED TO TAKE A PETITION SHEET THAT THEY HAD  
LEFT AT JEROME'S CORNER MARKET WITHOUT THERE PERMISSION.

THE KARTES'S HAVE PETITIONS AT SEVERAL LOCATIONS REQUESTING THAT  
A PARTY INVOLVED IN POISONING THREE DOGS BE. GIVEN THE MAXIMUM SENTENCE  
ALLOWED BY LAW AND NOT BE GRANTED LENIENCY.

I ASKED THE KARTES'S WHAT HAD OCCURRED ON SUNDAY DECEMBER 07,  
1997 AT JEROME'S CORNER MARKET, JANE KARTES STATED THAT SHE WOULD LET  
HER HUSBAND CHRISTOPHER DESCRIBE THE INCIDENT, SINCE THE INCIDENT WAS  
REPORTED TO HIM BY THE CLERKS ON DUTY AT THE ESTABLISHMENT.

CHRISTOPHER KARTES STATED THAT ON SUNDAY DECEMBER 07, 1997, AT  
APPROXIMATELY 6:15 PM HOURS, HE STOPPED AT JEROME'S CORNER MARKET AND  
ASKED THE CLERKS IF ANY MORE **PETITIONS** WERE READY FOR PICK UP.  
ACCORDING TO KARTES BOTH CLERKS INFORMED HIM THAT LYNN ADELMAN HAD  
JUST LEFT THE STORE AND THAT ADELMAN HAD TRIED TO STEAL ONE OF THE  
PETITIONS.

ACCORDING TO KARTES HE ASKED THE TWO CLERKS WHAT HAD HAPPENED.  
THE TWO CLERKS INFORMED HIM, THAT LYNN ADELMAN HAD STOPPED IN THE  
STORE. AFTER ENTERING THE STORE, ADELMAN CAME UP TO THE CHECK OUT  
COUNTER AND PICKED UP THE PETITION. THAT AFTER PICKING UP THE  
PETITION, HE PUT THE PETITION INTO HIS POCKET AND WALKED INTO THE  
BATHROOM. AFTER A LITTLE WHILE, ADELMAN EXITED THE BATHROOM AND  
WALKED OUT OF THE BUILDING. KARTES THEN STATED THAT ONE OF THE STORE  
CLERKS AT JEROME'S CORNER MARKET RAN OUT OF THE STORE AFTER ADELMAN  
AND TOLD ADELMAN "HEY, YOU TOOK THAT PETITION WE HAD ON THE COUNTER".  
ADELMAN THAN ALLEGEDLY STATED "OH, YOU WANT THAT BACK". AT THIS TIME  
ADELMAN HANDED THE PETITION BACK TO THE CLERK.

KARTES STATED THAT AFTER HEARING ABOUT THIS INCIDENT, HE LEFT  
JEROME'S CORNER MARKET AND RETURNED HOME TO TELL HIS WIFE ABOUT THE  
INCIDENT.

AT THIS TIME, I REQUESTED THAT CHRISTOPHER KARTES WRITE OUT A  
STATEMENT AS TO WHAT HE VERBALLY TOLD ME. KARTES COMPLIED WITH MY  
REQUEST.

**AT** THIS TIME I INTERVIEWED CHRISTOPHER KARTES'S WIFE JANE AND  
ASKED HER IF SHE HAD ANYTHING TO ADD TO THE COMPLAINT.

JANE KARTES STATED THAT SHE WISHED TO HAVE CHARGES OF ATTEMPTED  
THEFT FILED AGAINST LYNN ADELMAN FOR ATTEMPTING TO STEAL ONE OF HER  
PETITIONS.

KARTES STATED THAT WHEN HER HUSBAND CHRIS RETURNED HOME ON SUNDAY  
NIGHT DECEMBER 07, 1997 AND INFORMED HER OF THE INCIDENT THAT HAD  
OCCURRED AT JEROME'S CORNER MARKET, SHE WAS UPSET. HOWEVER, SHE WAS  
UNSURE WHAT SHE COULD DO ABOUT THE INCIDENT AND SINCE IT WAS A SUNDAY

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NIGHT, SHE AND HER HUSBAND JUST TALKED ABOUT THE INCIDENT AND WHO THEY **COULD CALL** TO REPORT THE INCIDENT TO. THEY DECIDED TO CALL WAUKESHA COUNTY ASSISTANT DISTRICT ATTORNEY LINDA VANDEWATER WHO HAD PROSECUTED THE ANIMAL ABUSE CASE THAT KARTES WAS INVOLVED IN.

KARTES STATED THAT ON MONDAY MORNING DECEMBER 08, 1997, BETWEEN 9:00 AM AND 9:30 AM, SHE MADE TELEPHONE CONTACT WITH WAUKESHA COUNTY ASSISTANT DISTRICT ATTORNEY LINDA VANDEWATER AND INFORMED HER OF THE INCIDENT WHICH OCCURRED AT JEROME'S CORNER MARKET ON SUNDAY NIGHT INVOLVING LYNN ADELMAN AND ASKED HER IF ANYTHING COULD BE DONE.

KARTES INFORMED ME, THAT ASSISTANT DISTRICT ATTORNEY VANDEWATER STATED THAT ATTEMPTED THEFT CHARGES COULD BE FILED.

KARTES THEN INFORMED ME THAT AFTER TALKING TO THE ASSISTANT DISTRICT ATTORNEY, SHE CONTACTED HER HUSBANDS ATTORNEY BARRY CYMERMAN AND INFORMED HIM OF THE INCIDENT ON SUNDAY NIGHT AT JEROME'S CORNER MARKET INVOLVING LYNN ADELMAN. KARTES STATED THAT CYMERMAN ALSO INFORMED HER THAT CHARGES COULD BE FILED AGAINST ADELMAN.

KARTES THAN STATED THAT ON MONDAY NIGHT DECEMBER 08, 1997, SHE AND HER HUSBAND WENT TO JEROME'S CORNER MARKET TO SEE IF THEY COULD FIND OUT WHO THE CLERKS WERE ON SUNDAY NIGHT DECEMBER 07, 1997. ONE OF THE CLERKS WHO WAS THERE ON MONDAY NIGHT 12-08-97, WAS ALSO ONE OF THE CLERKS AT JEROME'S CORNER MARKET ON SUNDAY NIGHT **12-07-97**. THIS CLERK IDENTIFIED HERSELF AS MICHELE TORGERSON.

MY HUSBAND AND I ASKED TORGERSON IF SHE WOULD TALK TO POLICE **ABOUT** THE ATTEMPTED THEFT IF WE REPORTED IT. TORGERSON STATED TO US, THAT SHE WOULD.

KARTES THEN STATED THAT AFTER TORGERSON GAVE **US** HER TELEPHONE NUMBER AND THE NAME AND TELEPHONE NUMBER OF THE OTHER CLERK ON DUTY SUNDAY NIGHT, SHE AND HER HUSBAND LEFT THE STORE.

I THEN ASKED JANE KARTES THE DATE THAT THEY FIRST DROPPED OFF THE PETITIONS AT-JEROME'S CORNER MARKET. KARTES STATED THAT IT WAS A COUPLE OF WEEKS AGO THAT SHE DROPPED THE PETITIONS OFF.

I ASKED KARTES IF SHE HAD MADE CONTACT WITH ANYONE AT THE STORE, OR IF SHE JUST LEFT THE PETITIONS ON THE COUNTER AND LEFT. KARTES STATED THAT SHE HAD TALKED TO AN EMPLOYEE **OF** JEROME'S, AND THAT SHE BELIEVED THAT THE EMPLOYEES NAME WAS ELLI. KARTES STATED THAT SHE HAD ASKED ELLI IF SHE COULD LEAVE THE PETITION AT THE STORE FOR SIGNATURES **AND** THAT ELLI STATED THAT IT WAS OK TO LEAVE THE PETITION.

KARTES ALSO INFORMED ME THAT ON A DAILY BASES, EITHER SHE OR HER HUSBAND HAVE BEEN GOING BACK TO JEROME'S TO SEE IF THE STORE NEEDED ANY MORE PETITIONS. THAT IF JEROME'S NEEDED ANY MORE PETITIONS, THEY PHOTOCOPIED THEM ON THE PHOTOCOPY MACHINE AT THE STORE. KARTES ALSO STATED THAT IF ANY OF- THE PETITIONS WERE FILLED, THEY WOULD PICK THOSE **UP**.

I ASKED KARTES IF SHE WISHED TO ADD ANYTHING ELSE. KARTES STATED THAT SHE WISHES TO HAVE THIS INCIDENT PROSECUTED. THAT SHE GAVE NO ONE, EXCEPT HER HUSBAND, PERMISSION TO PICK UP THE PETITIONS.

I THEN REQUESTED THAT KARTES WRITE A STATEMENT AS TO WHAT SHE VERBALLY TOLD ME. KARTES COMPLIED WITH THE REQUEST.

AT THIS TIME KARTES ASKED IF I WANTED THE PETITION THAT WAS INVOLVED IN THE ALLEGED ATTEMPTED THEFT. I INFORMED KARTES THAT I WOULD LIKE THAT PETITION SO I COULD PLACE THE PETITION INTO INVENTORY.

KARTES PROVIDED ME WITH A PETITION THAT SHE STATED WAS THE ONE

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INVOLVED IN THE ALLEGED ATTEMPTED THEFT.

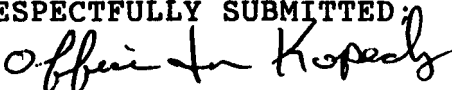
THE PETITION THAT KARTES PROVIDED ME WITH HAD 14 NAMES WRITTEN ON IT AND I ALSO OBSERVED FOLD MARKS ON THIS DOCUMENT. I DID NOT OBSERVE ANY OFFICIAL MARKINGS ON THE PETITION, I DID NOT OBSERVE ANY NOTARY SEAL ON THIS DOCUMENT, NOR DID I OBSERVE ANY MARKINGS TO INDICATE THE PAGE NUMBER OF THE DOCUMENT.

UPON TAKING CUSTODY OF THE DOCUMENT I PHOTOCOPIED IT, SO THAT KARTES COULD HAVE A LIST OF THE PARTIES WHO HAD SIGNED THE PETITION. AT THIS TIME I INVENTORIED THE PETITION UNDER NUMBER 784. AT KARTES'S REQUEST, I PROVIDED HER WITH THE INCIDENT NUMBER THAT THIS COMPLAINT WAS TAKEN UNDER.

AT THIS TIME CHRISTOPHER AND JANE KARTES LEFT THE POLICE DEPARTMENT.

INVESTIGATION TO CONTINUE.

**RESPECTFULLY SUBMITTED:**



**OFFICER JON KOPECKY 2638**  
BIG BEND POLICE DEPARTMENT

SUPPLEMENTAL REPORT TO IR 97-1298

ON WEDNESDAY DECEMBER 10, 1997, AT 9:24 PM, I ARRIVED AT THE CHERWINK RESIDENCE LOCATED AT S86 W22950 EDGEWOOD AVE., BIG BEND, WI. 53103 TO INTERVIEW ONE OF THE WITNESSES IN THE ALLEGED ATTEMPTED THEFT COMPLAINT ON SUNDAY DECEMBER 07, 1997, AT JEROME'S CORNER MARKET.

UPON ARRIVAL AT THE CHERWINK RESIDENCE, I MADE CONTACT WITH A JILL M. CHERWINK, F/W, DOB 10-29-66, TELEPHONE NUMBER 414 662-0616. CHERWINK IS EMPLOYED BY JEROME'S CORNER MARKET AS A CLERK AND WAS ON DUTY AND DID WITNESS THE ALLEGED ATTEMPTED THEFT ON THE SUNDAY DECEMBER 07, 1997.

I ASKED CHERWINK WHAT HAD OCCURRED ON SUNDAY NIGHT DECEMBER 07, 1997, WHILE SHE WAS AT WORK AT JEROME'S CORNER MARKET. CHERWINK STATED THAT AT APPROXIMATELY 6:00 PM ON DECEMBER 07, 1997, SHE SAW LYNN ADELMAN COME INTO THE CORNER MARKET.

CHERWINK STATED THAT WHEN LYNN ADELMAN CAME INTO THE STORE, HE PROCEEDED BACK TO THE VIDEO MOVIE SECTION OF THE STORE. AFTER A SHORT TIME, ADELMAN BROUGHT A VIDEO BOX UP TO THE CASH REGISTER ON THE NORTH SIDE OF THE COUNTER. CHERWINK STATED THAT AT THIS TIME SHE WAS AT THE MAIN CASH REGISTER LOCATED BY THE EAST END OF THE COUNTER. CHERWINK STATED THAT FROM HER LOCATION SHE COULD SEE THE OTHER CASH REGISTER.

CHERWINK STATED THAT WHEN ADELMAN WENT UP TO THE COUNTER BY THE NORTH CASH REGISTER STATION, A PETITION WAS LYING ON THE COUNTER NEXT TO THIS CASH REGISTER.

CHERWINK STATED THAT AFTER ADELMAN PUT THE VIDEO BOX DOWN ON THE COUNTER BY THE NORTH CASH REGISTER, SHE HEARD A SOUND COME FROM THE AREA OF THE NORTH CASH REGISTER. THE SOUND WAS LIKE PAPER BEING MOVED.

CHERWINK STATED THAT SOON AFTER HEARING THIS SOUND, SHE OBSERVED ADELMAN WALK FROM THE COUNTER AREA. WHEN CHERWINK LOOKED BACK AT THE COUNTER AREA BY THE NORTH CASH REGISTER AREA, SHE NOTICED THAT THE PETITION THAT HAD BEEN LYING ON THE COUNTER BY THIS CASH REGISTER WAS

<Incident No : Date & Time Reported : Complainant/Victim Name

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GONE. BUT THE VIDEO THAT ADELMAN HAD BROUGHT UP TO THE COUNTER WAS STILL THERE.

CHERWINK STATED THAT SHE OBSERVED ADELMAN WALK INTO THE PUBLIC BATHROOM IN THE STORE AND SHE DID NOT SEE THE PETITION IN ADELMAN'S HAND.

CHERWINK STATED THAT A SHORT TIME LATTER, SHE OBSERVED ADELMAN WALK OUT OF THE PUBLIC BATHROOM AND THAT HE STARTED TO WALK TOWARDS THE COUNTER.

CHERWINK THEN STATED THAT SHE WALKED FROM BEHIND THE-COUNTER AND ASKED ADELMAN IF HE HAD THE PETITION. PER CHERWINK, ADELMAN STATED "YES, HE DID" AND TOOK A LITTLE FOLDED UP PIECE OF PAPER OUT OF HIS POCKET OF HIS LIGHT BROWN JACKET.

ACCORDING TO CHERWINK ADELMAN STATED "OH, YOU WANTED THIS". CHERWINK STATES YES. CHERWINK STATED THEN THAT SHE BELIEVED THAT ADELMAN UNFOLDED THE PIECE OF PAPER.

CHERWINK THEN STATED THAT ADELMAN HANDED THE PAPER BACK TO HER AND THAT SHE RECOGNIZED THE PAPER AS THE PETITION FROM THE COUNTER AREA BY THE NORTH CASH REGISTER.

CHERWINK STATED THAT AFTER ADELMAN GAVE THE PETITION BACK TO HER, HE LEFT THE STORE.

I ASKED CHERWINK HOW SHE KNEW THAT THIS PERSON THAT SHE ENCOUNTERED WAS LYNN ADELMAN. CHERWINK STATED THAT SHE KNOWS ADELMAN BECAUSE, SHE HAS HAD PRIOR CONTACT WITH ADELMAN AT JEROME'S CORNER \*MARKET WHEN SHE HAS RENTED HIM VIDEOS, CHECKED HIM OUT AT THE CASH REGISTER AND WHEN SHE HAS CASHED A PERSONAL CHECK OF HIS. CHERWINK ALSO STATED THAT SHE RECOGNIZED ADELMAN FROM WHEN HE STOPPED AT HER HOME TO ASK CHERWINK FOR HER VOTE IN A PAST ELECTION.

AT THIS TIME I ASKED CHERWINK IF SHE WOULD WRITE OUT A STATEMENT AS TO WHAT SHE VERBALLY TOLD ME. CHERWINK STATED THAT SHE WOULD.

AT 10:20 PM ON WEDNESDAY DECEMBER 10, 1997, I ENDED MY INTERVIEW WITH CHERWINK.

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RESPECTFULLY SUBMITTED;

*Officer Jon Kopecy*  
OFFICER JON KOPECKY 2638

BIG BEND POLICE DEPARTMENT

SUPPLEMENTAL REPORT TO IR 97-1298

ON THURSDAY DECEMBER 11, 1997, AT 4:29 PM, I ARRIVED AT W229 S8890 CLARK STREET, BIG BEND, WI., THE TORGERSON RESIDENCE TO INTERVIEW THE SECOND CLERK WHO WAS WORKING AT JEROME'S CORNERMARKET ON SUNDAY DECEMBER 07, 1997, WHEN THE ALLEGED ATTEMPTED THEFT OCCURRED.

UPON ARRIVAL AT THE TORGERSON RESIDENCE, I INTERVIEWED THE SECOND CLERK WHO WAS IDENTIFIED AS; TORGERSON/MICHELE/M, F/W, DOB 06-01-66, TELEPHONE NUMBER 414 662-3948.

I ASKED TORGERSON WHAT HAD OCCURRED AT JEROME'S CORNER MARKET ON SUNDAY NIGHT DECEMBER 07, 1997. TORGERSON STATED THAT AT APPROXIMATELY 6:00 PM, ON SUNDAY DECEMBER 07, 1997, LYNN ADELMAN CAME INTO JEROME'S CORNER MARKET AND WENT BACK TO THE VIDEO SECTION OF THE STORE. A SHORT WHILE LATTER, ADELMAN BROUGHT A VIDEO BOX UP TO MY CASH REGISTER STATION LOCATED ON THE NORTH SIDE OF THE COUNTER, BY THE NORTH SET OF DOORS.

Incident No : Date & Time Reported : Complainant/Victim Name  
97-001298-I : 12/09/97 TUE 18:40 : JEROMES MOBILE.

TORGERSON STATED THAT ADELMAN PLACED THE VIDEO BOX DOWN ON THE COUNTER NEXT TO THE PETITION.

TORGERSON STATED THAT AT THIS TIME, SHE TURNED HER BACK ON ADELMAN TO GET THE VIDEO FOR HIM AND HIS RECEIPT. TORGERSON STATED THAT WHEN SHE FOUND THE VIDEO AND PRINTED THE RECEIPT, SHE THEN PLACED THE VIDEO DOWN ON THE COUNTER AND HAD ADELMAN SIGN THE RECEIPT FOR THE VIDEO.

TORGERSON THEN STATED THAT AFTER ADELMAN SIGNED THE RECEIPT AND PAID FOR THE VIDEO, ADELMAN WALKED AWAY FROM THE COUNTER AREA AND WENT INTO THE BATHROOM. SHE THEN STATED THAT SHE NOTICED THAT THE PETITION THAT WAS ON THE COUNTER BY THE VIDEO WAS GONE. ACCORDING TO TORGERSON, **ADELMAN** WAS THE ONLY CUSTOMER IN THE STORE AT THIS TIME.

TORGERSON THEN STATED THAT AFTER SHE NOTICED THAT THE PETITION WAS GONE, SHE WENT OVER TO CHERWINK AND SAID, I THINK ADELMAN TOOK THE PETITION FROM THE COUNTER.

TORGERSON THEN STATED THAT A SHORT TIME LATTER, ADELMAN CAME OUT OF THE BATHROOM AND WALKED TOWARDS THE COUNTER. SHE THEN HEARD CHERWINK STATE "DO YOU HAVE THAT PETITION" OR SOME PHRASE LIKE. SHE HEARD ADELMAN STATE "YES, DO YOU WANT IT". TORGERSON THEN STATED THAT SHE HEARD CHERWINK STATE YES, WE WANT THE PETITION BACK.

TORGERSON ALSO STATED TO ME THAT SHE DID NOT SEE THIS EXCHANGE BETWEEN CHERWINK AND ADELMAN BECAUSE HER BACK WAS TURNED TO THEM.

TORGERSON STATED THAT SHE THEN HEARD CHERWINK STATE THAT SHE (CHERWINK) OWNS THREE DOGS HERSELF.

AT THIS TIME I ASKED TORGERSON IF SHE WOULD WRITE OUT A STATEMENT AS TO WHAT SHE VERBALLY TOLD ME. TORGERSON STATED THAT SHE WOULD.

AT 5:09 PM ON THURSDAY DECEMBER 11, 1997, I CONCLUDED MY INTERVIEW WITH TORGERSON.

AT 5:11 PM ON THURSDAY DECEMBER 11, 1997, I MADE CONTACT WITH JEFFERY GOTTFRIED WHO IS ONE OF THE FAMILY BUSINESS OWNERS OF JEROME'S CORNER MARKET W230 S8715 CLARK STREET, BIG BEND, WI. 53103.

MR. GOTTFRIED STATED THAT THE ALLEGED ATTEMPTED THEFT OF THE PETITION IS NOT AN ISSUE WITH THE STORE. THAT THE PETITION WAS NOT AT THE STORE WITH THE APPROVAL OF JEROME'S DRUGS. THAT AN EMPLOYEE ON HER OWN GAVE PERMISSION FOR THE PETITION TO BE LEFT AT THE STORE.

MR. GOTTFRIED STATED THAT PRIOR TO SUNDAY DECEMBER 07, 1997, HE REMOVED THE PETITION FROM THE FRONT COUNTER OF THE STORE. THAT HE PLACED THE PETITION BEHIND THE COUNTER, THIS WAS DONE, SO THAT WHEN THE OWNER OF THE PETITION CAME, THE PETITION COULD BE GIVEN BACK TO THEM.

MR. GOTTFRIED STATED THAT WHEN HE ARRIVED BACK AT THE STORE ON MONDAY MORNING DECEMBER 08, 1997, THE PETITION THAT HE PLACED BEHIND THE COUNTER WAS BACK ON TOP OF THE COUNTER. HOWEVER, MR. GOTTFRIED DID NOT REMOVE THE PETITION FROM THE COUNTER WHEN HE SAW IT ON MONDAY MORNING.

MR. GOTTFRIED STATED THAT AS PART OWNER OF THE FAMILY BUSINESS, HE DOES **NOT WISH** TO PURSUE THE ATTEMPTED THEFT OF THE PETITION.

AT 5:44 PM ON MONDAY DECEMBER 08, 1997, I CONCLUDED MY INTERVIEW WITH JEFFERY GOTTFRIED.

RESPECTFULLY SUBMITTED:

*Officer J. Kopecky*

Incident No : Date & Time Reported : Complainant/Victim Name  
97-001298-T : 12/09/97 TUE 18:40 : JEROMES MOBILE,

OFFICER JON KOPECKY 2638  
BIG BEND POLICE DEPARTMENT

SUPPLEMENTAL REPORT TO IR 97-1298.

ON FRIDAY DECEMBER 12, 1997, AT 5:10 PM, I CONDUCTED AN INTERVIEW WITH THE SUSPECT IN THE ALLEGED ATTEMPTED THEFT WHICH OCCURRED AT JEROME'S CORNER MARKET ON SUNDAY DECEMBER 07, 1997. THE INTERVIEW WAS HELD AT THE VILLAGE OF BIG BEND POLICE DEPARTMENT IN THE MAIN OFFICE AREA.

THE SUSPECT IN THE ALLEGED THEFT WAS IDENTIFIED AS;  
**ADELMAN/LYNN/S**, M/W, DOB 10-01-39, RESIDING AT 33725 JANESVILLE DR., MUKWONAGO, WI., TELEPHONE NUMBER 414 662-3864.

MR. ADELMAN'S ATTORNEY ROBERT J. LERNER OF PERRY, LERNER AND QUINDEL, 823 NORTH CASS STREET WAS PRESENT DURING THE INTERVIEW WITH MR. ADELMAN AND WAS ACTING AS MR. ADELMAN'S COUNSEL.

AT 5:10 PM, I ADVISED MR. ADELMAN OF HIS MIRANDA RIGHTS. THESE RIGHTS WERE VERBALLY GIVEN TO MR. ADELMAN FROM A DEPARTMENTAL MIRANDA CARD. I ASKED MR. ADELMAN IF HE UNDERSTOOD HIS RIGHTS. MR. ADELMAN STATED THAT HE DID. I ASKED MR. ADELMAN THAT KNOWING THAT HE HAS THESE RIGHTS, DOES HE WISH TO MAKE A STATEMENT, MR. ADELMAN STATED THAT HE WOULD GIVE A STATEMENT. I THEN HAD MR. ADELMAN SIGN THE MIRANDA CARD INDICATING THAT HE WISHED WAIVE HIS RIGHTS AND MAKE A STATEMENT.

MR. ADELMAN STATED THAT ON SUNDAY DECEMBER 07, 1997, AT APPROXIMATELY 6:00 PM OR **6:30** PM, HE STOPPED AT JEROME'S CORNER MARKET. MR. ADELMAN STATED THAT HE WENT IN TO GET A VIDEO.

MR. ADELMAN STATED THAT AFTER HE PICKED OUT A VIDEO, HE WENT TO THE COUNTER. AT THE COUNTER HE SAW A PAPER ON THE COUNTER THAT HAD A REFERENCE TO HIS CLIENT MR. HOLZ.

MR. ADELMAN STATED THAT HE WAS CURIOUS ABOUT THE PAPER SO HE PICKED IT UP. AFTER HE PICKED UP THE PAPER, HE HAD TO GO TO THE BATHROOM, SO HE TOOK THE PAPER WITH HIM TO **THE** BATHROOM.

ONCE IN THE BATHROOM, HE PUT THE PAPER IN HIS POCKET SO IT WOULD NOT GET MESSED UP OR DIRTY. HE THEN WENT TO THE BATHROOM.

MR. ADELMAN STATED THAT AFTER LEAVING THE BATHROOM HE WENT BACK TO THE FRONT COUNTER. MR. ADELMAN STATED THAT WHEN HE GOT BACK TO THE FRONT COUNTER, THE CLERK ON HIS RIGHT ASKED IF HE HAD THE PETITION. MR. ADELMAN STATED "YES, DO YOU WANT IT". MR. ADELMAN STATED THAT AT THIS TIME HE GAVE THE PETITION TO THE CLERK ON HIS RIGHT.

MR. ADELMAN STATED THAT **WHEN** HE ASKED THE CLERK "DO YOU WANT IT", MEANING THE PETITION, HE WAS ASKING THE CLERK IF SHE PHYSICALLY WANTED THE PETITION, INSTEAD OF HIM PUTTING THE PETITION BACK DOWN ON THE COUNTER.

**MR.** ADELMAN STATED THAT AFTER HE GAVE! THE PETITION TO THE CLERK ON HIS RIGHT, THE OTHER CLERK IN THE STORE, WHICH WAS BEHIND THE COUNTER TO HIS LEFT STATED SOMETHING SIMILAR TO; I SUPPORT THE PETITION, BECAUSE I HAVE THREE DOGS MYSELF.

MR. ADELMAN STATED THAT AT THIS TIME HE LEFT THE STORE AND DID NOT RESPOND TO THE COMMENT.

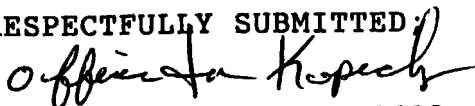
MR. ADELMAN ALSO STATED THAT HE DID NOT HAVE A CHANCE TO PUT THE PETITION BACK ON THE COUNTER, PRIOR TO THE CLERK ON HIS RIGHT ASKING HIM FOR THE PETITION.

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AT THIS TIME, I ASKED MR. ADELMAN IF HE WOULD GIVE ME A WRITTEN STATEMENT ON WHAT HE VERBALLY TOLD ME. MR. ADELMAN'S ATTORNEY, ROBERT J. LERNER SPOKE UP AND STATED THAT SINCE MR. ADELMAN HAD ALREADY GIVEN A VERBAL STATEMENT AND THAT SINCE I (OFFICER JON KOPECKY) HAD TAKEN NOTES, THAT THERE WAS NO NEED FOR MR. ADELMAN TO WRITE OUT A STATEMENT.

AT THIS TIME I THANKED BOTH PARTIES FOR COMING IN AND CONCLUDED THE INTERVIEW AT 5:25 PM.

RESPECTFULLY SUBMITTED:  
  
OFFICER JON KOPECKY 2638  
BIG BEND POLICE DEPARTMENT



D Note

cmf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

W.P.O  
please  
make TED's  
changes to  
request  
sheet

refer cat

1 **AN ACT** ...; relating to: unauthorized removal, concealment, defacement or  
2 destruction of a petition and providing a penalty.

**Analysis by the Legislative Reference Bureau**

Under current law, no person may fraudulently deface or destroy a recall petition or a petition for a referendum. This bill creates a new crime relating to the removal, concealment, defacement or destruction of petitions. Under the bill, a person may not remove a petition from a place where it is displayed or conceal, deface or destroy a petition for the purpose of interfering with the collection of signatures. The bill applies both to recall and referendum petitions and to other types of petitions, but it does not apply to petitions displayed on property without the consent of the owner or occupant or to petitions drafted for use in administrative, judicial or quasi-judicial proceedings. A person violating this prohibition may be fined up to \$10,000 or imprisoned up to nine months or both.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

3 **SECTION 1.** 942.<sup>x</sup>09 of the statutes is created to read:

4 **942.09 Interfering with petition process. (1)** Whoever, with intent to  
5 interfere with the collection of signatures, conceals, defaces or destroys a petition or

1 removes a petition from the place where it is being displayed is guilty of a Class A  
2 misdemeanor.

3 (2) This section does not apply to any of the following:

4 (a) An owner or occupant of property who removes, conceals, defaces or destroys  
5 a petition <sup>that</sup> ~~which~~ has been displayed on the property without the consent of the owner  
6 or occupant.

7 (b) A petition in a form <sup>that</sup> ~~which~~ has been approved by statute or by a court or  
8 administrative order, rule or decision for submission in connection with an  
9 administrative, judicial or quasi-judicial proceeding.

10

(END)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2227Pldn

JEO:.....

*cmf*

May 7, 1999

Jolene:

Please review this draft carefully to ensure that it is consistent with your intent. In particular, please note the following:

1. The prohibition contained in the **draft** will not apply to petitions of the form regularly used in legal proceedings (such as a petition for appointment of a guardian). Is this okay?

2. Under *In re Stolen*, 193 Wis. 602 (1927), a person who is not a party to a legal proceeding does not have a constitutionally protected right to petition a court in an effort to influence the court's decision in that proceeding. See also *State ex rel. Baker v. County Court*, 29 Wis. 2d 1, 10-11 (1965) (holding constitutional right to petition the government not applicable to presentation of petitions in probate proceeding by non-lawyer executor). Although courts regularly accept briefs from persons who are not parties to a case but who seek to influence its outcome (as *amicus curiae*, or a "friend of the court"), *Stolen* and *Baker* have never been overruled or limited on this issue. The draft, however, does not require that the petition be constitutionally protected or be in a certain form. In other words, even though a court may not ultimately have to accept a petition like the one that was being circulated in Big Bend, unauthorized removal, concealment, defacement or destruction of such a petition would still be prohibited under this draft.

Jefren E. Olsen  
Legislative Attorney  
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*D Note*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2227/P1dn  
JEO:cmh:km

May 14, 1999

Jolene:

Please review this draft carefully to ensure that it is consistent with your intent. In particular, please note the following:

1. The prohibition contained in the draft will not apply to petitions of the form regularly used in legal proceedings (such as a petition for appointment of a guardian). Is this okay?

2. Under *In re Stolen*, 193 Wis. 602 (19271), a person who is not a party to a legal proceeding does not have a constitutionally protected right to petition a court in an effort to influence the court's decision in that proceeding. *See also State ex rel. Baker v. County Court*, 29 Wis. 2d 1, 10-11 (1965) (holding constitutional right to petition the government not applicable to presentation of petitions in probate proceeding by non-lawyer executor). Although courts regularly accept briefs from persons who are not parties to a case but who seek to influence its outcome (as *amicus curiae*, or a "friend of the court"), *Stolen* and *Baker* have never been overruled or limited on this issue. The draft, however, does not require that the petition be constitutionally protected or be in a certain form. In other words, even though a court may not ultimately have to accept a petition like the one that was being circulated in Big Bend, unauthorized removal, concealment, defacement or destruction of such a petition would still be prohibited under this draft.

Jefren E. Olsen  
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Phone: (608) 266-8906  
E-mail: Jefren.Olsen@legis.state.wi.us



RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Soon

1 **AN ACT** *recall* *to create* 942.09 of the statutes; **relating to:** unauthorized removal,  
2 concealment, defacement or destruction of a petition and providing a penalty.

---

**Analysis by the Legislative Reference Bureau**

Under current law, no person may fraudulently deface or destroy a recall petition or a petition for a referendum. This bill creates a new crime relating to the removal, concealment, defacement or destruction of petitions. Under the bill, a person may not remove a petition from a place where it is displayed or conceal, deface or destroy a petition for the purpose of interfering with the collection of signatures. The bill applies both to recall and referendum petitions and to other types of petitions, but it does not apply to petitions displayed on property without the consent of the owner or occupant or to petitions drafted for use in administrative, judicial or quasi-judicial proceedings. A person violating this prohibition may be fined up to \$10,000 or imprisoned up to nine months or both.

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5 interfere with the collection of signatures, conceals, defaces or destroys a petition or

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2 misdemeanor.

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4 (a) An owner or occupant of property who removes, conceals, defaces or destroys  
5 a petition that has been displayed on the property without the consent of the owner  
6 or occupant.

7 (b) A petition in a form that has been approved by statute or by a court or  
8 administrative order, rule or decision for submission in connection with an  
9 administrative, judicial or quasi-judicial proceeding.

10 (END)