

2007 DRAFTING REQUEST

Assembly Resolution

Received: **02/25/2008**

Received By: **smiller**

Wanted: **As time permits**

Identical to LRB:

For: **James Kreuser (608) 266-5504**

By/Representing: **scott adrian**

This file may be shown to any legislator: **NO**

Drafter: **smiller**

May Contact:

Addl. Drafters:

Subject: **Memorials - miscellaneous**

Extra Copies: **RAC**

Submit via email: **YES**

Requester's email: **Rep.Kreuser@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Encourage Attorney General to assist Dane County District Attorney

Instructions:

See Attached

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>
/?	smiller 02/25/2008	csicilia 02/25/2008		_____			
/1	smiller 02/25/2008	lkunkel 02/25/2008	nmatzke 02/25/2008	_____	cduerst 02/25/2008		
/2	smiller 02/26/2008	csicilia 02/26/2008	nmatzke 02/25/2008	_____	lparisi 02/25/2008	sbasford 02/26/2008	
/3			jfrantze	_____	cduerst	cduerst	

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J. Sully
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FE Sent For:

<END>

Miller, Steve

From: Adrian, Scott
Sent: Monday, February 25, 2008 9:31 AM
To: Miller, Steve
Subject: Assembly resolution

Attachments: AG Res.doc

Steve –

Attached are some quick notes I put together to help get started on the AR we spoke about. Also here is a link to a MJS story in December regarding the case: <http://www.jsonline.com/story/index.aspx?id=698268>

Thank you for your assistance and please call with any questions.

Scott Adrian
Office of Rep. Jim Kreuser
(608) 266-5504



AG Res.doc (33 KB)

W

The Wisconsin assembly desires that the Attorney General continue to work together with and have at the ready all the resources from the Department of Justice that the Dane County District Attorney needs to prosecute,

W

the state Department of Justice was a partner in both the investigation and prosecution of *State of Wisconsin vs. Jensen* in the first trial, which resulted in a conviction of one misdemeanor while leaving open the question if felonies were committed, which is why a retrial is needed,

W

The Dane County District Attorney has been publicly quoted that he intends to retry the case if justice can not be served, which is what our taxpayers deserve out of their public officials;

W

The Attorney General has conceded that he could indirectly influence the District Attorney's decision for a retrial in *State of Wisconsin vs, Jensen* by denying the district attorney resources he had during the first trial, including the help of an Assistant Attorney General, now therefore, be it

RJ

Resolved by the Assembly, that pursuant to section 165.25(3) of the Wisconsin statutes, the Assembly desires that the attorney general grant the resources necessary to the Dane County District Attorney for a retrial in *State of Wisconsin vs. Jensen*.

Original Story URL:
<http://www.jsonline.com/story/index.aspx?id=698268>

Attorney general against retrial

Van Hollen prefers plea deal in Jensen campaign case

By STEVEN WALTERS
swalters@journalsentinel.com

Posted: Dec. 18, 2007

Madison - Attorney General J.B. Van Hollen said that he hopes a plea deal can be negotiated that will avoid the retrial of former Assembly Speaker Scott Jensen, whose three felony convictions for misconduct were overturned in November.

Van Hollen said it would be in the best interest of all parties "if you can resolve the case without a trial," although the attorney general noted the final call will be made by Dane County District Attorney Brian Blanchard.

Blanchard should seriously consider striking a deal with the Town of Brookfield Republican, Van Hollen said.

"I'm not interested in having another trial just for the sake of having (a) trial," he said.

The Republican attorney general's opinion is significant, because the state Department of Justice he runs was a partner in both the investigation and prosecution of Jensen and four other legislative leaders who were convicted of ordering or doing on-the-job campaigning.

Van Hollen took office in January of this year, and did not run the Justice Department at any point before or during Jensen's 2006 trial.

Jensen, 47, stands convicted of a misdemeanor, because he didn't appeal the conviction on that count.

Any plea deal would turn on this question: Would Blanchard settle the Jensen case for guilty pleas to additional misdemeanors instead of felonies?

Before he went on trial, Jensen rejected a prosecution proposal in which he would have pleaded guilty to one felony.

Explaining why he hoped a plea deal can be arranged, Van Hollen said, "Scott Jensen has been convicted of a crime - a misdemeanor that was not overturned on appeal. There certainly has been great expense. There has been a number of things that occurred to Mr. Jensen's reputation."

He added: "When you've got that in mind, and the resources that I think it takes to retry, I think that if you can resolve the case without a trial - and (if) Brian Blanchard agrees with this - our system really demands that you do that."

Blanchard said Tuesday his office does not comment on settlement discussions in any pending criminal case and it will be up to Van Hollen and his aides to determine "how the state Justice Department uses its resources."

"Our plan is to retry the Jensen case, if it cannot be settled at a fair level that serves the ends of justice . . .," Blanchard said in a statement.

One of Jensen's lawyers, Robert Friebert, said Tuesday that no talks about a second trial or possible plea deal have occurred since the felony convictions were overturned by the state Court of Appeals.

"There's nothing happening," said Friebert.

Blanchard charged the former Republican lawmaker in 2002, and he was convicted last year. Jensen appealed the three felony convictions, and the appellate court overturned them because of a faulty jury instruction.

Jensen, 47, resigned from the Legislature days after his convictions. He was sentenced to 15 months in prison, but allowed to remain free pending his appeal.

Van Hollen conceded that he could indirectly influence Blanchard's decision to retry Jensen by denying the district attorney resources he had during the first trial, including the courtroom help of Assistant Attorney General Roy Korte, one of the Justice Department's most experienced prosecutors. Korte and Blanchard jointly conducted the first three-week trial.

"I don't anticipate that we're going to use our assistance as a hammer for purposes of getting somebody to do our will. It may be that no resolution can be arrived at for any number of reasons," Van Hollen said.

Jensen was the only one of five legislative leaders charged to go to trial; the others were convicted after entering plea deals.

Former Senate Majority Leader Chuck Chvala (D-Madison) pleaded guilty to two felonies, and ex-Sen. Brian Burke (D-Milwaukee) pleaded guilty to one felony and one misdemeanor. Former Assembly Majority Leader Steve Foti (R-Oconomowoc) and former Assistant Assembly Majority Leader Bonnie Ladwig (R-Mount Pleasant) each pleaded guilty to one misdemeanor.

[Buy a link here](#)

From the Dec. 19, 2007 editions of the Milwaukee Journal Sentinel
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State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-4177/

SRM

gjs

1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2007 ASSEMBLY RESOLUTION

1 **Relating to:** urging the Wisconsin attorney general to grant the resources necessary
2 to the Dane County district attorney for a retrial in *State of Wisconsin v. Jensen*.

3 Whereas, the Wisconsin assembly desires that the attorney general continue
4 to work together with and have at the ready all the resources from the ^{state} department
5 of justice that the Dane County ~~District Attorney~~ needs to prosecute; and

6 Whereas, the state department of justice was a partner in both the
7 investigation and the prosecution of *State of Wisconsin v. Jensen* in the first trial,
8 which resulted in a conviction of one misdemeanor while leaving open the question
9 if felonies were committed, which is why a retrial is needed; and

10 Whereas, the Dane County district attorney has been publicly quoted that he
11 intends to retry the case if justice cannot be served, which is what our taxpayers
12 deserve out of their public officials; and



✓
STAYS

2007 ASSEMBLY RESOLUTION

(I)

Scott RO

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11 intends to retry the case if justice cannot be served, which is what our taxpayers
12 deserve out of their public officials; and

13 Whereas, the attorney general has conceded that he could indirectly influence
14 the district attorney's decision for a retrial in *State of Wisconsin v. Jensen* by denying
15 the help of an assistant attorney general, now, therefore, be it

Scott RO
✓
(I)

1 **Resolved by the assembly, That** the Wisconsin assembly expresses its desire
2 that, pursuant to section 165.25 (3) of the Wisconsin statutes, the attorney general
3 grant the resources necessary to the Dane County district attorney for a retrial in
4 *State of Wisconsin v. Jensen.*

(END)

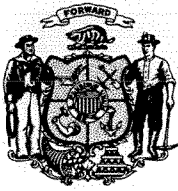
Scott RO
↓
I

Basford, Sarah

From: Pfohl, Mike
Sent: Tuesday, February 26, 2008 9:27 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-4177/2 Topic: Encourage Attorney General to assist Dane County District Attorney

Please Jacket LRB 07-4177/2 for the ASSEMBLY.
Please rush, for TODAY'S session

Thank you
Mike Pfohl
Office of Rep. Jim Kreuser
(608) 266-5504



2007 ASSEMBLY RESOLUTION

1 **Relating to:** urging the Wisconsin attorney general to grant the resources necessary
2 to the Dane County district attorney for a retrial in *State of Wisconsin v. Scott*
3 *R. Jensen*.

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9 trial, which resulted in a conviction of one misdemeanor while leaving open the
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13 deserve out of their public officials; and

Miller, Steve

From: Adrian, Scott
Sent: Tuesday, February 26, 2008 10:41 AM
To: Miller, Steve
Subject: LRB-4177/2

1/3

Steve –

Could you please add on Page 2, line 5 the statutory reference to the line: “pursuant to section 165.25 (1m) and 165.25(3)”

I will send back the previous jacket. Thank your assistance.

Scott Adrian
Office of Rep. Jim Kreuser
(608) 266-5504

13
/3
Stays

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