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2020 Weekly Division



# VILAS COUNTY NEWS-REVIEW

Section A

\$1.75

VOL. 137, NO. 18

EAGLE RIVER, WI 54521 • (715) 479-4421 • vcnewsreview.com

WEDNESDAY, JULY 6, 2022

## Defense attorney shortage undermining rights

BY SARA CARIAS  
ASST. EDITOR

Many who are arrested and charged with a felony crime in Vilas County are seeing significant delays in their cases due to a lack of public defender attorneys, and it may have constitutional consequences.

The Sixth Amendment to the U.S. Constitution grants and guarantees criminal defendants the right to a speedy trial without unnecessary delays, and the right to an attorney.

Supreme Court rulings in

multiple cases confirm that a public defender must be provided to criminal defendants unable to afford an attorney in all cases where the defendant faces the possibility of imprisonment. This is meant to ensure defendants who are considered poor, or indigent, are afforded the same rights and protections as those who could afford to retain private counsel on their own.

In Vilas, there is a shortage of public defenders available to meet the demand. And it's been an ongoing issue for a long time according to Vilas County Sheriff Joe Fath.

As an example, one defendant arrested in Vilas last Nov.

22 still remains in custody at the jail, and to date, has not been assigned an attorney. Though eligible for a public defender, the defendant has come before the court for 10 initial appearances and all were rescheduled due to the defendant not having an attorney. The defendant's next adjourned initial appearance is now scheduled in August — nearly nine months since charged.

The Wisconsin State Public Defender's Office (SPDO) in Rhinelander, which is state-funded, is responsible for providing public defender services for Vilas, Oneida, Forest and Florence counties.

The problem is not unique to Vilas, but also affects surrounding counties, including Oneida.

"This is a problem across the entire state and in some counties it is worse than others," said Adam Plotkin, legislative liaison for SPDO.

The case that is still pending in Vilas from a Nov. 22 arrest is not the only one — there are more.

In a News-Review probe of court records, a sample of 14 weeks of court calendars since mid-March show that Vilas County Circuit Court saw 163 felony cases come before a judge for an initial appearance, adjourned initial

appearance or status hearing relating to a public defender appointment. This is where defendants are becoming stuck in the justice process.

Out of those 163 cases, 111 of them, or 68%, still had not been appointed a public defender despite being eligible.

"Our staff is usually able to take about 65% of cases referred for appointment," said Plotkin. "The other 35% are referred out to private bar attorneys, mostly due to a conflict."

When conflicts arise involving certain defendants, it is the SPDO's responsibility to find a private bar attorney

who is willing to take the case at rates established by state legislators.

According to Vilas court records, SPDO has made 2,095 contacts with private bar attorneys for the single case that's still pending in Vilas mentioned earlier.

"Any time there is a delay in appointment, it impacts defendants greatly, as well as their family and also the alleged victims," said Plotkin.

He said those without representation face the potential challenges of longer incarceration, denied bond and delays in due process. In addition,

To DEFENDERS, Pg. 5A



FROLICKING FAWNS — Few things rival the joy exhibited by young fawns exploring the new world in their early months of life.

These two fawns played together in Eagle River last week, frolicking near the downtown area. —Staff Photo By KURT KRUEGER

## Complaints believable in discrimination probe

### No cause for discipline found

BY KEN ANDERSON  
NEWS CORRESPONDENT

An investigation of allegations made by seven Vilas County female department heads last fall has been concluded, with a report indicating that although the complaints by witnesses were believable, no evidence of actionable discrimination was found.

The summary report of the discrimination complaints indicated there was no evidence of actionable discrimination and no evidence of hostile work environment, but the complaint noted there was a need for board members and employees to get training.

The investigation involved a reclassification request and a pay increase by human services manger Richard Kiple who accepted his position at a lower salary than his prede-

cessor and used that to deny deserving employees pay increases.

The review was conducted by attorney Laurie McLeRoy of Von Briesen & Roper's Milwaukee office.

McLeRoy admitted some of the claims made by the female department heads were resolved due to retirements and changes in the county board. Former county board chairman Ron DeBruyne who was alleged to have made a derogatory statement regarding female anatomy choose not to run for re-election.

After two hours in closed session, some of the major findings of the investigation were listed once the county

To COMPLAINTS, Pg. 2A

## News-Review takes top honors for WTC program

BY NEWS-REVIEW STAFF

The Vilas County News-Review received 27 Better Newspaper Contest awards for writing, photography and advertising design, including a first place Community Engagement Award for its Warm The Children clothing program.

Contest winners were announced June 24 at The Madison Concourse Hotel and Governor's Club in downtown Madison. This was the 168th annual convention, and returned to an in-person banquet after going virtual last year due to Covid.

The 2021 Wisconsin Newspaper Association Foundation Better Newspaper Contest received 2,117 entries from 98 newspapers for the 2021 contest, awarding the News-Review eight firsts, six seconds, eight thirds and five honorable mentions. The

News-Review also published The Three Lakes News.

Other top awards included first place for Photo Essay, Best Opinion Pages, Best Headlines, Business Coverage and Local Column. The News-Review also took home first place awards for Best Multiple Advertiser Spread and Best Newspaper Promotion in advertising.

Publisher Kurt Krueger said the paper's varied awards reflect the excellent work being done by the entire editorial, advertising and production staff. The News-Review previously won Best of Division honors in 2011, '13, '15 and '17, and last year brought home for the first time ever both the Best of Division and Newspaper of the Year in the weekly division.

"On behalf of my great

To AWARDS, Pg. 10A

## Vilas, Oneida counties receive over \$7 million in road funding

Vilas County is slated to receive \$1.14 million and Oneida County will receive more than \$6.1 million for construction projects through state funding announced last month by the Wisconsin Department of Transportation (DOT) and Gov. Tony Evers.

One of the Vilas County towns expected to receive funding is Plum Lake. A project on Carl Eliason Street will receive reimbursement of \$119,785 of the \$239,683 cost, and Golf Course Road will receive \$149,310 toward the \$300,000 project.

St. Germain can expect to receive more than \$25,000 toward its \$371,448 project on Found Lake Road. Boulder Junction and Winchester were each allotted more than \$25,000 for work on Town Hall Road and Old Highway O, respectively.

In Oneida County, the town of Three Lakes will receive \$436,582 toward an \$877,200 project on Winkler Road. Other portions of the \$6.1 million will be spent in the cities of Rhinelander, Minocqua, Crescent, Pelican, Pine Lake and Newbold, and on Highway D.



Road construction projects in the area have received another funding boost after the DOT announced recently that Vilas County would receive over \$1 million. —STAFF PHOTO

"So far, we have improved more than 1,700 miles of roads and nearly 1,300 bridges throughout our state, and we're making another major investment in the improvement of our local roads," said Evers. "Towns, villages, cities and counties across Wisconsin worked closely with DOT to plan these projects, and we

are confident they will make a real difference for Wisconsinites in communities across the state."

The Local Roads Improvement Program, administered by DOT, are state funded under the 2021-'23 biennial budget and are in addition to federal funding made available through the Bipartisan

Infrastructure Law.

Local system projects approved to use the infrastructure law funding will be announced separately.

In total, approximately \$149 million in state funding was announced for 342 local improvement projects to be completed across Wisconsin over the next five years.



# NEWS

# POLICE REPORT



**OUT OF WATER** — This ski boat found the water level a bit low on Highway 45 south of Three Lakes last Monday afternoon. The boat was apparently being transported from the Watercraft Sales

storage facility south of Three Lakes when the retaining strap broke and it left its trailer.

—Photo By Kerry Griebenow

## Vilas County Court report

# Lac du Flambeau woman pleads not guilty in hit and run death

A 24-year-old woman pleaded not guilty June 29 in Vilas County Circuit Court to a charge involving the death of 31-year-old, Alejandro Retana-Echeverria. Laurie L. Wildcat while in custody appeared for a preliminary hearing related to a felony charge of hit and run involving a death.

Vilas County Sheriff's Office Detective Cody Remick testified at the hearing. The court also heard the defense's motion to modify bond which was denied. Bond was continued and the court found probable cause to bind over Wildcat for arraignment.

Remick said he talked with

Wildcat at Heart II bar on Highway 70. He testified that Wildcat told him that she and another person from the bar drove back to the accident scene but did not get out to check on the victim.

He further indicated that other officers told him the victim was on the west side of the southbound lane and had no pulse and was not breathing.

When asked by defense attorney Daniel Snyder, Remick said Wildcat willingly gave a sample of her blood for testing, with results pending.

According to Vilas County Sheriff's Office, Retana-Echeverria was allegedly struck by a vehicle Wildcat was driv-

ing off Highway 51 in Arbor Vitae June 16. Through an investigation, it was determined that she was allegedly operating under the influence at the time of the accident.

Retana-Echeverria was pronounced dead by emergency responders upon arrival to the scene.

Wildcat's \$5,000 cash bond was continued and she remains in custody. A pretrial is set for Aug. 16 at 3:45 p.m.

Chad S. Conway, 49, of Three Lakes, pleaded not guilty at a waived preliminary hearing June 29 on two felony charges of possession of methamphetamine (meth). Probable cause was found and he was bound over for

arraignment. Bond was continued and pretrial scheduled for Sept. 20 at 9:30 a.m. The charges are related to alleged incidents on Feb. 21 and 23.

Vincent J. Diver, 35, of Lac du Flambeau, pleaded not guilty at an adjourned initial appearance June 27 on two felony charges of possession of meth and bail jumping. Bond was continued and a preliminary hearing is scheduled for July 6 at 3:30 p.m. The charges are related to an alleged incident June 16.

Kelli L. St. Germaine, 30, of Lac du Flambeau, appeared for an initial appearance July 30 on two charges of felony bail jumping and misdemeanor possession of drug paraphernalia. During the hearing she waived her preliminary hearing and pleaded not guilty. The court found probable cause and she was bound over for arraignment. Bond was continued and future dates have yet to be scheduled. The charges are related to an alleged incident May 18.

Harvey J. Frank Sr., 66, of Laona, pleaded not guilty at a preliminary hearing and arraignment June 27 on two felony charges of fifth- or sixth-offense operating while intoxicated and aggravated battery. Probable cause was found and he was bound over for arraignment. Bond was continued and pretrial is scheduled Aug. 16 at 8:30 a.m. The charges are related to an alleged incident April 14.

## Vilas County Sheriff

Vilas County Sheriff's dispatchers last week reported at least 25 911 hangups, two abandoned vehicles, six car vs. deer accidents, one accident with property damage, one request to assist another agency, four burglar alarms, one ambulance request, two animal problems, two attempts to locate, one boating/jet ski violation, three requests to assist citizens, four dead bodies, four disturbances, one fireworks complaint, two gas drive offs, one report of harassment, one employee injured on duty, one juvenile problem, one report of lost property, one noise complaint, one parking problem, one parole violation, one recovered stolen property, two requests for officer assist, three lewd and lascivious reports, one sexual assault, one report of smoke in the area, one suicide attempt, eight reports of suspicious circumstances, two thefts of general property, one watercraft theft, seven reports of hazard/signs down conditions, 10 traffic violations and four welfare checks.

There were at least 27 informational or procedural entries.

In the past week, one or more persons were booked at Vilas County Jail for the following offenses: possession of marijuana; possession of drug paraphernalia; and probation violation.

## Eagle River Police

Among the calls received by Vilas County dispatchers were at least 27 calls for the Eagle River Police. These included one alarm, one request for ambulance or medical assist, two animal problems, one request to assist citizens, two drug problems, two disorderly conducts, one fire, two requests for information, one juvenile problem, one lost or found property, two parking problems, three reports of suspicious person or circumstances, one non-reportable traffic accident, one traffic offense, one theft of property, one utility problem and three welfare checks.

No persons were taken into custody and booked into Vilas County Jail.

## Three Lakes Police

The Three Lakes Police Department reported at least two 911 hang ups, three accidents, two requests for ambulance, one animal problem, four requests for citizen assist, eight business check requests, one civil matter, one extra patrol request, one fireworks complaint, two hazards, three requests for information, one operating while intoxicated, one ordinance violation, one services, one sexual assault, one speed board, one storm/tornado, one report of suspicious person/circumstances, one theft and one trespassing.

# Defenders: Legislative issue

FROM PAGE 1A

the more time that elapses, the memories of witnesses and victims fade.

Plotkin said defendants who have been denied bond and had no attorney at the time could have potentially seen a different outcome in their case if properly represented.

"This issue is being raised broadly, with as many people as will listen," he said. "There is a lack of care and empathy when it comes to defense of the poor."

Felony cases are the main focus because they involve a crime that may be punishable by more than a year in state prison. They also are the most complex cases for circuit courts to accommodate, with more hearings that have additional requirements and timelines, as opposed to misdemeanor cases.

Wisconsin Statute 970.01 speaks to a defendant's initial appearance before a judge. Which reads, any person who is arrested shall be taken within a reasonable time before a judge in the county in which the offense was alleged to have been committed.

The problem is, there does not seem to be a legal definition for what "reasonable time" might be.

Plotkin said his staff diligently tracks who still needs a lawyer and how often contacts are being made to private bar attorneys, which can be by text, email or a phone call.

Vilas County Circuit Court Branch 1 Judge Martha Milanowski said she is aware of the issue and recognizes it as a crisis. She said

there are not a lot of black and white answers or solutions to the crisis due to the limitations of the court.

"This issue is bigger than what a court alone can do. It's a legislative issue," said Milanowski.

It's a legislative issue because reimbursement to private bar attorneys is \$70 an hour, a figure that had been \$40 an hour for some 25 years until it was increased in 2019. Most private bar attorneys charge far more than that for their services.

And SPDO also has a difficult time keeping its public defender attorneys for this same reason, as well as others.

"The issue comes down to money," said Plotkin. "By the time SPDO recruits and invests a heavy amount of training into new lawyers, they are then often recruited a year later by the district attorney's office or Office of Counsel in different cities and counties."

Plotkin said the 2019 increase for private bar attorneys was accomplished mostly because county boards across the state passed resolutions for their local state legislators, asking for the increase.

Questioned on the issue, Vilas County Board of Supervisors Chairman Jerry Burkett said he didn't know if Vilas ever drafted or passed

such a resolution in previous years. He said he would place it for discussion on a future agenda for the Law Enforcement Committee, which he also chairs.

State Rep. Rob Swearinger (R-Rhineland), who represents Vilas and Oneida counties, said he knows the lack of representation has been an ongoing issue. He said legislators have tried to address SPDO's recruitment issues through 2012 Act 7, which authorized pay raises for assistant state public defenders.

According to his office, the current law prohibits salary adjustments that exceed 10% of the base pay. Act 7 allows the public defender board, in fiscal year 2021-'22 only, to provide merit-pay salary adjustments that exceed 10% of a public defender's base pay.

Meanwhile, Judge Milanowski said defendants in Vilas who are in custody and have been found eligible for a public defender are informed weekly in status hearings about the efforts being made to secure them representation.

For more information on SPDO, visit wisps.gov or call (715) 750-2170.

For more information or help on legal rights, visit naacpldf.org or aclu.org.



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The Boulder Junction Shooting Range is accepting bids to remove and replace concrete pads and sidewalks on 3 trap fields. All concrete surfaces installed will be broomed and meet ADA standards. Any needed fill may be obtained onsite.

Inspection of the premises will be made, and specifications and diagram obtained on Wednesdays and Sundays, noon to 3 p.m. at the range, 10449 Nebish Road. Call Bob Conner, (715) 605-2565, to make arrangements.

Bids must be received no later than July 27, at BJSR, PO Box 171, Boulder Junction, WI 54512.

All work is to begin after August 9, and to be completed by October 14, 2022.

**WNAXLP** 5129

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