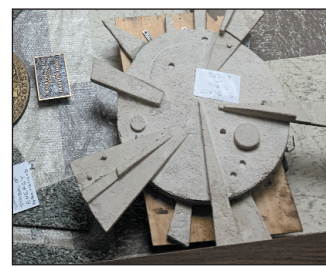




**Lancers take down Spartans in five sets**

▶ SPORTS, 1B



**Pieces of Boggs mural available at silent auction**

▶ LOCAL, 5A

WAUKESHA COUNTY



**The FREEMAN**

A Trusted News Source Since 1859

\$1.50

Wednesday, October 5, 2022

gmtoday.com

DARRELL BROOKS TRIAL

**Jury empaneled, trial testimony begins Thursday**

Brooks says he does not agree with jury selected



Mike De Sisti/The Milwaukee Journal Sentinel

Waukesha County Circuit Court Judge Jennifer Dorow warns Darrell Brooks not to interrupt as he appears in Waukesha County Circuit Court during the second day of jury selection in Waukesha on Tuesday. Brooks, who is representing himself, is charged with driving into the Waukesha Christmas Parade last year, killing six people and injuring dozens more.

**By Brian Huber**  
bhuber@conley.net.com  
262-513-2674

WAUKESHA — A jury of 10 men and six women has been selected for the trial of Waukesha Christmas Parade suspect Darrell Brooks Jr., over his objections and despite the fact that he declined to participate in much of the process of shaping the panel that will decide his fate.

Brooks, 40, is charged with 76 crimes including six counts of homicide by the use of a dangerous weapon, 61 counts of recklessly endangering safety, six counts of hit-and-run causing death, two felony ball jumping charges and one more of misdemeanor battery.

Brooks began the morning in open court but after a half-dozen interruptions of Judge Jennifer Dorow — which again included him asking her name and whether she had a claim against him — he was moved to an adjacent courtroom within the first half-hour.

At one point, as Dorow referred to his tactics as commonly employed by so-called “sovereign citizens,” Brooks corrected the judge: “I would like to state for the record, I am

sovereign.” When the judge ordered breaks to have Brooks removed after he was allowed in court, removed, and allowed in again, he objected, saying he did not consent.

Dorow explained she made the move due to what she termed Brooks’ “disruptive” behavior, finding Brooks has “not been able to maintain even the simplest rules of civility in this courtroom and continues to forfeit his right to be present” and that his antics prevented the efficient administration of justice. In the adjacent courtroom, he was able to watch proceedings and hear what was going on, and could be seen in court with his microphone muted, with Dorow noting it was the “functional equivalent” of him being present. Brooks continued talking to court personnel off-screen, and at times was seen reading from a book. At least twice during the day he could be seen waving a finger in the air in a dismissive motion, and slowly clapping as the judge spoke.

He was there as the second half of Monday’s jury pool was brought in for jury selection, and when handed a seating chart showing where the

See **BROOKS**, PAGE 6A



Mike De Sisti/The Milwaukee Journal Sentinel

Darrell Brooks pulls down his mask to speak during jury selection. Brooks appears via video in a separate courtroom in Waukesha County Circuit Court during jury selection in Waukesha on Tuesday.

**Former DA Bucher comments on jury selection, disruptions in Brooks trial**

**By Karen Pilarski**  
kpilarski@conley.net.com  
262-513-2657

WAUKESHA — The first two days of the trial of Darrell Brooks, the man accused of striking people with a SUV during the Waukesha Christmas parade, have not been without disruptions. Brooks on a number of occasions was removed from the courtroom after outbursts. On Tuesday jury selection resumed for the trial.

Brooks earlier withdrew his request for an insanity plea and requested to represent himself in court, which was granted.

Defense attorney and former Waukesha County District Attorney Paul Bucher said Brooks’ “intimidation tactics” ultimately won’t be successful in jury selection but on a temporary basis “certainly might be.”

Bucher said he predicted Brooks would be removed and put in a different room.

“I predicted more than likely he would be put in a side room. He will be muted and when it is his turn to talk he will be unmuted. He will be able to ask questions,” he said.

On Monday, this process was used for the jury selection process.

Bucher said he is sure some potential jurors are feeling intimidated and court staff are at times feeling angry.

“After a while it gets old and they are losing valuable time with individuals from the community,” Bucher said.

He believes it will delay the trial and make potential jurors think about whether they really want to serve.

“Jurors can come up with a lot of reasons why they don’t want to serve,” he said.

But over 300 potential jurors were called in and Bucher doesn’t think there will be issues finding people to serve.

Bucher was the prosecutor in the infamous Oswald case, which involved a teenager who went on a crime spree with his father. The crimes included robbing banks and killing a police officer, Waukesha Police Capt. James Lutz, in 1994.

Ted Oswald, then 19, was sentenced to two life terms plus 565 years, making him ineligible for parole until 2095. His then 50-year-old father, James, was convicted of 20 similar counts and was sentenced to two life terms, plus 625 years in prison. Before the conviction, James Oswald fired his attorneys and wanted to represent himself, Bucher said.

“Most pro-se defendants have no grasp of the rules of evidence and no grasp of objectable questions. It was very intimidating for the witnesses to be cross-examined by James Oswald. It was very intimidating for when we did jury selection to have him question jurors,” Bucher said.

See **BUCHER**, PAGE 6A

Volume 164 No. 137



7 97883 00027 1

**INDEX**

Business.....	5B	Lottery.....	2A
Classified.....	6B	Obituaries.....	7A
Commentary.....	4A	Sports.....	1B
Crossword.....	8B	Stocks.....	5B
Dilbert.....	5B	Weather.....	8A

**WEATHER**



**Tomorrow:**  
Few showers  
High 64 / Low 51

See complete forecast on Page 8A

**FREEMAN ONLINE:**

Subscribers get free access to the full e-edition of the newspaper at:  
[gmtoday.com/freeman](http://gmtoday.com/freeman)

TO SUBSCRIBE TO THE FREEMAN, call 262-542-2500 or go online at: [gmtoday.com/subscribe](http://gmtoday.com/subscribe)



**WCMLE (formerly CONEX) will be held**  
**November 2-3, 2022**  
**Wisconsin State Fair Park,**  
**West Allis Wisconsin**

See the **ARM Mulch Mule**, the material handling system that saves time and effort and look over the innovative **Benny Storage System**. Meet local suppliers to discuss what’s new and improved or what already works now!

Learn to **“Be The Leader in Smart Winter Management”** and **“How to Save Your Spine While Working”** and **“How to Stay Young”** by attending the workshop presentations.

Admission is free for the trades!  
Plan to visit Wisconsin Construction Municipal & Landscape Expo

To get more information, exhibit or to register go to [www.conexshow.com](http://www.conexshow.com) or call Dena at 561-345-1322





Mike De Sisti/The Milwaukee Journal Sentinel

Waukesha County District Attorney Susan Opper appears in Waukesha County Circuit Court during the second day of jury selection for the Darrell Brooks trial in Waukesha on Tuesday, Oct. 4, 2022. Brooks, who is representing himself during the trial, is charged with driving into the Waukesha Christmas Parade last year killing six people and injuring dozens more. He faces six counts of first-degree intentional homicide and 70 other counts.



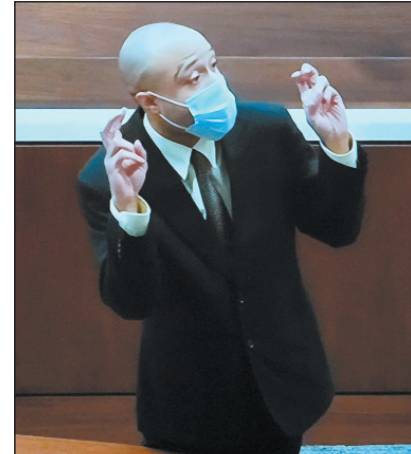
Mike De Sisti/The Milwaukee Journal Sentinel

Darrell Brooks reads from the Bible during jury selection. Brooks appears via video in a separate courtroom in Waukesha County Circuit Court during jury selection on Tuesday.



Mike De Sisti/The Milwaukee Journal Sentinel

Zach Wittchow, assistant district attorney, appears in Waukesha County Circuit Court during the second day of jury selection in Waukesha on Tuesday.



Mike De Sisti/The Milwaukee Journal Sentinel

Darrell Brooks gestures as he appears via video from an adjacent courtroom Tuesday.

## Brooks

From Page 1A

potential jurors were seated, he immediately ripped it up and tossed it aside. Immediately before the lunch break, with Brooks appearing to have been following proceedings, Dorow asked Brooks if he would like to return to the main courtroom; Brooks declined, saying he'd rather stay where he was if he was going to be put right back in there eventually. He declined further invitations to appear in the main courtroom throughout the day, calling it "pointless" and saying, "We all know what's going to happen ... you're going to find a reason to kick me out."

He accused the judge of misconduct and bias against him, and complained that when he raised questions, he was muted. The judge told him he didn't have to raise his voice or be abusive in order for her to find he was being disruptive.

The afternoon began with Brooks in the main courtroom, again clashing with the judge as the jury panel was brought in over what she said were "typical sovereign citizen acts" like asking her name and challenging her jurisdiction; Dorow sent the jury out while Brooks again was removed from the courtroom and placed next door.

Dorow over the first two days of the trial has repeatedly offered to allow Brooks back into the courtroom if his behavior matches expectations for decorum; Brooks at one point told her, "Remove me." In that courtroom, the court could see that Brooks had turned his video monitor away from him. Brooks was given a set of headphones to assist him after he for the first time mentioned he had hearing difficulties; he appeared to use the device sporadically the rest of the day.

As the jury pools were brought into the courtroom, Dorow told them they will notice Brooks was appearing by video and they were not to consider that in any way as they eventually deliberate.

Five jurors were struck for cause after saying they had formed opinions against Brooks and did not think they were able to put them aside to decide the case solely on evidence presented in court and the instructions of the law. Another woman was excused because she is scheduled for a knee replacement surgery at the end of the month. Later, another man, a West Allis police lieutenant, was excused after initially say-

ing he'd formed an opinion as to whether Brooks was guilty, but then said he could put it aside and decide the case solely on evidence presented and the instructions given to jurors. However, he also knew several people affiliated with the case as witnesses due to law enforcement contacts, was put on call to respond to the parade incident if needed and debriefed by Waukesha police after being called off, and talked with counterparts about it. Deputy District Attorney Lesli Boese moved to strike that juror, and Dorow agreed, saying he had a great deal of outside information.

Brooks, for his part, said his position was the same as Monday — that he wanted the entire jury panel struck: "Frankly, this wave of jurors seems to be as alarming as the ones (Monday) if not more alarming. A lot of them seem to have biases and my position would be all of them (should be) struck for cause." Brooks also asked that several of the jurors who expressed concerns over child and family care issues be excused as he felt those matters deserved their priority.

However, as she did with Brooks' request for the same Monday as well as his verbal motions to dismiss the case for alleged judicial misconduct on Dorow's part, Dorow denied his requests, saying he failed to identify any bias on the part of any juror. Brooks later questioned how anyone who knew people who investigated the case could be on the jury at all; Dorow explained that the only requirement was that jurors act impartially and even being at the scene that forms the basis of a case does not in and of itself disqualify one from being a juror.

When it came time to question the jury pool about whether they knew any of the hundreds of potential witnesses — at least 263 were on the state's list — Brooks said he wanted to disregard the witness list submitted by his former attorneys and offer one of his own. When asked who they were, Brooks said his list was in his cell; when offered a chance to retrieve it, he declined, and when asked if he would consent to a bailiff going to get it if Brooks said where it was, Brooks refused. Brooks said he was not going to call his mother, who was listed on a defense witness list, and when asked if he was going to call a collision reconstruction expert requested by his former attorneys, Brooks said he wasn't made aware of that individual.

"That was another issue with my prior counsel — a lot of things done without my knowledge," he said.

Brooks said he intended to call as a witness "the State of Wisconsin, who is plaintiff, apparently." When Dorow told him the state was an entity and not a person who could be called to testify, Brooks repeated his request, and Dorow summarily denied it.

### Picking final jurors

Finally, the time came to pick the final 16 jurors — 12 to deliberate the case and four alternates who will hear the case and not deliberate but be available as standbys if a need arises. They came from a pool of 36, with each side getting 10 peremptory strikes — the ability to strike a juror for any reason. Normally, the process is a relatively quick one as attorneys pass a clipboard back and forth, striking one name at a time, in the span of a few minutes. But that process took well over an hour Tuesday, as bailiffs walked the clipboard containing jurors' names back and forth from one courtroom to the other. Brooks at first crossed out the entire list, and did so again even after being told only one person at a time should be struck. When given the clipboard to strike a juror, Brooks shoved it away from him. Eventually, Dorow ruled that Brooks, if he wasn't going to select one name at a time, forfeited his right to make the strikes and had Clerk of Courts Monica Paz draw names by lot from a tumbler to represent Brooks' first eight strikes. On his ninth strike, Brooks merely put a notation next to a juror's name rather than drawing a line through it as he was told is standard practice, but did indicate to Dorow he intended to strike that juror and thought his notation made that "obvious." On the 10th and final strike, Brooks put a notation on the clipboard and began to pass it to a bailiff but stopped, saying he nearly forgot to "draw a line through" the name, using his fingers to denote quotation marks.

"Almost forgot," he said. "But you didn't, so thank you," Dorow replied. "Yeah, whatever," Brooks said.

The jurors were told to report to court at 8:30 a.m. Thursday. This morning was set aside for Court TV to set up the pool audio-video feed sent to the media, and the afternoon was reserved for a discussion on jury instructions and other matters to address before the trial opens Thursday morning.

language was intimidating and he was trying to get under everyone's skin.

"He was obnoxious, rude, intimidating, mean, vicious, obscene, profane," he said.

There was a room designated for Oswald if he got out of hand but it wasn't utilized. He did have to return to the jail a few times.

"It did delay the trial," Bucher said.

### Standby counsel

Bucher said Judge Jennifer Dorow can't take

Brooks' right to represent himself away.

"What the judge can do, and I know the judge has indicated that, is to over his objection appoint a counsel, which I don't think will really do much," he said.

Bucher is currently a standby counsel for a different case and said it is very difficult when the client is being disruptive.

"I try to do what I can and the client tells me to shut up and get out of there and uses profanities. The client

# Catrina Café celebrates Hispanic Heritage Month and nearly one year of business

By Faith Rae  
frae@conley.net.com  
262-513-2644

WAUKESHA — Catrina Café, a Mexican-inspired coffee shop in downtown Waukesha, is approaching one year of business this December. Owners Liliana Farias and Jeimi Jaramillo work each day to grow their business and took the time to touch on the importance of local Hispanic-businesses in celebration of Hispanic Heritage Month.

The café sells Mexican-inspired drinks along with pastries from local businesses. Their signature coffee sold in the store, piloncillo, is made with Mexican sugar and cinnamon.

Jaramillo and Farias have made an effort over the past year to branch out to the local community through events and fairs. The café, located at 118 W. Broadway, participated in the Waukesha Farmers Market over the summer and plans to take part in the upcoming Winter Farmers Market.

"Everybody in the downtown area has been very supportive," said Jaramillo. "A very warm welcome to the community."

The two owners, who met at Carroll University in a business class, have learned along the way how to strategize and continue their growth. "We are looking to be even more steady and profitable in the upcoming years," said Jaramillo.

Customers enjoy the one-on-one atmosphere of the small shop along with the colorful decorations that fill the space, according to Jaramillo.

One element of interest to the customers is the café's logo. The cultural logo includes a Catrina, an elegantly designed skeleton,



Faith Rae/Freeman staff

Pictured is Catrina Café, 118 W. Broadway, with their logo showing a coffee cup with a Catrina, a cultural logo with an elegantly designed skeleton, popular during the Day of the Dead.

gantly designed skeleton, which are very popular during the Day of the Dead.

The Day of the Dead is a Mexican holiday that celebrates and remembers loved ones who have passed away.

The logo is a very important symbol and something that Jaramillo and Farias spent the longest on before opening in 2021. They want people to look at it, remember it and help build the power behind their brand.

"It's not anything scary," said Jaramillo, referencing the Catrina placed on a coffee cup. "It means we celebrate life after death, and that no matter where you come from, or who you are, we are all going to look the same when we pass away."

From Sept. 15 to Oct. 15 is National Hispanic Heritage Month. Owning a Latin-American business, Jaramillo believes it's important to recognize local businesses because the Hispanic community in Waukesha has grown.

Jaramillo grew up in

Waukesha and recalls a time where there were only one or two Hispanic businesses in the area.

"Now a lot of the downtown area has Hispanic businesses," said Jaramillo. "That really makes me feel great to see that we're not only in the community, but we're contributing to the community in positive ways."

Living in Waukesha her entire life, Jaramillo recalls when she was younger and didn't have local role models to look up to. Being a first-generation college student in her family, Jaramillo is now proud to inspire the younger generation through her business.

"Now I see Hispanics or businesses being celebrated and recognized more and more, which is really nice," said Jaramillo. "We hope to keep building traction and to grow as much as we can. You know it takes time to build a business, so we have been working every single day, and our goal is to grow."

## Lac La Belle appeals decision in wastewater fees dispute

### Oconomowoc concerned over legal fees and time spent on dispute

By Karen Pilarski  
kpilarski@conley.net.com  
262-513-2657

OCONOMOWOC — Lac La Belle is appealing a decision made this summer upholding licensing fees imposed on wastewater treatment contracts with Oconomowoc.

According to a press release from the city administrator and mayor, the newest action means more time, legal fees and expenses will be incurred by the city to defend a legal contract between the city and the village.

Lac La Belle signed an agreement with the city of Oconomowoc in 1988 to get treatment service at the city's wastewater treatment plant for the sanitary discharges from some homes within the village.

"The agreement between the city and Village clearly defined the cost and details under which the city would agree to provide this service outside its city limits," according to a press release from the city.

The Mary Lane Area Sanitary District in the Town of Oconomowoc, Lac La Belle, and the Town of Ixonia and its Utility District #2 complained to the state Public

Service Commission, challenging licensing fees factored into the agreements each municipality inked with the city for wastewater treatment services, which were based on residential equivalent connections in each area.

But the PSC ruled it only has jurisdiction over a rate, rule or practice in an inter-municipal utility agreement and did not have jurisdiction to rule on the license fees.

The parties then filed suit in circuit court against Oconomowoc seeking a review, alleging that the fees should be thrown out because state law does not confer on cities the authority to impose them, that adding a fee for consideration of service makes it "sewerage service charge" and they are not related to the cost of providing wastewater treatment. The parties also complained that they get charged such a fee when Oconomowoc's residents do not. The PSC was named as a party to the action but dismissed early in the case.

Circuit Court Judge Michael Maxwell in August found that the PSC did not rule on the merits of the fees — it only said it did not have

the jurisdiction to consider whether they are valid. Such fees are authorized in state law and can be considered as a contractual term, as the parties did in this case, Maxwell ruled.

### 'Wasted two years'

Lac La Belle appealed the Circuit Court's decision last week. The city fears more legal fees and expenses will be incurred by the city "to defend a legal contract between the city and the village," according to the release.

"The Village's action has already wasted almost two years. For the city alone, the cost of defending this contract has been approximately \$50,000, which so far has been paid by the city's insurance company. The Village wanted to receive a city service and the city agreed to provide that service subject to the terms of a negotiated agreement. The Village now wants to continue receiving that service without paying the license fee that it agreed it would pay," the release stated.

The city cautioned about serious repercussions for future dealings with the village.

The release ends with the city hoping the village reconsiders and dismisses its appeal before "anymore time and money is wasted."

## Additional pickleball courts, parking recommended for approval in Hartland

HARTLAND — The Hartland Park and Recreation Board made a motion to put the addition of four new pickleball courts in Nixon Park on next year's budget and unanimously recommended approval during the meeting on Monday night.

The four new courts would be built on the east

side of the park, near the baseball diamonds, according to Village Manager Ryan Bailey. The current tennis courts and pickleball courts on the other side of the road would then slide over to provide room for additional parking.

The plans would cost \$113,904 total to upgrade the

current courts and create the new ones.

Additional parking at Nixon Park was also unanimously recommended for approval to the Village Board. The addition of around 40-50 parking spots was discussed, while still keeping green space, according to Bailey.

## Bucher

From Page 1A

James Oswald was allowed to be involved in jury selection. At the time staff was in a small room and James Oswald was there and jurors were coming in.

"It was very similar behavior (to that of Brooks)," Bucher said.

Oswald was in close proximity to jurors and witnesses, maybe five feet, according to Bucher. Oswald's body

language was intimidating and he was trying to get under everyone's skin.

"He was obnoxious, rude, intimidating, mean, vicious, obscene, profane," he said.

There was a room designated for Oswald if he got out of hand but it wasn't utilized. He did have to return to the jail a few times.

"It did delay the trial," Bucher said.

### Standby counsel

Bucher said Judge Jennifer Dorow can't take

Brooks' right to represent himself away.

"What the judge can do, and I know the judge has indicated that, is to over his objection appoint a counsel, which I don't think will really do much," he said.

Bucher is currently a standby counsel for a different case and said it is very difficult when the client is being disruptive.

"I try to do what I can and the client tells me to shut up and get out of there and uses profanities. The client

makes it clear they don't want me to do anything. I don't think it (standby counsel) will be very helpful in curbing his (Brooks') disruptive behavior," he said.

Bucher said Brooks seems to be playing "the mental health issues" and doesn't anticipate his behavior getting any better. He added the judge could decide to have Brooks examined again for mental competencies (not related to representing himself).

"I know he withdrew his

insanity plea but insanity focuses on the time of the offense. Mental competency is on the here and now. You can be competent one day and not competent the next. Especially if medicated. But in this case it appears he is playing games because he has nothing else to do," Bucher said.

While the disruptions are distracting, there isn't a way to eliminate them but there are ways to control them, Bucher said.

"It's frustrating to the gen-

eral public and costing everyone a lot of money. It takes a lot of energy out of everyone in the courtroom, the prosecutors and judge, to deal with this. Trying cases is mentally and physically taxing to begin with. You dig in and say this is not going to deter me and we are going forward," he said.

Bucher added Judge Dorow has clearly made that abundantly clear.

"This trial is going forward. I think it will just go at a snail's pace," Bucher said.