

# Waukesha South High cancels final two football games of the season

Injuries, player safety concerns cited ► 1B

## WAUKESHA COUNTY



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Friday, October 7, 2022

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# Brooks faces state witnesses

## After several verbal clashes, Brooks, judge end up thanking each other

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WAUKESHA — The trial of Waukesha Christmas Parade attack suspect Darrell Brooks Jr. resumed Thursday, with the first police officer who encountered Brooks that day testifying and a witness saying she heard Brooks threaten to kill her and his former girlfriend.

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 bail jumping charges and one more of misdemeanor battery.

He was in the courtroom before Judge Jennifer Dorow for only 10 minutes before being removed Thursday, after interrupting Dorow repeatedly. Brooks appeared in orange jail garb rather than the suit he wore in court Monday and Tuesday, and declined an offer to go back to his jail cell to change into civilian clothes, saying, "At this point, who doesn't know I am in custody?"

Brooks again refused to recognize his own name and asked to challenge "subject matter jurisdiction," prompting an exchange that grew more heated until Brooks was removed from the courtroom to the adjacent one where he has been able to view proceedings with his microphone muted.

After Brooks was removed, he appeared in the other courtroom shirtless, with Dorow explaining he resisted bailiff's efforts to

take him there, with them reporting he took off a shoe, threatened to throw it at them and break things in the courtroom. He spent the next hour shirtless in the courtroom, sitting on a court table with his back to the video camera on him, and the judge ordering that if necessary he be shackled facing forward. Dorow said his disruptions that have occurred daily in the trial were "simply another effort to disrupt, delay and create chaos."

Brooks later complained of a bruise and a cut he got in the transport to the other room. When told no blood was visible, he said he wiped it on his uniform. Dorow told Brooks he could have it examined during a break over the lunch hour.

### Competency not at issue

District Attorney Susan Opper noted media reports questioning whether Brooks was competent to proceed, but said Brooks has shown he is able to follow along in proceedings, understand things and assist in his own defense, demonstrating intelligence enough to discuss legal questions in the case. She said there were "absolutely no concerns on the part of the state" about his competence to proceed, and his actions — ranging from appearing to sleep in court, complaining of a toothache, and resisting attempts to come to court "are deliberate actions on his part ... he is attempting to avoid these proceedings to



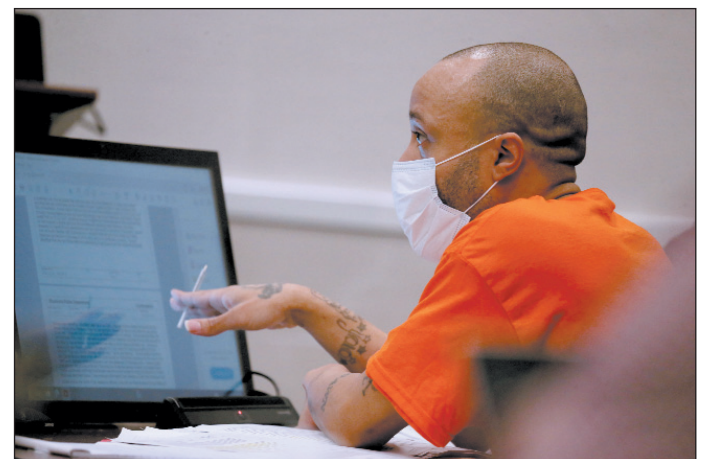
Angela Peterson/Milwaukee Journal Sentinel

Judge Jennifer Dorow reads the 76 charges against Darrell Brooks on Thursday



Angela Peterson/Milwaukee Journal Sentinel

Kori Runkel, a witness for the prosecution, gives testimony during Darrell Brooks' trial in Waukesha County Circuit Court on Thursday.



Angela Peterson/Milwaukee Journal Sentinel

Darrell Brooks cross-examines prosecution witness Kori Runkel during his trial in Waukesha County Circuit Court on Thursday.

■ Watch a livestream of the trial along with updates from our reporter in the courtroom at <https://www.gmtoday.com/brookstrial/>

delay the inevitable. ... I am thoroughly convinced, your honor, that Mr. Brooks is 100% competent to proceed to trial."

Dorow agreed, saying Brooks' actions were "defiant, deliberate and in line" with the findings of doctors who examined him for the insanity plea he ended up withdrawing. "It is the sole intent of Mr. Brooks to make a mockery of this process,"

she said. Also, Dorow ruled on the state's request for her to reconsider her ruling denying the state motion to prohibit the broadcast of victims' faces. Opper had asked that the faces of the victims not be shown, saying in her renewed motion there was no protection of the victims' privacy. "None of the victims or witnesses signed up for this. Their attendance at a public

event was not a waiver of their right to privacy," Opper wrote. Given a chance to respond, Brooks said, "Everything is supposed to be public. This is a public trial."

Dorow agreed with that assessment and upheld her earlier ruling denying the state's request, with the exception of juveniles, saying she was mindful of the stress that might place on victims.

### In and out of court

As the judge read 69 pages of instructions to the jurors, Brooks was in the other courtroom, at times taking the laminated "objection" sign he was given to signal the judge he had an objection and stuffing it in his waistband, signaling an ongoing objection.

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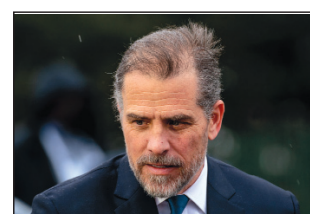
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### WEATHER



Tomorrow:  
Sunny  
High 56 / Low 38

See complete forecast on Page 8A



## Federal agents mull possible charges against Hunter Biden ► 7A

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## Brooks

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Dorow repeatedly advised Brooks throughout the day she wanted him in the courtroom, and he was invited back as long as he could adhere to standards of civility and decorum that included not interrupting or talking over people.

After the lunch hour, Brooks appeared in the courtroom again, with Dorow saying, "Please be mindful, sir, that the right to be here can of course be lost if you engage in disruptive, discourteous behavior; if you interrupt the decorum and do not show respect to the judicial proceedings you would of course be subject to removal and forfeiting your right to be present in this courtroom."

### Sovereign citizen

Brooks asked before the jury was brought back from a break to have a discussion on filings he made Monday, including a notice of special appearance in which he referred to himself as "third party intervener making a special appearance as authorized representative" for himself, and a "demand for verified statement of particulars" in which he asked the plaintiff to verify the nature and cause of the charges against him, provide a list of governing statutes, asserted no contract existed between the plaintiff and himself that subjects him to the state's laws, sought proof he is a U.S. citizen, sought the names of anyone injured or property harmed, and sought to verify that the State of Wisconsin would be available to testify and be cross examined at trial. He imposed a three-day deadline for a reply, which passed Wednesday.

Dorow told him she was not addressing those documents. When Brooks replied he wanted to make sure they are offered into evidence, Dorow told him that the proceedings were not at the evidentiary phase.

When Brooks said he did not understand why they weren't being discussed, Dorow referred him to the waiver of his right to attorney that Brooks signed last week, saying he made a deliberate choice and she could not give him legal advice or explain the law to him.

"I am seeking to merely understand, your honor. I do not understand the nature and cause of the charges," he said.

Dorow again warned Brooks repeated interruptions would see him removed to the other courtroom, to which he replied, "That's judicial misconduct. You're making judicial determination that I am not allowed to ask questions or I am not allowed to question your honor, which is my right."

"Do you understand when I tell you to not interrupt me?" Dorow asked.

"No, I do not," Brooks replied.

He was removed to the other courtroom.

Later there followed a discussion about those documents in which Opper cited another sovereign citizen case, where that court found "no merit whatsoever. ... The proposed sovereign citizens defense has no conceivable validity in American law. I think that's applicable to several of these filings here, your honor. ... (A)ny of these defenses such as his name, the jurisdiction of the court, the fact that the state is an entity, any of these efforts that Mr. Brooks has tried to put forth have been soundly rejected by the courts."

Dorow said Brooks' documents are "common sovereign citizen tactics ... I can simply deny the request to address those filings without any further discussion or hearing on them."

When Brooks complained his First Amendment rights to freedom of speech are not being honored, Dorow told him his rights are not absolute.

### Juror misidentified

After the instructions read, Brooks said he recognized a woman on the jury who he said "flipped (him) off" during his initial appearance. "I don't want that to end up being an issue," he said.

When told he had an oppor-



Angela Peterson/Milwaukee Journal Sentinel

Darrell Brooks in court on Thursday. After interrupting Judge Jennifer Dorow multiple times during the proceedings, Brooks was moved to an adjacent courtroom, at which time he removed his shirt.

tunity to question jurors and make peremptory strikes so the issue was waived, Brooks pointed out that he was in the other courtroom during much of jury selection and could not see jurors at the time. Dorow, "out of an abundance of caution," had a bailiff check with that woman, whom Dorow said reported she did not attend that hearing.

### Opening statement

Assistant District Attorney Zachary Wittchow gave the state's opening statement, talking about Nov. 21, 2021, a cold Sunday afternoon that saw "dance teams, high school marching bands and local community groups and businesses making their way down the parade route. The streets lined with people to soak up atmosphere. Kids ran into the street to grab candy from people throwing it in the parade."

"It sounds corny but I think you'll see from the videos there was a true sense of joy in the air. Darrell Brooks killed that joy. He replaced it with terror, trauma and death. The evidence is going to show that Mr. Brooks left behind a trail of carnage and chaos as he made his way down Main Street through the parade route. The evidence will show he left that crime scene, created that crime scene, in fact, because he was fleeing from another one, one where he laid his hands on a woman and where police involvement became inevitable. So as he careened down Main Street, swerving from curb to curb, hands glued to the steering wheel, eyes fixed on the road in front of him with a silent rage on his face, he hit the gas on his red Ford Escape, and used it as a battering ram, over and over again, striking men, women and kids.

"In the end, Mr. Brooks killed six people. He injured dozens more and left a permanent scar on this community."

It was preceded by an incident with Erica Patterson, an ex-girlfriend of Brooks and the mother of one of his children, at Frame Park, who reported Brooks had battered her and summoned friends to help. "The thing about a swollen eye is it's tough to fake," Wittchow said.

He recounted in order how Brooks went through the groups in the parade, striking and killing Tamara Durand, William Hospel, Jane Kulich, LeAnna Owen, Virginia Sorenson, and Jackson Sparks, who died after surgery for his injuries after being "cut down in the road before he had any chance to put any miles on his soul" at age 8. He recounted how the Dancing Grannies had seven people struck and four killed, the Waukesha Blazers had five victims among them, how 15 people in the Waukesha Xtreme dance group were either hit or nearly struck, and how 19 victims in a Catholic Charities of Waukesha float were struck. He told the jurors they would see the murder weapon themselves and would find all the evidence they need for convicting Brooks on all counts.



Angela Peterson/Milwaukee Journal Sentinel

Waukesha Police Sgt. David Wanner pauses while giving testimony in Darrell Brooks' trial in Waukesha County Circuit Court on Thursday.



Angela Peterson/Milwaukee Journal Sentinel

Judge Jennifer Dorow speaks before an opening statement is made in Darrell Brooks' trial on Thursday.

Brooks declined to give an opening statement until his time to present his defense.

### First witnesses

The first witness called by the state was Sgt. David Wanner of the Waukesha police, who recounted his role as incident commander in the parade, lining up personnel to block off intersections and coordinating the efforts of police and supporting personnel. He said he was about to open White Rock Avenue after the parade has passed when he overheard on a police radio a reserve officer was hearing a report of a fight at Frame Park that involved knives. Still focused on opening up the roadway, he returned to the area of Hartwell and White Rock and saw a red SUV traveling at a high rate of speed, which he estimated was 40 mph in a 25 mph zone. "I used both hands and waved them overhead ... in an attempt to catch the attention of the driver," he said, but the vehicle entered the parade route. "As the driver passed essentially in front of me by about 6 feet, I could see the operator of the vehicle in a just a dazed, straight focused, look straight ahead not looking at anyone."

"What did you do once you got into your squad?" Opper asked.

"I got into my squad car and was bombarded with the most terrible" — he took a long pause to keep his composure, breathing heavily, slightly shaking his head, — "it was the most terrible thing I've ever heard."

He said he heard an officer issue a code for all available officers in the county to respond, and they came from beyond the county's borders as well.

On cross-examination, Brooks from the other courtroom was very polite, starting with a "good afternoon" greeting, and telling him "I see this is very emotional, so I am going to try my best to not keep you up there any longer than you would like to be."

But he asked Wanner questions that immediately elicited

state objections that were sustained: "Have you ever come across or had any interaction in this matter?" "How long have you known the plaintiff?" "Do you see the plaintiff in court today?" "Do you have any knowledge of the plaintiff?" "Have you ever seen the plaintiff in this matter?"

The state's second witness, Kori Runkel, testified that she was Patterson's roommate at a women's shelter and was hanging out with Patterson in Frame Park, drinking vodka, when she left to meet a friend and Patterson left to meet Brooks. Later, they got a call from her seeking help, that Brooks had beaten her and was following her. They went to the area of White Rock School, where a security video picked up an incident where Brooks appeared to get out of his vehicle to confront her as she got Patterson away from him.

"He told Erica he was going to find her and kill her," she testified.

On a lengthy-cross examination, Brooks peppered her with questions about how she could identify him or his vehicle despite never having met him, challenged her account of their scuffle and pressed her as to whether she reported to police that he'd threatened to kill both women.

At the end of the day, things ended on a cordial tone, with Dorow commending Brooks on asking to return to court to cross-examine Runkel, and telling him he did a "very good job" of following the rules and asking pointed questions of the witnesses respectfully. She said she thought that although Brooks sometimes asked his questions "inartfully," he made some solid points.

"Thank you for giving me a chance to come back in," Brooks replied. "I appreciate what you said."

Dorow urged Brooks to appear in street clothes today; he replied he was awaiting the results of his COVID test first as that would influence his decision.

## WAUKESHA COMMON COUNCIL

# Residents oppose rezoning request; council approves it

## 15 duplexes proposed for city's southwest corner

By Hunter Turpin  
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WAUKESHA — The Common Council held a public hearing Tuesday on a rezoning petition for a duplex development in the southwest corner of Waukesha. Five residents spoke against the petition, but the council approved the rezoning request, saying they didn't find sufficient reason to deny it at this stage.

"I don't believe we can deny rezoning just because we don't like it or it doesn't exactly fit," said Alderman Frank McElderry.

The land in question, approximately 13 acres off Tanglewood Drive near Rivers Crossing Park, was annexed by the city several years ago. When land is annexed into the city, it is assigned as a temporary zoning district (T-1), city staff said. Developer John Marek requested the land be zoned to RD-2, two-family residential.

The project, which is in early stages, proposed 15 duplexes, both two-story and ranch style, set along a private drive, meaning there is currently only one entry and exit point.

Nearly all residents that spoke against the rezoning said traffic in the area is bad already and this project would make it worse; furthermore, there is a busy school bus stop in the area and they are concerned that this development would be unsafe for the children.

"This is an accident waiting to happen," both John Ehlike and Jeff Timm said.

The Plan Commission was also concerned about traffic and recommended that the council deny this rezoning request on the basis that there wasn't a traffic study done at the time of their meeting. Since that meeting, the developer sought a traffic study from Traffic Analysis & Design Inc. (TADI).

The traffic study concluded that the 30 additional units would not result in unsafe or inefficient traffic patterns, but neighbors weren't convinced there wouldn't be issues since there is only one entry and exit point planned.

These units could be owner- or renter-occupied, which the residents were also not fond of.

"Rivers Crossing is a family-oriented neighborhood with single-family homes," Maryjo Foss said in a letter to the council for the public hearing. "This continuous push to create more rental properties, either apartments or townhomes, is not needed or wanted by the Waukesha residents."

Residents also said the architecture and placement of the duplexes are not to the quality they think suits the area.

"This property doesn't deserve this kind of housing," said Carol Majeski, who said she would prefer single-family homes.

Marek said that the renderings are still in early stages and this development would have luxury units with rent around \$2,500 per month, he said.

"They're high-end people who come rent these places. It is not a low-end facility and it is something that is underserved in the community right now," Marek said.

The council said that there are separate processes to discuss more design and traffic details in the future.

## Kohl's donates \$150K to Red Cross for Hurricane Ian relief

MENOMONEE FALLS — Kohl's announced a donation of \$150,000 to the American Red Cross, which provides relief to communities impacted by Hurricane Ian.

"Our thoughts go out to everyone impacted by Hurricane Ian, including all of our Kohl's associates, customers and their families," said Michelle Gass, Kohl's chief executive officer. "Kohl's is committed to the communities we serve, and we are proud to support the American Red Cross as they help these communities recover and rebuild."

Kohl's is also providing aid to impacted associates and customers through many benefits and programming: Kohl's Associate Relief Fund gives emergency financial support to Kohl's associates who have been impacted by the hurricane.

Kohl's is also encouraging its associates to volunteer in support of relief efforts through Kohl's Volunteer Program. Kohl's is doubling the reward grant to \$50 per hour for our associates who volunteer with the American Red Cross.

Kohl's is committed to supporting the thousands of communities the company is a part of across the country, especially in times of need. To donate to the American Red Cross or learn more about their relief efforts, visit [redcross.org](http://redcross.org).



Darrell Brooks appears via video in a separate courtroom during his trial on Thursday.

## BRIAN HUBER

Reporting on courts for over 20 years

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