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Brooks: Incident was ‘not intentional’

State rests; Brooks begins presenting case

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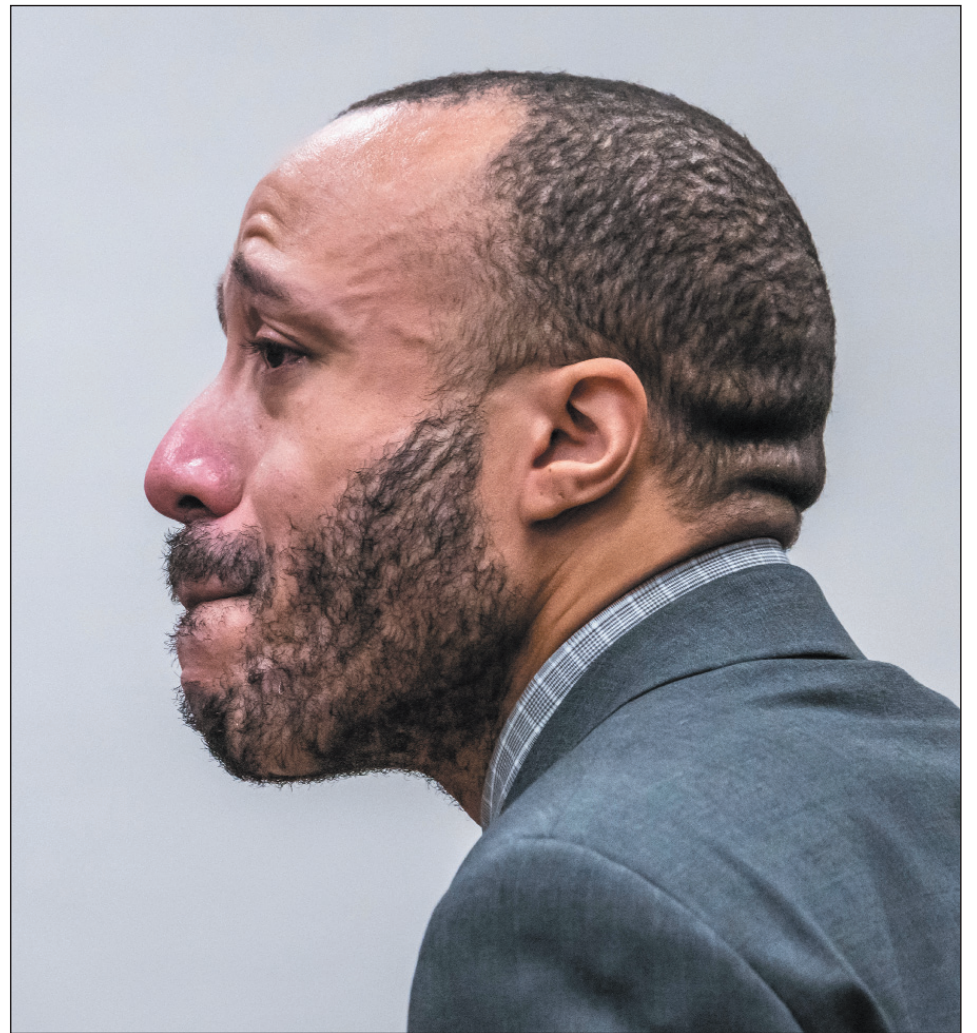
Scott Ash/Now News Group

Waukesha County Circuit Court Judge Jennifer Dorow admonishes Darrell Brooks during his trial in Waukesha County Circuit Court on Thursday.



Scott Ash/Now News Group

Defense witness Nicholas Kirby is questioned by Darrell Brooks during Brooks' trial in Waukesha County Circuit Court on Thursday.



Scott Ash/Now News Group

Defendant Darrell Brooks fights back tears as he makes his opening statement to the jury in Waukesha County Circuit Court on Thursday. Brooks, who is representing himself during the trial, is charged with driving into a Waukesha Christmas Parade last year, killing six people and injuring dozens more.

WAUKESHA — Thursday was a day of wild contrasts for Darrell Brooks Jr., the man accused of driving an SUV through the Waukesha Christmas Parade last year, as he gave a tearful opening statement barely two hours after an intense shouting match with the judge on the case after he complained an exhibit presented was not fair.

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 counts of felony bail jumping and misdemeanor battery. His trial entered a new phase Thursday as the state rested its case and Brooks began offering defense witnesses.

Opening statement

Brooks said he didn't have a prepared opening statement and was "just going to speak from the heart." Dabbing tears from his eyes at times and sniffing, and clearly wrestling with his emotions, Brooks implored jurors to remember there are "two sides to every story."

"For so long now, roughly a year there's only truly been one side told to this story. I've sat back and watched from countless narratives that's been put out there, the way this incident has been portrayed at times and finally everyone getting a chance to get the full story. You won't hear me try to argue facts, the fact is that this incident was tragic. Very tragic. That's not lost on me. Facts are that there's

still a lot of people healing, a lot of families healing, on both sides. What I am confident that the evidence will show — sorry I am getting a little emotional — I am confident that the evidence will show is that this incident was not planned, this incident was not intentional, this incident was never even thought about," Brooks said.

"It's easy to — I'm sorry, give me a second — think it's — it's easy to look at the magnitude of something like this and form opinions. I think, uh it's easy to disregard a lot of factors. And I think in reference to what I stated earlier it's easy to forget the other side of the coin. There has been a lot of suffering involved in this incident. A lot. Obviously with the families, with the community and even the alleged defendant's family as well there's been a lot of suffering, a lot of misunderstanding and I just want you to keep in mind everything that will be presented in its totality. Keep in mind the power that you have. I believe that shouldn't escape your knowledge. This has been a long process for everybody and what I believe is when it's time for you to make your decision, all of you, I believe that and I pray that it's the right decision, that all the factors are weighed.

"There's been a lot of words thrown out there about the alleged, a lot of speculation, a lot of ridicule,

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Online

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



A photo of a red SUV driving through the 2021 Waukesha Christmas Parade is shown during the Darrell Brooks trial in Waukesha County Circuit Court on Thursday. The license plate is circled by prosecutors to point out that it is clearly legible.

Scott Ash/Now News Group



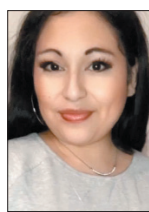
Courtesy of Bre Breu

Bre Breu of Waukesha has been watching the trial of Darrell Brooks. She felt inspired to create a design decal for T-shirts.

‘Together we are Waukesha Strong’

Waukesha woman uses frustration over Brooks trial to create symbol of unity

By Karen Pilarski
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Breu

WAUKESHA — Bre Breu of Waukesha has been watching the trial of Darrell Brooks, the man accused of striking people with a SUV during the Waukesha Christmas Parade. The month-long trial has not only spiked her blood pressure but also her inspiration to create a free Waukesha Strong decal, which can be put on shirts or other items.

Breu and her 4-year-old son,

who both have disabilities, weren't present at the parade.

"It was too cold and it is hard for me to do that type of stuff anyway. So many of our mom friends and close friends were there," Breu said.

However, she knows many families and friends, including some of her 16-year-old daughter's Waukesha North High School classmates, who were

hurt. She invited her daughter's classmates to come to their home and talk about the parade. "Her friends were in the ICU and stuff. I had a group of them who came over after the parade and stayed here. We talked through things," Breu said.

Breu normally doesn't follow court cases this closely but given the connection to what happened, she and many others have been glued to the screen.

"It is so sad for the victims and witnesses and everyone involved for how this has lingered on. Because of his

(Brooks) arguing," she said.

She added Brooks' behavior takes away from what people are going through. During court Brooks has objected and argued constantly on the record.

Breu took the anger and frustration she felt into something to help the community heal. She knows on social media there are negative comments and she can't control those.

"We are allowed to feel how we want to feel. There are people who want to say certain things

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WEATHER



Tomorrow:
Sunny
High 72 / Low 54

See complete forecast on Page 8A

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Brooks

From Page 1A

words like 'demon,' words like 'monster.' I know a lot of the time I've been before you you've seen me with this mask on. I've had my reasons for that. But I feel now is the time that it's important that you see me for who I am. No mask, for who I am. I think this is the moment for that. I pray that your eyes and ears remain as open as possible and understand that you alone decide this case, this matter. The power is in your hands, all of you, to determine for yourselves what truth is."

With that, Brooks took a seat at the defense table, wiping tears from his eyes. Dorow asked Brooks to call his second witness — the first, Juan Marquez, testified earlier this week with an interpreter.

Seeing Brooks' state, Judge Jennifer Dorow asked, "You need a minute?" and Brooks nodded before Dorow called a short break.

Detective: More victims than charges

The day began with a discussion about the request by District Attorney Susan Opper to recall Waukesha Police Det. Thomas Casey for more testimony, which Dorow allowed.

Casey said detectives worked with five different hospitals to identify people who were being treated after the parade incident. Casey said there were more victims than the ones alluded to in the charges in the case. Those, he said, pertained to people who received treatment at a hospital or were in the street when they were injured when hit by Brooks' Ford Escape, as well as one more Waukesha South band member who sustained a broken leg that wasn't reported until much later. There were other people who were trampled on the sidewalk by the crowd or who received injuries that did not require medical attention, he said. He named at least four people who were hit, including a member of the Dancing Grannies, Lola Hospel, who were not listed as victims among the charges.

He identified a photo of a hood and a hat that were found wedged between the crumpled hood and windshield of the SUV after it ran through the parade, and then identified those items as being worn by Virginia Sorenson as she carried a Dancing Grannies banner at the front of the group as it performed in the parade in another photo.

Brooks objected to Casey's description of the "parade attack," complaining it was a disparaging term. Dorow let the answer stand but reminded the parties it was up to the jury to decide the facts of the case.

Casey also identified two bail bonds from Milwaukee County court cases involving Brooks that still remain open and were open during the parade incident, conditions of which said Brooks was not to commit a crime while on bond.

Casey said he viewed 300 to 400 videos of the parade incident, filmed by attendees, city-owned cameras and private security systems. At least two of them showed the license plate of the SUV Brooks reportedly drove.

Another video, supplied by Brooks' mother, Dawn Woods, showed Brooks entering a red SUV at her residence just before 1:30 p.m. the day of the parade incident, wearing a red T-shirt matching the one he wore in police interrogation videos from later that night, and blue sandals like the ones found in yards near the parade scene after the incident.

More arguing

Casey also discussed a still image showing the license plate of the vehicle, with Brooks with his back to the camera. Brooks later asked him how Casey knew it was Brooks, and Casey replied it was an image taken from a video that was posted to Brooks' social media account. As Opper sought to have the video played in court without volume, Brooks complained it was not among the exhibits he was provided, and said repeatedly it was "mind boggling" how exhibits can be created "at the last minute out of the blue."

Opper said the video was included in the information given to Brooks when he decided to defend himself, but he said he hadn't seen it. Dorow told him he was familiar with that video as he was in it and was "no surprise" to him and he opened the door to it being played when he

questioned Casey about identifying him in the video.

As Opper began explaining her rationale, Brooks began talking over her. Dorow prompted him to stop interrupting, and Opper explained she wanted to play the video with audio but agreed with Dorow that that shouldn't happen, as it might be prejudicial to Brooks.

"This is to the benefit of this defendant who continues to suggest and impugn the integrity of this court and this prosecution without basis. He doesn't like it because the evidence is stacking up and stacking up and whenever it does his response is to accuse you, the court or prosecutors of being unethical and hiding things," Opper said, raising her voice.

"There is nothing in law that prevents me from pulling something out of my brief case right now and making it an exhibit if it's relevant. ... He can cite no law, no authority whatsoever that says I can't make an exhibit essentially on the fly if it is called for and that's exactly what happened here."

While the jury was excused for that discussion, Dorow addressed two other matters. In one, Brooks objected to hearing that police interviewed his minor nieces and nephews, calling it a "tricky move." The other saw Brooks ask Casey about a July 1 search of Brooks' jail cell, which became the subject of an unsuccessful motion to get the case dismissed by Brooks' public defenders. When asked to explain why he should be allowed to further question Casey on those matters, Brooks instead referred to the laughing of the prosecutors, saying "she must think I am an idiot."

Dorow said Brooks needed to show a legal basis for her to reverse the decision about admitting the video.

"So I am supposed to come up with that off the top of my head?" Brooks said.

"Yes," the judge replied. "That's ridiculous," Brooks replied.

"You're representing yourself," the judge told him.

'Mr. Brooks, sit down'

They continued to talk over each other for several more minutes before Dorow advised him to sit down and be quiet, warning him further interruptions would constitute Brooks forfeiting his right to be present.

"Are you asking me to do that (or telling me)?" Brooks said.

"I don't need to ask. I am telling you," Dorow said.

As Dorow tried to return to the two questions that remained about Casey's testimony, Brooks continued asking questions of the judge.

"I don't like your tone or the way you're talking to me. I don't appreciate it," Brooks said.

"Mr. Brooks, sit down. I don't care if you don't like my tone. You've been pushing my buttons all day and throughout this entire trial. I've shown the utmost of respect for you and I don't appreciate you impugning the integrity of this court," Dorow said.

As Brooks continued to talk over the judge, she told him, "Stop talking."

"What you mean stop talking?" he said. "Let's talk to each other like adults then. Because I never told you to stop talking."

Dorow asked him once more — yes or no — if Brooks wanted to continue asking Casey about interviewing his relatives and the jail search. Brooks said he didn't understand, and Dorow called a break.

Shortly after that, the sides reconvened to make sure all exhibits were in order, and the state rested.

First witnesses

After a lunch break, and following his opening statement, Brooks called his first witness: the State of Wisconsin.

Brooks has argued he's denied the right to confront his accuser, the plaintiff — the state — as it hasn't appeared in court. Brooks has asked nearly all witnesses if they ever had contact with the plaintiff, prompting state objections. Brooks has questioned whether the state has jurisdiction over him, asking several times daily to have it proven on the record.

Dorow issued a written decision last week finding his positions to be without merit, and has told him several times that he's not correct regarding the law. She also has told the jury to disregard Brooks' comments on the matter in their presence. She sustained the state's objection when Brooks called it as a witness.

Following that, Brooks called Nicholas Kirby, who



Waukesha Police Detective Tom Casey reacts to a question as he's cross-examined by Darrell Brooks during Brooks' trial in Waukesha County Circuit Court on Thursday.



Scott Ash/Now News Group

A video capture of Darrell Brooks and a red SUV, from his mother's address, is shown during his trial in Waukesha County Circuit Court on Thursday. Brooks, who is representing himself during the trial, is charged with driving into a Waukesha Christmas Parade last year, killing six people and injuring dozens more. The prosecution pointed out that the SUV shows no front end damage in the photo.



Scott Ash/Now News Group

A photo of Virginia (Ginny) Sorenson of the Milwaukee Dancing Grannies (circled) is shown during the Darrell Brooks trial in Waukesha County Circuit Court on Thursday. Sorenson was one of six people who were killed in the parade tragedy.



Assistant Waukesha District Attorney Lesli Boese, right, whispers to Waukesha County District Attorney Susan Opper during the Darrell Brooks trial in Waukesha County Circuit Court on Thursday.

Scott Ash/Now News Group



Scott Ash/Now News Group

A video of a vehicle driving through the 2021 Waukesha Christmas Parade is shown to jurors during the Darrell Brooks trial in a Waukesha County Circuit Court on Thursday.



Scott Ash/Now News Group

Darrell Brooks and a red Ford SUV are pictured in a video, obtained from his social media account, during his trial in a Waukesha County Circuit Court on Thursday.

testified about the incident he was part of with Kori Runkel; they were summoned by Erika Patterson to help her during the domestic matter alleged to have occurred near Frame Park immediately prior to the parade incident.

Kirby testified he'd known Patterson for about a week or two — she was roommates with his friend Runkel at a shelter — and Patterson told him of her past with Brooks and his history. He said he advised Patterson not to meet Brooks that day, and he and Runkel walked to the area near White Rock School when Patterson asked for help. He said he got between Brooks and the women when they began to argue, telling Brooks he needed to leave.

When Brooks asked Kirby if he saw people get injured, Kirby replied, "I saw a red SUV take off like a bat out of hell down Main Street and go through a crowd of people."

"The question was did you see this take place?" Brooks asked.

"With my own freakin' eyes, yes. How many times do I have to say yes for you to understand it? Y-E-S spells yes," Kirby replied.

Brooks' next witness was

Heather Riemer, who testified she was sitting near the Waukesha County Museum for the Christmas Parade when she saw a red SUV driving through the parade route, faster than other vehicles in it. She recalled hearing a horn but wasn't sure if it came from the SUV or another vehicle. She said she did not recall seeing anyone injured, but added as soon as the vehicle passed her location she saw it continue on the parade route before she and her family ran from the area.

On cross-examination, Riemer testified she witnessed an episode prior to the parade at North and Barstow streets, where she saw a red Ford Escape driven by a man she identified as Brooks turn the wrong way up North Street, prompting a car in front of her — driven by Kyle Edwards, who testified in the case in its first week — to back up to let the SUV into the gas station lot. There, she said, the driver she later learned was Brooks roll down his window and yell something at Edwards. She identified the SUV she saw there as a red Ford Escape, but was not sure it was the same vehicle she saw driving through the parade. She said

she never saw the face of the driver of the SUV in the parade.

After that, the parties planned out today's witnesses, which include Patterson. There was more acrimony when Brooks was asked to provide an idea of when they would be needed, with him saying the state didn't provide specific times. Dorow reminded Brooks the state is helping him get his witnesses into court, and needed a rough idea of when to have people appear; out of respect for their own schedules and a desire to keep things running efficiently — or he could try to call them all from his jail cell to tell them when to appear. Opper said it was hoped that they could get through all the defense witnesses Friday — there are at least seven remaining — but Brooks said, "I don't know if that's going to happen."

Plea offer

Before things started in the morning, Brooks advised he's working on his response to the state's pre-trial offer, which he said he wasn't apprised of by his former attorneys. Opper said it was sent to Brooks' former counsel in July, fol-

lowing an earlier offer in the case: In exchange for a plea of other than not guilty to counts 1-67 (six counts of homicide using a dangerous weapon and 61 more of first-degree recklessly endangering safety using a dangerous weapon) the state would agree to drop penalty enhancers for using a dangerous weapon as well as counts 68-83 (six counts of hit and run causing death, two bail jumping charges, two counts of misdemeanor battery and six counts of homicide by operating a vehicle with use of a controlled substance). She said the state would recommend six life sentences and unspecified prison on all other counts. Since that offer was made, however, the six homicide counts involving controlled substances and one of the battery counts have been dismissed.

Brooks, now representing himself, said he's started putting together a counteroffer.

Dorow asked him to inform her when he provides it to the state so there is a record of it. She said earlier in the week she guessed he didn't want to pursue the state's offer.