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STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

BRANCH 2

STATE OF WISCONSIN,

Plaintiff,

vs. Case No. 2022 CF 1257

MICHAEL Y. LIU,

Defendant.

PLEA & SENTENCING HEARING

HONORABLE JENNIFER DOROW

Circuit Court Judge, presiding

Waukesha County Circuit Court

November 30, 2022

Reported and Transcribed by:
Michelle M. Strehl, Court Reporter

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A P P E A R A N C E S

JACK PITZO, Assistant District Attorney,
appeared on behalf of the State.

JONATHAN V. LAVOY, Attorney at Law, appeared on behalf of the
Defendant.

LINDSEY M. ANDERSON, Attorney at Law, appeared in court for
Victim A.

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P R O C E E D I N G S

(Proceeding commenced at 9:04 a.m.)

THE COURT: Well, good morning. I will call State of Wisconsin versus Michael Liu, 22CF1257. Appearances, please.

MR. PITZO: Jack Pitzo on behalf of the State.

MR. LAVOY: Jonathan LaVoy appears with Mr. Liu. Mr. Liu appears in person. Good morning.

THE COURT: All right. Good morning. We're here today for plea and sentencing. I believe the State is in compliance with Victim Rights. Is that correct?

MR. PITZO: Yes, Judge. Victim A is here present in court. She's also represented by counsel, who will assist her during the hearing.

THE COURT: All right. And that is Attorney Lindsey Anderson. And so the record should reflect she is here as well.

All right. It's my understanding that the parties have reached a resolution in this matter. Would the State please put the offer on the record?

MR. PITZO: Sure, Judge. Upon a plea of guilty to Count 2, battery - domestic violence, Count 4, criminal damage to property - domestic violence, and Count 6, contact after domestic abuse arrest, the State would agree to

1 dismiss and read in the remaining counts, along with a new
2 referral for bail jumping.

3 There is a read-in list that I just -- I
4 noticed was not filed in this case. And I did file it
5 probably 3 or 4 minutes ago. And I believe it's for bail
6 jumping.

7 I believe both parties would stipulate to two
8 years of probation with the following conditions, both sides
9 free to argue condition time. And I'll get to our argument in
10 a second on that.

11 But no contact with the victim unless
12 otherwise allowed in 22FA767, complete New Thresholds Program,
13 any other counseling deemed appropriate by the agent, no
14 firearms or any dangerous weapons, follow all family court
15 orders in 22FA767, DNA sample and surcharge, absolute sobriety
16 with random screens, and any request in restitution, which in
17 this case is \$8,757.78. And that's to Victim A.

18 The State is going to be arguing for 60 days
19 of condition time. But, again, both sides are free to argue
20 on that.

21 I understand that some of these conditions
22 are a little bit different than what the victim is going to
23 ask for, and she'll explain that.

24 THE COURT: All right. Thank you. And then,
25 Attorney LaVoy, that's your understanding of the State's

1 pretrial offer and what their recommendation will be today?

2 MR. LAVOY: That is correct. I did inform the
3 Court that we are not in agreement on restitution. And
4 alcohol was not a factor in these events, so we don't think a
5 no alcohol provision is necessary.

6 THE COURT: All right. Thank you.

7 And Mr. Liu, did you hear the recitation of
8 the pretrial offer?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Is that your understanding of the
11 offer and what the State will be recommending today

12 THE DEFENDANT: Yes.

13 THE COURT: There's an information in this
14 case which charges you with nine -- I'm sorry, eight offenses.
15 It's my understanding you are going to enter guilty pleas to
16 three of those.

17 Have you had an opportunity to both review the
18 information and the criminal complaint upon which these
19 charges are based?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you understand what the
22 complaint says you did between December 20th, 2021, through
23 July 21 of 2022, in the City of Brookfield?

24 THE DEFENDANT: Yes.

25 THE COURT: For purposes of your plea and

1 sentencing hearing today, are the facts in the complaint
2 substantially true and correct?

3 THE DEFENDANT: Yes.

4 THE COURT: Count 2 charges you with
5 misdemeanor battery - domestic abuse. It states that on or
6 about Wednesday, July 20th of 2022, at a residence in the City
7 of Brookfield, Waukesha County, Wisconsin, that you did cause
8 bodily harm to Victim A by an act done with intent to cause
9 bodily harm to that person without that person's consent
10 contrary to Wisconsin law.

11 This is a Class A Misdemeanor. And upon
12 conviction, you may be fined not more than \$10,000, or
13 imprisoned not more than 9 months, or both. And because this
14 charge is an act of domestic abuse, costs upon conviction
15 would include the domestic abuse assessment.

16 Sir, do you understand this charge and
17 penalties you face?

18 THE DEFENDANT: Yes.

19 THE COURT: Count 4 charges you with criminal
20 damage to property. It states that on or about Wednesday,
21 July 20, 2022, at a residence in the City of Brookfield,
22 Waukesha County, Wisconsin, you did intentionally cause damage
23 to the physical property of another. Specifically, an Ipad
24 and blocks belonging to Victim A without that person's consent
25 contrary to Wisconsin law.

1 This also is a Class A Misdemeanor, and upon
2 conviction, you may be fined not more than \$10,000, or
3 imprisoned not more than 9 months, or both. And because this
4 charge is an act of domestic abuse, costs upon conviction
5 would include the domestic abuse assessment.

6 Do you understand this charge and penalties
7 I've stated?

8 THE DEFENDANT: Yes.

9 THE COURT: Count 6 charges you with contact
10 after a domestic abuse arrest. It states that on or about
11 Thursday, July 21st of 2022, at a residence in the City of
12 Brookfield, Waukesha County, Wisconsin, as a person arrested
13 for a domestic abuse incident, that you did intentionally fail
14 to avoid the residence of Victim A, an alleged victim of the
15 domestic abuse incident, during the 72 hours immediately
16 following your arrest for disorderly conduct and domestic
17 abuse, all contrary to Wisconsin law.

18 This is a misdemeanor. And upon conviction,
19 you may be find not more than \$10,000, or imprisoned for not
20 more than 9 months, or both.

21 Do you understand this charge and penalties
22 that you face?

23 THE DEFENDANT: Yes

24 THE COURT: All of the other charges, sir,
25 will be dismissed and read in. Do you understand the effect

1 of those read-in charges?

2 THE DEFENDANT: Yes.

3 THE COURT: Those are charges for which you
4 will not be convicted. The penalties you face for the three
5 will not increase in any way. But I can nonetheless consider
6 the conduct related to the read-in charges at the time of
7 sentencing. And even order restitution based upon those if I
8 deem it appropriate. Do you understand that?

9 THE DEFENDANT: Yes

10 THE COURT: There's a read-in list that has
11 been filed.

12 Are you aware of that, Attorney LaVoy?

13 MR. LAVOY: Yes.

14 THE COURT: And have you seen it previously?

15 MR. LAVOY: I have not seen it previously, but
16 I was made aware of the previous events. I believe the State
17 just filed that just moments ago.

18 THE COURT: What's the date of violation
19 related to that?

20 Do you have that, Madam Clerk?

21 THE CLERK: I'm looking right now.

22 (Discussion off record.)

23 MR. LAVOY: Madam Clerk, could you point print
24 that off for me?

25 MR. PITZO: The date of violation is July 26th

1 of 2022. And it's not a -- it's not a bail jump. It's a
2 knowingly violated domestic abuse temporary restraining order.

3 THE COURT: All right.

4 MR. PITZO: And I can e-mail it to it Attorney
5 LaVoy.

6 THE COURT: All right. Are you and your
7 client aware of the underlying conduct on July 26th of 2022
8 that forms the basis for the read in?

9 MR. LAVOY: Yes.

10 THE COURT: And is that true, Mr. Liu?

11 THE DEFENDANT: Yes.

12 THE COURT: So you understand even as an
13 uncharged read in, I can consider the facts concerning that
14 incident?

15 THE DEFENDANT: Yes.

16 THE COURT: In anticipation of your change of
17 plea today, did you and your attorney review a Plea
18 Questionnaire/Waiver of Rights Form?

19 THE DEFENDANT: Yes.

20 THE COURT: Did you do that earlier this
21 morning?

22 THE DEFENDANT: Yes.

23 THE COURT: Did you also talk with your
24 attorney more fully on prior occasions regarding the pretrial
25 offer and the entry of a plea in this case?

1 THE DEFENDANT: Yes.

2 THE COURT: Did you sign this Plea
3 Questionnaire/Waiver of Rights Form today?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you understand everything in
6 the document?

7 THE DEFENDANT: I do.

8 THE COURT: Are the answers to the questions
9 on the form and the information that you and your attorney
10 wrote on the form all true and correct?

11 THE DEFENDANT: Yes.

12 THE COURT: You are 36 years of age, and you
13 have a master's degree. Is that true?

14 THE DEFENDANT: That's correct.

15 THE COURT: Do you read, write, and understand
16 English?

17 THE DEFENDANT: Yes.

18 THE COURT: Do you understand all of the
19 charges to which you will be entering your guilty pleas today?

20 THE DEFENDANT: Yes.

21 THE COURT: Are you currently receiving
22 treatment for a mental illness or disorder?

23 THE DEFENDANT: Yes.

24 THE COURT: Have you had any alcohol,
25 medications, or drugs within the last 24 hours?

1 THE DEFENDANT: No.

2 THE COURT: Have you had any prescription
3 medication for any reason, including perhaps a heart issue?

4 THE DEFENDANT: Only for my heart condition.

5 THE COURT: All right. But have you had that
6 medication?

7 THE DEFENDANT: Yes. Mm-hmm.

8 THE COURT: All right. Have you had it within
9 the last 24 hours?

10 THE DEFENDANT: Yes.

11 THE COURT: Have you taken it as prescribed?

12 THE DEFENDANT: Yes.

13 THE COURT: Does that medication or the mental
14 illness or disorder issues that you previously identified in
15 any way interfere with your ability to understand what's going
16 on in court?

17 THE DEFENDANT: No.

18 THE COURT: Any difficulty understanding me
19 whatsoever?

20 THE DEFENDANT: No.

21 THE COURT: Do you understand that by entering
22 your guilty pleas here today, that you are waiving or giving
23 up all of the constitutional rights that are set forth in this
24 plea questionnaire?

25 THE DEFENDANT: Yes.

1 THE COURT: Do you remember going through a
2 list of constitutional rights with Attorney LaVoy?

3 THE DEFENDANT: Yes.

4 THE COURT: Did either you or he check off the
5 boxes next to the listing of those rights on Page 1?

6 THE DEFENDANT: Yes.

7 THE COURT: Did you do that to indicate to me
8 that you both understand these rights and that you are
9 waiving or giving them up by entering your guilty pleas here
10 today?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you have any questions
13 regarding the waiver of your rights?

14 THE DEFENDANT: No, I don't.

15 THE COURT: Do you want or need me to go
16 through the listing one by one with you right now?

17 THE DEFENDANT: No, thank you.

18 THE COURT: You did that with Attorney LaVoy?

19 THE DEFENDANT: Mm-hmm.

20 THE COURT: Was that a yes?

21 THE DEFENDANT: Yes.

22 THE COURT: All right. Thank you.

23 Now, in order for this Court to accept your
24 guilty pleas and find you guilty, there must be a factual
25 basis for the acceptance of your pleas. And I will primarily

1 do that by looking at the elements for these offenses and the
2 facts that are alleged in the criminal complaint. Do you
3 understand that?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you agree that I can rely upon
6 the facts in the criminal complaint in assessing whether there
7 is a factual basis for your pleas here today?

8 THE DEFENDANT: Yes.

9 THE COURT: Did you talk with Attorney LaVoy
10 about the elements for each one of these offenses?

11 THE DEFENDANT: Yes.

12 THE COURT: Did you also talk about the
13 interrelationship between the facts that are alleged in the
14 complaint and those elements?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you believe you fully
17 understand that?

18 THE DEFENDANT: I do.

19 THE COURT: So let's look at battery.

20 There are further elements for this offense.
21 The first is that you caused bodily harm to another person; in
22 this case, Victim A.

23 Second, that you intended to cause bodily harm
24 to the other person.

25 Three, you caused bodily harm without the

1 consent of Victim A.

2 And four, you knew that the other person did
3 not consent.

4 Do you understand these elements, sir?

5 THE DEFENDANT: I do.

6 THE COURT: The battery relates to the
7 incident on July 20 of 2022. There's, obviously, multiple
8 charges as it relates to that date.

9 It is alleged in the complaint that you
10 intentionally punched Victim A on that date without her
11 consent, causing either an injury or even just pain that would
12 qualify as harm.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: Did you cause bodily harm to
16 Victim A on July 20 of 2022?

17 THE DEFENDANT: Yes.

18 THE COURT: Did you do that by intentionally
19 punching her without her consent?

20 THE DEFENDANT: Yes.

21 THE COURT: You knew that she did not consent.
22 Is that true?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you agree that you committed
25 this offense, sir?

1 THE DEFENDANT: Yes.

2 THE COURT: To the charge of battery as
3 charged in the information, what is your plea?

4 THE DEFENDANT: Guilty.

5 THE COURT: Now, Victim A, at the time, you
6 were married to and have children with. Is that true?

7 THE DEFENDANT: Yes.

8 THE COURT: You agree that it's a qualifying
9 relationship under the law to be designated as a crime of
10 domestic abuse?

11 THE DEFENDANT: Yes.

12 THE COURT: Let's next talk about criminal
13 damage to property. Did you discuss these elements with
14 Attorney LaVoy?

15 THE DEFENDANT: Yes.

16 THE COURT: There are five of them. The first
17 is that you caused damage to physical property in this case,
18 an Ipad and some blocks.

19 Two, that you intentionally caused the damage.

20 Three, the property belonged to another
21 person.

22 Four, you caused the damage without the
23 consent of the other person or the owner.

24 And five, you knew that the property belonged
25 to another person and knew that the other person did not

1 consent to the damage. Do you understand these elements?

2 THE DEFENDANT: Yes.

3 THE COURT: My understanding is that you
4 intentionally caused damage to an Ipad and some blocks, which
5 I think might have been a toy that was in your home on the
6 date in question. Is that true?

7 THE DEFENDANT: Yes.

8 THE COURT: Did the Ipad belong to either
9 Victim A or your children?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. And did you
12 intentionally smash it on that date?

13 THE DEFENDANT: Yes.

14 THE COURT: And that, of course, caused
15 damage, you would agree?

16 THE DEFENDANT: Yes.

17 THE COURT: And you -- did you do that without
18 the consent of the owner?

19 THE DEFENDANT: Yes.

20 THE COURT: And, of course, you knew that the
21 property was not yours and that it belonged to another member
22 of your household and that they did not consent to the damage?

23 THE DEFENDANT: Yes.

24 THE COURT: All right. Do you agree that you
25 committed this offense?

1 THE DEFENDANT: Yes.

2 THE COURT: To the charge then of criminal
3 damage to property - domestic abuse, as charged in the
4 information, what is your plea?

5 THE DEFENDANT: Guilty.

6 THE COURT: All right. And then the last
7 charge is the violating a domestic abuse contact prohibition.
8 And for this, your attorney actually submitted a copy of the
9 substantive Jury Instruction, and you signed that. Is that
10 true?

11 THE DEFENDANT: Yes.

12 THE COURT: There are three elements. Did you
13 discuss these with Attorney LaVoy?

14 THE DEFENDANT: Yes.

15 THE COURT: The first one is that you had been
16 arrested for a domestic abuse incident. That means, in this
17 case, battery, disorderly conduct, or the criminal damage to
18 property by an adult person, against your spouse, or even any
19 other family member. Do you understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: The second element is that you had
22 been advised orally and in writing that you should avoid the
23 residence of the alleged victim, Victim A -- she is the victim
24 of the domestic abuse incident -- or any premises temporarily
25 occupied by her, contacting or causing any person to contact

1 her. Do you understand that element?

2 THE DEFENDANT: Yes.

3 THE COURT: The third element is that you
4 intentionally did not avoid the residence of the alleged
5 victim of the domestic abuse incident, or any premises
6 temporarily occupied by her, or contacting or causing any
7 person to contact Victim A within 72 hours of the arrest for a
8 domestic abuse incident. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: My understanding is that on
11 July 21 of 2022, so the very next day, so within, you know,
12 24 hours or less, you had contact -- or you went to the
13 residence where Victim A was residing. Is that true?

14 THE DEFENDANT: Yes.

15 THE COURT: I believe you also may have
16 contacted her either through a -- either directly or through a
17 third party to try to go to the home to remove some items. Is
18 that true?

19 THE DEFENDANT: Yes.

20 THE COURT: You were -- and you understand
21 that at the time that you did that, you had been arrested for
22 the battery, the criminal damage to property, and the
23 disorderly conduct the day before?

24 THE DEFENDANT: Yes.

25 THE COURT: And when you were arrested, at

1 some point, the police advised you orally and in writing that
2 you should avoid Victim A's residence. Is that true?

3 THE DEFENDANT: Yes.

4 THE COURT: They also told you you should
5 avoid contacting her in any way. Is that true?

6 THE DEFENDANT: Yes.

7 THE COURT: In other words, you were given
8 what we call the 72-hour Contact Prohibition Form that you
9 acknowledge to police?

10 THE DEFENDANT: Yes

11 THE COURT: And you didn't abide by that. Is
12 that true?

13 THE DEFENDANT: Yes.

14 THE COURT: You went to the residence
15 intentionally?

16 THE DEFENDANT: Yes.

17 THE COURT: And thereby violated that 72-hour
18 no contact prohibition?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you agree that you committed
21 this offense?

22 THE DEFENDANT: Yes.

23 THE COURT: To the charge then of contact
24 after a domestic abuse arrest, what is your plea?

25 THE DEFENDANT: Guilty.

1 THE COURT: Anyone make any threats or force
2 you in any way to enter your guilty pleas here today?

3 THE DEFENDANT: No.

4 THE COURT: Anyone make any promises to you in
5 exchange for your guilty pleas?

6 THE DEFENDANT: No.

7 THE COURT: Do you believe you're entering
8 your guilty pleas here today freely, voluntarily, and
9 intelligently?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand that if you're
12 not a citizen of the United States that your pleas of guilty
13 may result in deportation, the exclusion from admission into
14 this country, or the denial of naturalization under federal
15 law?

16 THE DEFENDANT: Yes.

17 THE COURT: Have you had enough time to
18 discuss this case and your decision to enter your guilty pleas
19 with Attorney LaVoy?

20 THE DEFENDANT: Yes.

21 THE COURT: Have you been satisfied with the
22 representation he has provided for you?

23 THE DEFENDANT: Yes.

24 THE COURT: Is there anything about this
25 hearing you do not understand?

1 THE DEFENDANT: No.

2 THE COURT: Are you confused about anything
3 that you are doing here?

4 THE DEFENDANT: No.

5 THE COURT: Are you pleading guilty to each
6 one of these offenses because you are guilty?

7 THE DEFENDANT: Yes.

8 THE COURT: Attorney LaVoy, have you gone over
9 the Plea Questionnaire/Waiver of Rights Form with your client?

10 MR. LAVOY: Yes.

11 THE COURT: Have you gone over the elements of
12 the offenses and the maximum penalties?

13 MR. LAVOY: Yes.

14 THE COURT: And are you satisfied he
15 understands them?

16 MR. LAVOY: Yes.

17 THE COURT: Have you satisfied that your
18 client understands all of the rights that he is giving up by
19 pleading guilty today?

20 MR. LAVOY: Yes.

21 THE COURT: And are you satisfied that his
22 pleas are being made freely, voluntarily, and intelligently?

23 MR. LAVOY: Yes.

24 THE COURT: And you have also discussed with
25 him the effect of not only the read-in charges, but the

1 uncharged read-in offense?

2 MR. LAVOY: Yes.

3 THE COURT: And you believe that he fully
4 understand that?

5 MR. LAVOY: Yes.

6 THE COURT: The Court approves the waiver and
7 finds that the defendant is entering his plea freely,
8 voluntarily, and intelligently, along with a full
9 understanding as to the nature of the charges, the maximum
10 possible penalties, and all of the rights being given up by
11 pleading guilty. And the Court accepts your pleas.

12 State offering the facts in the criminal
13 complaint?

14 MR. PITZO: Yes.

15 THE COURT: Any objection?

16 MR. LAVOY: No.

17 THE COURT: The Court finds that there is a
18 factual basis for the acceptance of your pleas. And based
19 upon your pleas of guilty, the Court finds you guilty of
20 Counts 2, 4, and 6. All remaining charges are dismissed and
21 read in. And I adjudge you convicted on today's date.

22 Are you and your client prepared for
23 sentencing then?

24 MR. LAVOY: Yes.

25 THE COURT: I will acknowledge I have read

1 through all of the sentencing materials as well --

2 MR. LAVOY: Thank you.

3 THE COURT: -- that were provided.

4 At this time, Attorney Anderson, I will turn
5 to you and your client. If she would either like to either
6 make a statement or you on her behalf. We'll just bring the
7 microphone, and you can do so from there.

8 Just make sure you identify yourself for the
9 record. She can be identified how she chooses, either as
10 Victim A or by her name.

11 MS. ANDERSON: And, Your Honor, would --

12 THE COURT: Microphone.

13 MS. ANDERSON: Your Honor, my client is
14 prepared to give an oral of her impact statement. And at this
15 time, would you like her position on the sentencing?

16 THE COURT: Yes, please.

17 MS. ANDERSON: Okay.

18 VICTIM A: So I'm Victim A. July 20th, 2022,
19 will be the last time you hit me. The children and I will
20 forever carry the scars of what you did to us and the terror
21 you caused.

22 Your abuse caused our daughter to start
23 fleeing room, based only on the look you gave her. You no
24 longer need to verbally abuse her to cause her terror and
25 screaming. She isn't normal for -- what's wrong with you?

1 Because she didn't do what you wanted her to?

2 I will always hear our children screaming in
3 terror as you shattered the Ipad, scared we would be next.
4 After you left the Ipad shattered on the ground, Victims B and
5 C said we shouldn't live with daddy anymore.

6 I'll always remember them trembling and
7 grabbing each of their hands and walking down to the end of
8 the street barefoot. Waiting for the police to come.

9 I'll always remember blindly packing their
10 toys and clothes in a panicked frenzy trying to get out of the
11 house that night in case you came back, in which you did.

12 When I heard the threat you made against me
13 and our children, a threat to kill us, I completely broke down
14 in tears, panicking on how I would keep our kids and myself
15 safe from you.

16 Twice, the police told me to flee and hide
17 with our kids after several events occurred. I remember
18 trying not to be scared in front of the kids and hold it
19 together until we have a new safe place to go.

20 Repeatedly I had woken up in a sheer panic,
21 crying, afraid that you found us and were going to hurt us.

22 The third time you fled, your parents randomly
23 showed up at my parents' house, which is three hours away. I
24 barricaded the kids and I in the laundry room terrified you
25 were there.

1 I'm mentally, emotionally, and physically
2 exhausted from the damage you have brought on our family. I
3 now suffer from PTSD. It physically hurts when I hear yelling
4 or unexpected loud noises.

5 I am constantly hypervigilant to grab the kids
6 and run if I need to. No person should have to file a
7 restraining order against their husband. No person should
8 have to file a child abuse injunction on behalf of their
9 children against their father to keep them safe.

10 Our children, Victims B and C, struggle with
11 fear, anxiety, and trust because of your abuse. Any time
12 there is a loud noise or someone yells, they freeze and look
13 at me in a panic scared something will be thrown or someone
14 will be hit.

15 The anxiety you have caused them now makes it
16 hard for everyday activities such as swim lessons and reading.
17 They start stuttering and crying saying, "I don't know. I
18 don't know" or "I can't."

19 They still bring up how daddy knocked over the
20 Christmas tree and smashed their toy kitchen. They remember
21 you following us into my daughter's room, as my back is
22 against the door, and you shoving it open and hit me on the
23 head.

24 Victim C told me they don't want to be a daddy
25 because daddies hit mommies and yell at their children.

1 They are in therapy processing how your abuse
2 has impacted them. This shouldn't be. Their home should be a
3 safe place, and you stole that from them. Parents ought to
4 protect their children from outside harm. But in their world,
5 I need to protect them from their own father.

6 I'm rebuilding our lives not to include
7 violence. And we are now free after years of physical and
8 verbal abuse. But our kids and I will forever carry the
9 trauma you caused.

10 Because of the threat of killing us and the
11 long history of abuse, and based on the defendant's guilty
12 plea in Counts 2, 4, and 6, with the remaining counts
13 dismissed and read in, and the defendant's stipulation in two
14 years of probation, I'm asking the Court for the following
15 conditions.

16 MS. ANDERSON: Your Honor, I would like to
17 take over and explain the requests.

18 THE COURT: Go ahead.

19 MS. ANDERSON: Your Honor, Victim A agrees
20 with the State's offer with the exception of contact between
21 the defendant and the victims and the slight change to the
22 sobriety testing.

23 We ask the Court to order no contact with
24 Victim A, unless otherwise allowed in the domestic abuse
25 injunction case, 22CV1055.

1 With regards to contact with Victims B and C,
2 we ask that the Court continue the bail order language that
3 was set two weeks ago that contact with the children be in a
4 therapeutic setting and only with the recommendation of the
5 Guardian ad Litem in the family court.

6 The issue on whether this Court should make a
7 general order to follow the family court orders, or make
8 specific orders, was just before the Court a few weeks ago.
9 The Court agreed with Victim A's request to limit contact to
10 the therapeutic setting.

11 For the same reasons argued two weeks ago, we
12 believe that this is the most appropriate way to proceed.
13 While it may seem prudent for this Court to pass the specifics
14 of contact on to the family court, this case needs special
15 consideration.

16 There is a Guardian ad Litem appointed to the
17 family case. But I believe with her busy schedule, it is not
18 permitting her to give the case the attention it needs. She
19 has not had any contact with Victim A or the children since
20 their initial meeting. She has not had any substantive
21 contact with me, Victim A's divorce attorney.

22 On the other hand, we do have a psychologist
23 who sees the children weekly. She is an expert in her field
24 and has insight to give recommendations that are truly in the
25 best interests of the children.

1 It only makes sense to rely on this
2 professional's opinion as the details of contact between the
3 defendant and the victims.

4 Another complication to this case is that
5 Victim A withdrew the child abuse restraining order based on
6 the following stipulation and order that was filed in the
7 divorce.

8 If the no contact order in the criminal case
9 is lifted, father's contact with the children shall be
10 supervised at parents' place, and the Guardian ad Litem will
11 follow the mental health professional's recommendations as to
12 when contact should commence.

13 The parties later agreed in a temporary order
14 hearing in the family case that this stipulation should be
15 expanded to supervised placement in a therapeutic setting, not
16 just at parents' place, after the children's therapist weighed
17 in on her treatment plan.

18 Unfortunately, the defendant has now de novo'd
19 this family court order to be heard at the end of January.
20 And I believe is seeking no restrictions on placement and is
21 not in agreement to follow the therapist's recommendations.

22 Your Honor, if this Court does not restrict
23 contact between the defendant and Victim's B and C to be
24 within the therapeutic setting, the family will find itself
25 back in litigation with a new child abuse restraining order

1 being filed.

2 As I stated, that initial restraining order
3 was withdrawn only because the parties agreed to supervised
4 placement and by following the therapist's recommendations.

5 The other slight change that we are requesting
6 to the offer is that the alcohol testing be not random screens
7 but a hair follicle test every 90 days. The defendant has
8 serious issues with alcohol.

9 For example, when he made his list of items he
10 would like from the house, he requested all of the liquor in
11 the basement. In all of my years of practicing family law,
12 I've never had someone request liquor in a personal property
13 division.

14 In the last hearing, this Court left alcohol
15 testing to the family court to decide. The court did order
16 absolute sobriety, but left the details of how to test to
17 family court. Unfortunately, the defendant refused to agree
18 to any testing, and the Guardian ad Litem didn't think it was
19 necessary. Without this Court's orders, we may not have the
20 accountability needed to keep the children safe.

21 The defendant's friends and family depicted
22 him as a kind, loving, and gentle man who loves his family
23 dearly. Hopefully, all of us who read those letters had red
24 warning lights flashing in our mind as we read the letters.
25 Those of us who have had any training in domestic abuse know

1 that someone who truly lives a life as described in those
2 letters --

3 MR. LAVOY: Judge, I'm going to --

4 MS. ANDERSON: Does not act --

5 MR. LAVOY: I'm going to object.

6 THE COURT: Hold on. No. Let her -- the
7 victims have a right. She's going to go. And I believe she's
8 almost done.

9 MR. LAVOY: I am.

10 THE COURT: You can respond accordingly.

11 MS. ANDERSON: All right.

12 MR. LAVOY: Those of us who have any training
13 in domestic abuse know that someone who truly lives a life as
14 described in those letters does not act in isolation, suddenly
15 threatening to kill his family and himself.

16 We know that mentally stable husbands and
17 fathers who do not engage in domestic abuse do not make these
18 threats. Ever. It is not a normal reaction to a stressful
19 day to threaten to kill your wife and children.

20 The day that led to this defendant's criminal
21 charges was a culmination of years of domestic abuse. It was
22 not an isolated event.

23 The children's therapist has cautioned all of
24 the attorneys involved that there is significant trauma and
25 anxiety in these little ones. And that reunification with

1 their father needs to be taken slowly.

2 For this reason, we ask the Court to order
3 contact be limited to the therapeutic setting with the
4 children's therapist.

5 We also submitted a restitution request to
6 Attorney Schmidt. She did inform me that the State was filing
7 that. I haven't seen if that got pulled through our not, but
8 it is my understanding that the defendant is objecting to
9 that.

10 Thank you.

11 THE COURT: Thank you.

12 All right. Go ahead, Attorney Pitzo.

13 MR. PITZO: Thank you, Judge. I don't have a
14 lot. As I think, obviously, a lot of this has been covered
15 already. But, certainly, probably the bravest person in this
16 courtroom right now is Victim A here facing her abuser.

17 The strength that she showed is commendable.
18 And when reading this criminal complaint, this is really a
19 terrifying situation for all involved. I think it's hard not
20 to have your heart break for these kids, because I think this
21 sticks with them forever. Kids need their dad and need their
22 dad to be their protector. And that's not what happened in
23 this case.

24 The victim (sic) showed really an extreme
25 inability to control his emotions. I would echo Victim A's

1 counsel in that this is not a normal response to stress. This
2 is not a normal response to a stressful workday.

3 This is an abnormal response that puts others
4 in danger. And even after that stress comes down, and after
5 this explosion, there's this kind of power and control of the
6 continued contact.

7 The read-in list is also an example of that.
8 Even five days later, on July 26th, the defendant is e-mailing
9 basically what I would describe as a suicide note to Victim A.
10 Which after everything that had already been happening,
11 clearly would be extremely upsetting. That's the basis for
12 that read-in list.

13 However, the defendant does have no prior
14 criminal record. I think probation is appropriate here. I
15 think this Court has the tools to set reasonable parameters of
16 probation. Not only to protect Victim A, B, and C, but also
17 to rehabilitate the defendant, which I know this Court must
18 look to do.

19 I'm asking that this Court follow the
20 recommendation of the parties. But I'm also asking for the 60
21 days' condition time. I think the extreme nature of this, and
22 really just the impact that you can see that this has had on
23 members of our community, the continuing impact, the impact
24 that will last far beyond the 60 days in the Waukesha County
25 Jail, I think that's really the minimum that should be done.

1 And, frankly, this Court also must look at
2 punishment. And that is punishment. For someone who has no
3 criminal record and who is otherwise prosocial, 60 days in the
4 Waukesha County Jail, I believe, would be unpleasant. But
5 necessary to try to deter him and others from engaging in this
6 behavior from being this person with their family.

7 And, ultimately, I think this Court can craft
8 that sentence with what the State's recommending. And I'd ask
9 that you adopt that recommendation, Judge. Thank you.

10 THE COURT: Thank you.

11 Attorney LaVoy?

12 MR. LAVOY: Thank you, Judge.

13 Again, most of this is stipulated. So I want
14 to focus on the issues at hand here.

15 Number one, the conditional jail time. I
16 understand the State's recommendation for 60 days of
17 conditional jail time.

18 Based on Mr. Liu's lack of prior record, his
19 age, his upfront treatment, his quick acceptance to
20 responsibility, and the circumstances of the case, I do not
21 believe that 60 days of condition time is necessary or
22 appropriate. I'm asking the Court to consider staying the
23 full 60 days to be used at the agent's discretion.

24 Or, if the Court does want to impose some
25 period of conditional jail time, that you consider a shorter

1 period of time with Huber release privileges for work,
2 certainly, and continued treatment.

3 As it relates to the alcohol and hair follicle
4 testing as requested by the victim's attorney, alcohol is not
5 part of any of the police reports that I've read. I
6 understand that there's been some claims about alcohol use. I
7 don't think it's necessary. Certainly, he does not have a
8 drinking issue, at least as he describes to me. But I don't
9 think that's necessary or appropriate. I don't think hair
10 follicle testing even tests for alcohol, so I'm not sure what
11 that even means. But certainly, no legal street drugs
12 certainly makes sense as well.

13 As it relates to the no contact provisions, I
14 know the State and the Defense are jointly recommending that
15 Mr. Liu simply follow the family court order. I understand
16 that the victim's attorney wishes for this Court to impose
17 additional restrictions above and beyond the family court.
18 I'm absolutely against that, Judge. I don't see any reason
19 why this Court in a criminal setting should be setting
20 conditions of what a family court should do as it relates to
21 contact.

22 We have a Guardian ad Litem assigned to this
23 case. I spoke with her last week. She is trying to reunite
24 the children with their father in a appropriate way. I agree
25 if reunification occurs slowly. She wants to do it in a

1 therapeutic setting to start, but she doesn't want to be
2 handcuffed for the entire two years because the family court
3 can change. Things change throughout those -- that period of
4 time.

5 And, certainly, I understand Victim A's
6 request for no contact whatsoever, but the family court is in
7 a good position to deal with this. We have lawyers on both
8 sides, we have a judge, we have a Guardian ad Litem. And this
9 Court should not supercede what happens in family court.

10 I understand Ms. Anderson isn't happy with the
11 orders of the family court. So she's asking this Court to
12 basically handcuff the other court. That doesn't makes sense.
13 I think we should let the family court do their work. And we
14 should simply order that Mr. Liu follow the family court
15 order. The State has agreed with that.

16 So we're -- again, it's a joint recommendation
17 from the Defense and the State on the issue of following the
18 family court order.

19 As it relates to the facts of the case, Mr.
20 Liu fully accepts responsibility. He's entered a plea very
21 quickly to these offenses.

22 The battery included, essentially, a punch to
23 a shoulder. Fortunately, there were no visible injuries in
24 this situation. But, nonetheless, he fully acknowledges that.

25 The criminal damage to property, obviously, he

1 acknowledges smashing the iPad.

2 And he acknowledges going back to the
3 residence to pick up effects and contacting his wife through a
4 third party. She was not present at home when he went back to
5 the home. But, nonetheless, it was a clear violation.

6 He's entered pleas of guilty to all three of
7 those violations. He's agreed to the read ins in this case.
8 And he's accepted responsibility at the earliest opportunity.

9 And I think that's important in noting that
10 Mr. Liu has not had any prior contacts with the Criminal
11 Justice System. Not even a traffic stop or ticket in his
12 lifetime. And at his age, that shows, in my mind, that this
13 is a circumstance that is not part of his typical behavior.

14 He was going through some very stressful times.
15 Obviously, the breakup of the marriage, some stress at work
16 does not excuse his behavior whatsoever, but you can tell that
17 he was out of control on these days. And since that time,
18 he's made dramatic changes in his life.

19 I've supplied letters to the Court showing the
20 fact that he's signed up and is now enrolled in the New
21 Thresholds Program. Which this Court is very aware of it's a
22 very good program through our Family Services.

23 He's engaged in an Employee Assistance Program
24 through his work. And attended several sessions through his
25 work.

1 He's also working with an individual counselor
2 at Family Services. And I've supplied letters from all of
3 those individuals. So I think that that shows that he's
4 making changes.

5 I agree with all parties that this behavior
6 that he engaged in is not typical, not appropriate in any way,
7 shape, or form. And he acknowledges that first and foremost,
8 and he's made changes to his behavior through counseling and
9 following court orders.

10 He -- obviously, divorces are devastating to
11 all. He's lost his wife. He's lost his home. He's lost his
12 children. He has not seen his children since the incident.
13 He works very, very hard to try to gain the trust back with
14 the family court to try to see his children. And that has
15 actually been worked out.

16 So he's to see his son on December 7th in a
17 therapeutic setting. And he's to see, potentially, his son
18 and daughter the following weekend, December 14th. Those are
19 currently scheduled right now. So that would be the first
20 time he would see his children. And, again, that would be
21 with a therapist in the therapist's office. And the kids do
22 need their dad. He is a good father.

23 And I understand that there's been a lot of
24 negativity that's been expressed against Mr. Liu, but in all
25 of my review of this case, he loves his children. He wants to

1 be there for his children. He wants to support his children.
2 He wants to be part of their life. He's not proud of his
3 behavior. He's not proud of the way he acted in front of his
4 children, but he wants to be a father. And he will do
5 everything in his power to continue to be a good father to
6 those children. And he will work with the therapists and all
7 parties to ensure that that's done in a safe and appropriate
8 way. But I certainly don't think that we need to, again,
9 handcuff the family court situation.

10 I think you can also look at Mr. Liu's
11 background and character, review the character letters, his
12 work history, his education. He has a master's degree. He's
13 a director of engineering at a corporation here locally. He's
14 worked there for seven months. He supervises 15 people. He
15 makes a good living. He will continue to use that to provide
16 care and resources for his children, including medical
17 insurance, and child support payments, and those types of
18 things. He wants to obviously continue to work for his
19 family.

20 Mr. Liu was born in China. He came here in
21 1989 of age 3. His parents are both present in court with him
22 today and are very, very supportive.

23 Mr. Liu became a U.S. citizen in 2005. And
24 he's really lived the American dream. He went to high school
25 in the Madison area. He received a college degree through the

1 UW of Madison in mechanical engineering and a master's degree
2 at Purdue. And then has been gainfully employed his entire
3 adult life.

4 He was married for ten years. Obviously,
5 going through a very contentious and difficult divorce. But
6 he wants to be a parent. He wants to co-parent. He wants to
7 be there for his children.

8 So based on all those factors, I think the
9 Defense and the State have tried to reach a reasonable
10 resolution. There's now three domestic violence related
11 convictions. There's a stipulation to probation. I think the
12 condition time, based on his age and lack of record, again, is
13 not necessary, or is certainly higher than it should be
14 necessary. And I think I've made my record on the no contact
15 order.

16 Mr. Liu would like to give a brief statement.

17 THE COURT: Before I turn to your client,
18 what's the basis for the objection to the restitution? Is it
19 just something you haven't seen?

20 MR. LAVOY: No. Thank you. I believe that
21 you can only order restitution for crimes considered at
22 sentencing. And I believe that a temporary restraining order
23 in a different case, the attorney's fees to achieve those, are
24 not appropriate. It's a separate case and is not a crime
25 considered at sentencing. So attorney's fees to obtain a

1 restraining order is not appropriate for restitution.

2 So he stipulates to the remainder of the
3 restitution, just not the attorney's fees related to what
4 appears to --

5 THE COURT: What would be the amount he's
6 stipulating to?

7 MR. LAVOY: That's what I don't have in front
8 of me. I believe there are -- there's the attorney's fees,
9 which is like \$8,000. But I think there was two other ones
10 for co-pays. I'm sorry. I don't have them in front of me.

11 THE COURT: Does the State have anything on
12 the request for restitution on the State's position on whether
13 that's something that I can order? At least as it relates to
14 the request for attorney's fees?

15 MR. PITZO: I do think that that's something
16 you can order. I don't have a cite for you now, but these
17 restraining orders were put in place as a result of this
18 criminal conduct. I think there is a causation here.

19 Certainly don't object to having a restitution
20 hearing to prepare better argument. There's also a request
21 based on some of this counseling from Cedar Lake Counseling in
22 Mequon. Part of that request is a new iPad. But then the
23 legal fees, of course, are a bulk of that.

24 THE COURT: All right. That part of the
25 hearing will obviously need to be set over for a restitution

1 hearing so that the parties can present their legal arguments
2 as to the basis for that.

3 Certainly, I was not aware of the specifics of
4 that and have not been able to do any independent research at
5 this time. So I'll put the onus on the parties to advise me
6 my authority or lack thereof.

7 All right. With that, Mr. Liu, this is your
8 opportunity to address the Court. What would you like to say?

9 THE DEFENDANT: Your Honor, I acknowledge and
10 sincerely apologize for my actions on July 20th, 21st, and the
11 26th.

12 It does not reflect properly on my character.
13 What I did wrong -- was wrong to the entire family.

14 This stem from my busy work-life balance as a
15 director of engineering and raising two young kids, four and
16 six. It's definitely a really busy time in our relationship.

17 Since then, I have been taking counseling
18 courses to help cope with my stress. I'm taking the New
19 Thresholds 20-week course. I have six remaining classes. I'm
20 taking Coping with Stress through Aurora. That's offered
21 through my company. And then I'm also doing one-on-one
22 biweekly counseling with a therapist through Waukesha Family
23 Services.

24 So these have definitely helped me learn the
25 necessary skills to cope with stress, both my personal and

1 work life.

2 In the future, I'm going to turn this negative
3 event into a positive. Starting with seeing the kids in a
4 therapeutic setting next Wednesday. And, hopefully, weekly
5 after that.

6 I'm going to work hard to co-parent for the
7 children's future. And then I'm going to also continue
8 working hard at my career but in a positive manner, along with
9 my work-life balance.

10 I apologize for all of the events in July. I
11 apologize to my wife. Hopefully you have seen some of the
12 true character in me through the letters written by my family,
13 my friends, and my co-workers.

14 Thank you.

15 THE COURT: Thank you, sir.

16 You know, oftentimes cases find their way in
17 the Criminal Justice System that have certainly aspects of
18 them that go well beyond what's happening in this courtroom.
19 And I think this is one of those cases.

20 This is a family that's been torn apart
21 directly, either because of or through the events in July of
22 2022 and even before then, given Count 1 that was dismissed
23 and read in.

24 And what I want the parties to know today is
25 that, you know, my primary function in this court is to hold

1 Mr. Liu accountable for what he did and what he's been
2 convicted of. There are so many other issues that this Court,
3 due to the limitations of being on the criminal case, just
4 simply cannot address.

5 It's true that in the family court case,
6 there's better mechanisms in place. It can be a much more
7 holistic approach. Now, I don't say that to minimize anything
8 that has gone on or the seriousness of this offense. But my
9 hands are a little bit tied when it comes to meeting all of
10 the requests that have been made here today, either legally or
11 just practically. And that is because I want to focus on the
12 behavior for which you've been convicted. And this Court's
13 response to that, understanding that there are two families
14 that have been devastated by this, there are two innocent
15 children who have been devastated by this.

16 And I'll start with that the behavior here,
17 sir, even your own attorney understands that you were out of
18 control in July. There's no amount of stress from a job or
19 even a marriage that might be deteriorating that justifies
20 your response on those couple of days. And including later on
21 with that uncharged read in. The conduct was explosive. It
22 was violent. It was in front of your children.

23 And so your first step in truly moving forward
24 has to include being honest with yourself about the anger, the
25 rage, and the thought process or underlying attitudes that

1 resulted in you exploding on your family in this way. You
2 might have only punched her -- and thankfully, we aren't
3 talking about broken bones, injuries that required stitches,
4 or lack -- you know, something, you know, along that -- along
5 those lines. I've certainly seen those things.

6 But that doesn't mean for the victim that it's
7 any less traumatic to be in a home with someone who is
8 committing acts of violence, whether those be verbal acts of
9 violence, emotional acts of violence, or physical acts of
10 violence.

11 You may not have a prior record. And that is
12 a good thing. You may be someone who is well respected by
13 your family, friends, and at work. But oftentimes domestic
14 violence occurs behind closed doors, comes at a complete shock
15 to many of the people that the defendant knows. Sometimes the
16 family members of the victim have a suspicion of what's going
17 on, and they can certainly when things come to light can look
18 back and say those are red flags.

19 But it's not unusual to have this dichotomy
20 with an individual who has a persona and a very productive
21 member of the community at work and with his family but have a
22 very different persona and actions behind closed doors.
23 Because you don't get to the point where you're this
24 explosive, frankly, without there being some history. That's
25 what the training on domestic violence certainly has taught

1 me. That it's a progression.

2 And your progression led to a very scary
3 couple of days for your family, you know, that culminated with
4 you being arrested, followed by you not obeying the 72-hour no
5 contact prohibition, and then violating the restraining order.
6 That's the uncharged read in.

7 And so from my perspective, sir, even if I
8 take the differing characterizations from both your attorney
9 and the victim's attorney about -- and even the victim
10 herself -- about the extent of the domestic violence, if I
11 even just take that out of the mix for a second, I have
12 serious concerns about you because of your willingness to just
13 simply not follow court orders and rules.

14 Those things matter. And that's not to
15 diminish what was going on in the home. That's just an extra
16 layer because it goes to your character. Or perhaps lack
17 thereof. So I have to balance all of that.

18 This is definitely a case that because of your
19 lack of prior record, because of your prompt resolution,
20 because of your upfront treatment, your age, I think probation
21 is a reasonable response in the three misdemeanors.

22 Those misdemeanors all carry domestic violence
23 -- or domestic abuse designators. And that's important
24 because God forbid you ever do something on, you can be
25 charged as a repeater and the penalties increase from there.

1 My hope, of course, is that you take the
2 counseling that you're in to heart, that you really work hard
3 in the remaining weeks of that New Thresholds Program to
4 understand the thought process and attitudes that you have
5 about women and children. Because that's part of what leads
6 to domestic violence.

7 I think your apologies here today are a start.
8 I think you have a ways to go on truly accepting
9 responsibility and being empathetic and understanding the
10 seriousness of this. You can't blame the stress in your life.
11 It may be a factor, but there's much more going on. And I
12 hope your family understands that as well.

13 I take into account, though, you also have
14 tremendous family support. That's always a good thing. But
15 hopefully they're holding you accountable as well and will not
16 tolerate this type of behavior going forward.

17 So when I consider the seriousness of these
18 offenses, the need to protect the public, your character and
19 rehabilitative needs as I've just discussed, and understanding
20 the significant impact on the victims, I believe the
21 recommendation from the parties is generally appropriate with
22 a couple of exceptions.

23 The Court's going to do the following:

24 On Count 1, the Court's going to actually
25 impose a four-month jail sentence with Huber release

1 privileges. You will actually serve more than the condition
2 time that was being recommended. I want to hold you
3 accountable. I want to send a very strong message to you,
4 this behavior is not something society condones. And despite
5 your lack of prior record, the violence and the fact the most
6 aggregating factor is violence in front of your children
7 demands a swift and stiff response by this Court.

8 In the auspices of all of the other mitigating
9 factors that I've already highlighted, including your lack of
10 prior record, your age, and family support, and
11 notwithstanding your strong work history, it's important that
12 you stay working to financially support -- even if you're
13 going through a divorce -- that family. So that will be with
14 Huber release privileges.

15 And then on Counts 4 and 6, the Court's going
16 to withhold sentence, place you on probation for two years.
17 That will start right away, even though he's serving that jail
18 sentence because it's just an extra layer of monitoring as you
19 are out in the community for the first 100 -- or on Huber for
20 the first 120 days. You will earn good time on that. That's
21 the law. But I think that's appropriate.

22 I realize that may interfere with your ability
23 to see your children. I don't have an objection to allowing
24 for treatment release, including therapy with the children, as
25 approved by the GAL.

1 But, frankly, you'll have to meet all of the
2 restrictions and requirements of the Huber release laws. And
3 that will be up to you whether you focus on your work or that.
4 You're only allowed so many hours per day and so many hours or
5 days per week. But nonetheless, I'll allow that.

6 Then in terms of the conditions of probation,
7 you -- I am going to order the absolute sobriety. I'll leave
8 it up to Probation and Parole in terms of how they wish to
9 monitor that. Again, there are many mechanisms in the family
10 case to ask for things like hair follicle. I, frankly, don't
11 want to tie the hands of the Department of Corrections and
12 require them to do something they may not have the capacity or
13 the resources to do. They may decide that's appropriate, but
14 that will be up to them how they enforce the absolute
15 sobriety. But along with that, I will authorize random UA's.

16 You are to follow through with any
17 assessments, evaluations, treatment and/or counseling
18 recommended by your agent.

19 You are to complete domestic violence
20 counseling through a State Certified Battered Intervention
21 Program. And, more specifically, the New Thresholds
22 Program.

23 You are to follow all conditions of the
24 restraining order. I need the case number, I think, again on
25 that. I believe it's 22CV1051.

1 MS. ANDERSON: 22CV1055.

2 THE COURT: 55. All right.

3 He's to not possess any firearms or dangerous
4 weapons.

5 Restitution will be determined at a later
6 hearing.

7 He's to pay court costs, the domestic abuse
8 surcharges, the DNA surcharges on all three counts.

9 He's to have no contact with Victim A unless
10 the agent approves and Victim A agrees. That, of course,
11 because I've indicated you have to follow all of the
12 conditions in the restraining order case, the restraining
13 order case trumps that, and that's the idea here. But if that
14 were to go away or be amended in some way, then I will leave
15 that up to the discretion of the agent. But Victim A would
16 need to consent as well.

17 The thing about probationary conditions, the
18 parties can always come back to court if need be if it becomes
19 challenging, I guess, through those other legal venues. But,
20 obviously, those other legal venues are important. They have
21 some other resources, and I want to give them flexibility as
22 well. But at this point, I will order it the way that I've
23 ordered it.

24 And then, no contact with Victim B -- I'm
25 sorry, Witnesses B and C, except as authorized in 22FA767 and

1 as approved by the Guardian ad Litem in that case. Initial
2 contact shall only be in a therapeutic setting until the GAL
3 approves otherwise.

4 Because I've imposed a jail sentence on Count
5 2, I'm not going to order any further condition time, at least
6 up front. What I will do for the agent so that there's some
7 discretion there, on each one of those counts, impose but stay
8 30 days of condition time. So, both Counts 4 and 6.

9 I will need -- I want him to report by this
10 Friday by 6 p.m. So that will give him an opportunity to do
11 the DNA samples, to check in with probation and get that set
12 up, and then report to commence that sentence.

13 THE CLERK: Is there any credit?

14 THE COURT: There's probably a couple of days
15 credit. Attorney LaVoy?

16 MR. LAVOY: Yes. As it relates to Count 2,
17 there's a one-day credit. And I believe \$500 bail on that
18 one, which we'll just hold until the restitution hearing.

19 And then on Count 6, there's a one-day credit.

20 THE COURT: Any objection?

21 MR. PITZO: No.

22 THE COURT: Is there any credit on the read
23 in? Was he arrested?

24 MR. LAVOY: No. He was never --

25 (Discussing with client.)

1 MR. LAVOY: He indicates one day on the
2 read in.

3 THE COURT: All right. So that should go to
4 Count 1. Or, I'm sorry, Count 2 then. So two days of credit
5 as to Count 2. One day of credit as to Count 6.

6 Any cash bond on hand will be held subject to
7 the restitution hearing.

8 And all other costs, surcharges, and fees
9 shall be paid as a condition of probation even for the
10 sentence on Count 2.

11 Anything that's outstanding at the conclusion
12 of his probation would be converted to a civil judgment. I
13 could subject you to collections.

14 Before I go through the appellate rights,
15 anything the State thinks I've overlooked?

16 MR. PITZO: No.

17 THE COURT: And then I know we need a date.
18 Anything the Defense thinks I've overlooked?

19 MR. LAVOY: No. Thank you.

20 THE COURT: All right.

21 Then, Madam Clerk, we do need a restitution
22 hearing with 60 days.

23 THE CLERK: Can we do January 12th at 3:00?

24 (Discussion with the Clerk.)

25 MR. PITZO: That works for me.

1 THE COURT: How about for --

2 MS. ANDERSON: That works for -- oh, I'm
3 sorry. 4:00?

4 THE CLERK: 3:00.

5 THE COURT: 3:00.

6 MS. ANDERSON: Yes. And, Your Honor, we will
7 be filing an amended restitution request to include all
8 attorney's fees related to representation in this case as
9 well.

10 THE COURT: All right. Thank you.

11 Please make sure that all restitution requests
12 are filed with the Court no later than two weeks prior to that
13 hearing. Both sides, once that's filed, will have week to
14 file simultaneous written positions on whether the Court can
15 order or all of those amounts.

16 And since the State doesn't technically
17 represent victims, it will be up to you, Attorney Anderson, to
18 file the legal memoranda on the requests in the Court's
19 authority.

20 I won't be requiring the State to do that.

21 MR. PITZO: Thank you.

22 (Proceedings ended at 10:04 a.m.)
23
24
25

C E R T I F I C A T I O N

I, Michelle M. Strehl, hereby certify that I am the Official Court Reporter for the Circuit Court, Branch 2, Waukesha County, Wisconsin.

I further certify that I have carefully transcribed from and compared the foregoing pages with the original digital audio recording from said proceeding and that this transcript is true and correct to the best of my ability.

Dated this 7th day of December, 2022.

(Electronically Signed)

Michelle M. Strehl

Official Court Reporter