

# Evers attorney finds complaint insufficient to start process of removing Milwaukee County DA

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A private attorney Tony Evers retained found the complaint filed seeking to have him remove Milwaukee County DA John Chisholm suffers from several flaws, “both formal and substantive,” that fail to meet the burden required for the gov to begin the process.

A half-dozen Milwaukee County residents last month filed a complaint against Chisholm over the bail his office set for a man who was later accused of driving his SUV through the Waukesha Christmas parade, killing six and injuring dozens more.

Attorney Matthew Fleming wrote the filing suffered from procedural issues and also failed to properly state charges that Chisholm had neglected his duty.

“While the Petition certainly describes events that can only be described as tragic, the Petition fails to set forth facts that establish those tragic events were the result of Mr. Chisholm having neglected any duty of his office,” Fleming wrote. “In fact, the Petition fails to describe any actions Mr. Chisholm failed to undertake which his duties as district attorney compelled.”

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The gov’s office said it sent formal notice of the finding to Orville Seymer, a local conservative activist who was one of those that signed the complaint.

Seymer told WisPolitics.com yesterday that he hadn’t seen anything from the gov’s office, but wasn’t surprised. He accused Evers of looking for a way out of having to remove Chisholm and said it would hurt the gov politically.

“The people of Kenosha are still angry at him, and now the people of Waukesha are going to be really, really angry at him,” Seymer said. “He can do what he wants, but it’s going to hurt.”

Darrell Brooks was released on \$1,000 bond in a domestic abuse case 11 days before he’s accused of ramming his SUV through the crowd. He now faces six counts of first degree intentional homicide.

Chisholm has said a younger assistant DA had recommended the \$1,000 bond in the earlier case. He said it should’ve been higher, but refused calls to resign.

Last month, Evers wrote Chisholm asking to address several issues in his internal review of that case, including “clear, comprehensive assurances that bail recommendations made by your office in the future will not compromise community safety.”

An Evers spokeswoman said Fleming was retained Dec. 23 at \$275 an hour, but hadn’t submitted an invoice yet for his work.

See the legal counsel’s opinion [here](#).

See the complaint seeking to remove Chisholm [here](#).

See Evers’ letter to Chisholm [here](#).