

Lazar campaign: Our opponent is running misleading ads to distract from her lack of judicial experience

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Our opponent and her campaign are running an ad attacking Judge Maria Lazar. The ad claims that “Judge Lazar set a rapist free after serving only a few months.

That statement is a misrepresentation of reality.

Read the complete analysis below:

Wisconsin Code of Judicial Conduct, SCR 60:06(3)(c) “A candidate for judicial office shall not knowingly or with reckless disregard for the statements’ truth of falsity misrepresent the identity, qualifications, present position, or other fact concerning the candidate or an opponent.”

The ad being paid for by Judge Lori Kornblum claims that “Judge Lazar set a rapist free after serving only a few months.”

That statement is a misrepresentation on several grounds. Here, from the public records in CCAP, are the facts of this case.

1. The Defendant was not “set free.” He was sentenced to the term recommended by the State: 7 years of imprisonment (with 4 years of initial confinement in prison and 3 years of extended supervision), that was imposed and stayed for five years of probation, commencing on June 26, 2020. (Judgment of Conviction, dated June 29, 2020, [Doc. No. 176]). In addition, the Court denied eligibility for any program to allow for time to be taken off the

prison sentence (no eligibility for Challenge Incarceration Program, or for the Substance Abuse Program). *Id.*

2. The Court further ordered that the Defendant is required to be registered for his lifetime on the Sex Offender Registration. *Id.*
3. The Defendant did not serve “only a few months.” In addition to accepting the sentence recommendation of the State, the Court additionally imposed 12 months of time in jail. The first 9 months were straight time (that means no ability to leave for a job or any other reason), the next 2 months were still in jail, but with Huber release time for work, AODA treatment and/or counseling, and the last month stayed for use by the probation agent if there are any violations of probation. *Id.*
4. On the date of sentencing, the Defendant filed a Motion to Say Remand Pending Filing for Postconviction Relief or Appeal. [Doc. No. 168]. The Court denied the Motion and the Defendant was immediately remanded into custody to serve the 11 months of jail time.
5. The Defendant was acquitted of the other four counts of sexual assault by the jury on February 14, 2020. [Doc. No.103].

GENERAL BACKGROUND FACTS:

The Defendant D.S.S, in Waukesha County Case No. 2018-CF-0482, was charged with five counts of sexual assault against three women. (Criminal Complaint, dated March 30, 2018 [Doc. No. 1]) The assaults allegedly occurred during consensual relationships; in no way does that fact alter the fact that they were reported as assaults or imply that individuals in consensual relationships can not be assaulted.

The Defendant was placed on bail, ordered to have no contact with any of the victims, ordered to surrender his passport, and to not possess any knives/weapons/firearms. He was also placed on GPS monitoring. (Bail/Bond, April 11, 2018). That played a role during the trial when a victim alleged that the Defendant had struck her and/or tried to damage her property, but she had to admit to not being truthful when the Defendant’s GPS placed him no where near her home.

On July 9, 2018, the Court denied a motion to modify the Defendant’s bail to allow for the removal of the GPS monitoring. (CCAP minute entry). That was in place for the entire pendency of the action.

An initial trial date of August 5, 2019, was adjourned by the Court, on June 28,

2019, when the Defendant established, via a Motion to Strike and for Imposition of Sanctions for Discovery Violations [Doc. No. 52], that the State had provided a box with “nearly 3,000 pages of additional discovery, as well as three (3) DVDs of information” on June 20, 2019, that contained “possibly exculpatory” information as to one of the three victims.

In a January 30, 2020, Order Regarding Defendant’s Amended Motion *in Limine*, the Court ordered that the victims were allowed to “mention what they saw in the rooms or on the person of Defendant when the alleged incidents occurred, including mention if there was a badge worn by the Defendant or if there was a firearm in the room that was mentioned by the Defendant.” [Doc. No. 78].

After a two-week jury trial (from February 3, 2020 – February 14, 2020), the jury acquitted (found the Defendant) not guilty of four of the assaults alleged to have been committed against two of the women. [Doc. No.103]. The Defendant was found guilty of Count 5, Second Degree Sexual Assault, that was amended during trial to include Use of Force. *Id.*

During the trial there were two Motions for Mistrial by the Defendant (on February 5, 2020 and February 10, 2020), as well as a Motion to Dismiss after the close of evidence. They were denied by the Court. (CCAP minute entries).

Sentencing took place on June 26, 2020. Pre-sentence Investigation reports were filed (these are confidential). The Defendant was sentenced to the term recommended by the State: 7 years of imprisonment (with 4 years of initial confinement in prison and 3 years of extended supervision), that was imposed and stayed for five years of probation, commencing on June 26, 2020. (Judgment of Conviction, dated June 29, 2020, [Doc. No. 176]). In addition, the Court denied eligibility for any program to allow for time to be taken off the prison sentence (no eligibility for Challenge Incarceration Program, or for the Substance Abuse Program). *Id.* The Court further ordered that the Defendant is required to be registered for his lifetime on the Sex Offender Registration. *Id.*

In addition to accepting the sentence recommendation of the State, the Court additionally imposed 12 months of time in jail. The first 9 months were straight time (that means no ability to leave for a job or any other reason), the next 2 months were still in jail, but with Huber release time for work, AODA treatment and/or counseling, and the last month stayed for use by the probation agent if there are any violations of probation. *Id.*

On the date of sentencing, the Defendant filed a Motion to Stay Remand Pending Filing for Postconviction Relief or Appeal. [Doc. No. 168]. The Court denied the Motion and the Defendant was immediately remanded into custody to serve the 11 months of jail time.

Almost immediately, the Defendant filed a Notice of Intent to Pursue Post-Conviction Relief, on June 29, 2020. [Doc. No. 175].

Because the Court's court reporter left her employment with the State, there has been difficulty in obtaining transcripts of the sentencing and the trial (as well as all other hearings), so there is a delay in the filing of a Notice of Appeal. See May 13, 2021, letter from Defendant's counsel. [Doc. No. 184].