

# WisDems: GOP attorney general nominee Eric Toney has a low conviction rate for domestic violence, records show

Posted on Friday, Oct 28, 2022

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**MADISON, Wis** – Today, UpNorthNews reported that prosecution data showed Eric Toney has a history of low conviction rates in domestic violence cases, securing felony convictions in just 23% of cases.

“According to records, in Toney’s first six years as district attorney, 48% of domestic abuse cases that came to his office were not prosecuted or resulted in no conviction. There were more than 1,000 domestic abuse cases that Toney chose not to prosecute. Of the 428 cases that Toney prosecuted as felonies, only 20% resulted in felony convictions. The rest were reduced to misdemeanors or suspended sentences.”

Read more about Eric Toney’s failures as District Attorney in Fond Du Lac:

**[Up North News: GOP Attorney General Nominee Eric Toney Has a Low Conviction Rate for Domestic Violence, Records Show](#)**

*The Republican candidate for state attorney general is leading with a traditional “tough on crime” message, but figures on annual reports indicate Eric Toney, the Fond du Lac Co. district attorney, badly trails his counterparts when it comes to prosecuting felony cases of domestic abuse.*

*In 2018, the most recent year statistics are available on a publicly-accessible dashboard by the state Department of Justice, prosecutors across the state*

*averaged a 35% conviction rate across all prosecutions, but Toney's office was successful in winning convictions in only 23% of cases—far below the figures in neighboring counties such as Winnebago (56%), Sheboygan (42%), and Washington (45%).*

*The reports show that in many cases, Toney and his subordinates allowed defendants to plead down to misdemeanors, often leading only to probation or fines—while other defendants were able to plead to reduced charges because Toney did not seek retrials after initial domestic violence convictions were overturned.*

*“These numbers speak for themselves,” said Kaul campaign spokesperson Joe Oslund. “On Eric Toney’s watch, just one in five felony domestic abuse cases resulted in felony convictions. With Toney’s failures in Fond du Lac County, it’s clear that we can’t afford to have him leading the Wisconsin Department of Justice. Toney’s record of failure on some of the most serious cases his office is called on to prosecute is disqualifying.”*

*According to records, in Toney’s first six years as district attorney, 48% of domestic abuse cases that came to his office were not prosecuted or resulted in no conviction. There were more than 1,000 domestic abuse cases that Toney chose not to prosecute. Of the 428 cases that Toney prosecuted as felonies, only 20% resulted in felony convictions. The rest were reduced to misdemeanors or suspended sentences.*

*The figures were compiled through annual reports that can be found in an online public dashboard maintained by the state Department of Justice’s Bureau of Justice Information and Analysis that covers the years 2013 to 2018.*

*Among the cases is that of a mother who in 2014 was charged with beating her children, withholding food, and locking them in a bathroom, allowing them to come out only once per day. The woman faced 11 counts of intentional child abuse and neglect resulting in bodily harm. Toney offered a plea deal that dropped nine of the 11 charges and resulted in nine months of jail time. The woman’s husband, charged with allowing the abuse to occur, received only probation.*

*In 2014 and 2016, Toney’s office recorded its highest percentages of felony convictions for domestic abuse, with 20 out of 82 cases in 2014 and 17 of 68 cases*

*in 2016. In 2017, Toney's office was only successful in seven out of 69 domestic violence cases—a conviction rate of 10%. The statewide average that year was a 37.5% conviction rate.*

*Toney has also faced criticism for a decision not to seek a retrial in a 2013 case where a man was charged with repeated sexual assault of a child over a two-year period. The defendant was initially found guilty and sentenced to 20 years, but his conviction was later overturned due to ineffective counsel. Rather than seek a retrial, Toney offered a plea deal for a single reduced count of sexual assault with a penalty equal to the time the defendant had already served, allowing him to walk free.*

*Additionally, Toney has faced statewide media coverage for the way his office botched a case that allowed nine-time felon Ruben Houston III to be released on only \$500 bail. Days later, Houston killed an Appleton firefighter in a police shootout that also left him dead. Toney's office failed to notice Houston's lengthy prior record after he had changed the spelling of his last name from Huston.*