

# BRIDGET J. SCHOENBORN

Elm Grove  
Wisconsin - 53122

GOVERNOR'S JUDICIAL  
SELECTION ADVISORY  
COMMITTEE

Office of the Governor

P.O. Box 7863

Madison, Wisconsin 53707

Apr 26, 2024

DEAR COMMITTEE MEMBERS,

I am applying to be appointed by Governor Evers as Waukesha County Circuit Court Judge. By way of background, I have been interested in applying to be a circuit court judge for several years. Although this position is for a limited term, it is the right time for me to apply. My twin sons have left for college and, if called to serve, I believe that I have much to offer as a judge. Trial-level courtrooms are the foundation of our country's great judicial system and serving as a Waukesha County Circuit Court Judge would be an honor.

Enclosed are my resume, legal writing samples, answers to question 40, waiver, notice of disclosure, and affidavit. I welcome the opportunity to speak with you in person about my interest and qualifications. Please let me know if there is any additional information I can provide.

Sincerely,

  
BRIDGET J. SCHOENBORN

# BRIDGET J. SCHOENBORN

## CONTACT INFORMATION

✉ [REDACTED]  
🏠 [REDACTED] Elm Grove,  
Wisconsin 53122  
📱 [REDACTED]  
🌐 [www.linkedin.com/in/bridget-schoenborn-383a75132](https://www.linkedin.com/in/bridget-schoenborn-383a75132)

## SKILLS

- Strong research, writing, and courtroom skills.
- Handling a challenging case load in a broad array of subject matters.
- Demonstrated ability to create and foster professional team environments.

## TRIBAL MEMBER

- Choctaw Nation of Oklahoma

## EXPERIENCE

### ASSET FORFEITURE CHIEF

**United States Attorney's Office, Eastern District of Wisconsin.**  
Milwaukee, Wisconsin | Nov 2020 - Present

- Serves as subject matter expert in civil and criminal asset forfeiture matters.
- Provides guidance and expertise to the Criminal Division on forfeiture issues and financial crimes, including those involving money laundering and cryptocurrency.
- Responsible for all stages of asset forfeiture litigation, including preparing seizure warrants, filing civil *in rem* forfeiture complaints, conducting discovery, and appearing at pre-trial motion hearings and trials.
- Advises prosecutors and state, local, and federal law enforcement officers on complex questions of law related to asset forfeiture, litigation decisions, and prosecution strategies to maximize asset recovery.
- Cultivates professional relationships with federal partner agencies in connection with administrative forfeiture actions.
- Reviews and consults on administrative referrals.
- Serves as office contact for Financial Crimes Enforcement Network (FinCEN).

### ASSISTANT UNITED STATES ATTORNEY

**United States Attorney's Office, Eastern District of Wisconsin.**  
Milwaukee, Wisconsin | May 2008 - Present

- Serves as a Criminal Division trial attorney representing the United States in all stages of the investigation and prosecution of federal offenses with an emphasis on complex narcotics offenses and related financial crimes.
- Responsible for the day-to-day prosecution of narcotics trafficking offenses, including drug conspiracies, illegal internet pharmacies, money laundering offenses, and violent crime.
- Routine litigation includes grand jury practice, appearance at arraignments and pleas, conducting pre-trial hearings, trials, and sentencing.
- Pre-trial preparation of prosecution memoranda, search and seizure warrant affidavits, obtaining wiretap interception orders, criminal complaints, indictments, and plea agreements.
- Expertise in research and writing for briefs and pleadings involving criminal constitutional matters, including those arising under the Fourth, Fifth, and Sixth Amendments.
- Presenting arguments in appeals before the Court of Appeals for the Seventh Circuit.
- Developing and maintaining strong and cooperative working relationships with federal, state, and local law enforcement agencies.
- Member of U.S. Attorney's Office Diversity Committee.

### PRO SE LAW CLERK

**United States District Court, Eastern District of Wisconsin.**  
Milwaukee, Wisconsin | Jun 2005 - May 2008

- Assisted federal district court and magistrate judges at all stages of civil litigation, including reviewing complaints and pleadings filed in prisoner civil rights petitions and habeas corpus petitions.
- Reviewed pleadings to determine the issues involved and bases for relief.
- Performed substantial research and writing, primarily in the area of constitutional law, including claims arising under the First, Eighth, and Fourteenth Amendments.
- Assisted district court and magistrate judges in preparing written opinions and orders addressing and resolving dispositive motions.

## EDUCATION

### JURIS DOCTOR

**University of Wisconsin Law School.** Madison, Wisconsin | 2001 - 2004

Senior Note and Comment Editor, *Wisconsin Law Review*  
Member, Moot Court Board

### BACHELOR OF ARTS

**California Polytechnic State University.** San Luis Obispo, California | 1996 - 2001

**University of London.** London, England, United Kingdom | 1999

## HONORS & AWARDS

[Intergovernmental Cooperation Award, Public Policy Forum, 2015.](#) Joint Recipient as a member of the Milwaukee County Animal Cruelty Task Force. This was a collaboration between the U.S. Attorney's Office, Milwaukee Area Domestic Animal Control Commission, and the Milwaukee City Attorney's Office to investigate and prosecute state and federal dogfighting activity and related firearms offenses.

[Investigation of the Year, Wisconsin Narcotics Officers Association, 2014.](#) Awarded for the successful prosecution of a multi-state drug trafficking and money laundering operation conducted by DEA, ATF, Ozaukee County, and the U.S. Postal Inspection Service, during which numerous businesses were seized and forfeited. The prosecution resulted in the federal convictions of more than 10 individuals.

[Federal Prosecutor of the Year, Federal Law Enforcement Officers Association, 2013.](#)

## COMMUNITY INVOLVEMENT

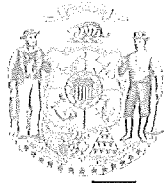
Member, Diversity Committee, United States Attorney's Office, 2022-present.

Member, Elm Grove Police and Fire Commission. June 2022-present.

Member, Elm Grove Woman's Club. January 2022 - present.

Participant, State Bar of Wisconsin Diversity Clerkship Program Selection Committee, 2020, 2021, 2023.

Co-Chair, Criminal Committee, Eastern District of Wisconsin Bar Association. 2012-2018.



# Tony Evers

Office of the Governor | State of Wisconsin

## Governor's Judicial Selection Advisory Committee Questionnaire for Circuit Court or Court of Appeals

Your name	Position you are applying for
Bridget J. Schoenborn	Waukesha County Circuit Court Judge

### Governor's Judicial Selection Advisory Committee Members:

Chief Legal Counsel Mel Barnes  
Co-Chair  
Office of Governor Tony Evers

Benjamin Wagner  
Co-Chair  
Habush Habush & Rottier

Attorney Jeanne Armstrong  
Fuhrman & Dodge

Attorney Christine Bremer Muggli  
Bremer & Trollop Law Offices

Attorney Michael Brose  
Doar, Drill & Skow

Deputy Corporation Counsel Scott F. Brown  
Milwaukee County

Retired Judge Thomas Flugaur  
Portage County Circuit Court

Attorney Kristen Hardy  
Northwestern Mutual

Attorney Rebeca López  
Godfrey & Kahn

Attorney Craig Mastantuono  
Mastantuono Coffee & Thomas

Attorney John Raihala  
Clifford & Raihala

Attorney Jon Padgham  
Retired Public Defender

District Attorney John Sacia  
Trempealeau County

Attorney Katelyn Sandfort  
Herrling Clark Law Firm

Professor Miriam Seifter  
University of Wisconsin Law School

**Directions:** You must answer each question in the questionnaire. If you need additional space to fully answer a question, attach additional pages to your application. Questions may be directed to the Office of the Governor at (608) 266-1212.

Last revised: April 2024

**Section 1: Personal information**

1. Provide the following personal information:

Name (First Middle Last) Bridget Jones Schoenborn		Date of birth (MM/DD/YR) 12/26/1977
Email address [REDACTED]	Home phone [REDACTED]	
Work phone [REDACTED]	Cell phone [REDACTED]	
Place of birth (City, State) Uniontown, Pennsylvania	Gender Female	
Wisconsin State Bar Number 1053696	Race Caucasian and Native American	

Maiden/alias/former name(s) Bridget Jones Schoenborn Domaszek	Dates used (MM/YR – MM/YR) 08/04-06/20
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2. Are you a United States Citizen?  Yes  No

3. List each residential address you have had in the last 10 years:

Street address	City, State, Zip	Dates you lived at the address (MM/YR – MM/YR)
[REDACTED]	Elm Grove, Wisconsin 53122	10/11-present

**Section 2: Familial information**

4. What is your current marital status:  Married/domestic partner,  Not married

5. If you are married/have a domestic partner, answer the following:

Spouse's/domestic partner's name (First Middle Last)	Date of birth (MM/DD/YR)
Date of marriage/domestic partnership	Place of birth (City, State)

Spouse/domestic partner's maiden/alias/former name(s)	Dates used (MM/YR – MM/YR)

6. List your spouse's/domestic partner's three most recent occupations, beginning with their current or most recent employer:

Employer	Employer's address	Occupation/job title	Dates of employment (MM/YR – MM/YR)

7. If you have ever been divorced, answer the following for each former spouse/domestic partner:

Ex-spouse's/ex-domestic partner's name (First Middle Last)	Date of birth (MM/DD/YR)
[REDACTED]	
Dates of marriage/domestic partnership (MM/YR – MM/YR)	Ex-spouse's/ex-domestic partner's occupation and employer
[REDACTED]	

Ex-spouse's/ex-domestic partner's (First Middle Last)	Date of birth (MM/DD/YR)
Dates of marriage/domestic partnership (MM/YR – MM/YR)	Ex-spouse's/ex-domestic partner's occupation and employer

Ex-spouse's/ex-domestic partner's name (First Middle Last)	Date of birth (MM/DD/YR)
Dates of marriage/domestic partnership (MM/YR – MM/YR)	Ex-spouse's/ex-domestic partner's occupation and employer

8. If you have children or step-children, provide the following information:

Name of child	Age	State of residence	Occupation and employer
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**Section 3: Education background**

9. List the name and location of each school you attended, beginning with high school:

Name of school	Location (City, State)	Dates attended (MM/YR – MM/YR)	Degree earned
St. Lucy's Priory High School	Glendora, California	08/92-06/96	High school diploma
California Polytechnic State University	San Luis Obispo, California	08/96-06/01	Bachelor of Arts
University of London	London, England, United Kingdom	01/99-04/99	Not applicable
University of Wisconsin Law School	Madison, Wisconsin	08/01-05/04	Juris doctor

10. List any scholarships, awards, honors, fellowships, or citations you received during college, graduate school, or law school.

<p>Undergraduate: Dean's List Recognitions</p> <p>Law School: Choctaw Nation of Oklahoma Scholarships</p>
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11. While attending any secondary school or college, have you ever been expelled, suspended, placed on probation, or withdrawn from enrollment due to an allegation of academic dishonesty or because of conduct that harmed or could have harmed others?  Yes,  No

12. If yes, provide the following information:

Name & location of school	Date conduct occurred (MM/YR)
Nature of conduct	Disposition / outcome
Details of incident	
Not applicable.	

**Section 4: Professional background and experience**

13. List each court and administrative body in which you have been admitted to practice:

Bar admission	Date of admission (MM/YR)
Supreme Court of Wisconsin	December 2004
United States District Court, Eastern District of Wisconsin	May 2008
Court of Appeal for the Seventh Circuit	May 2008

14. If any of your admissions listed above have lapsed, state when and why the admission lapsed.

Not applicable.

15. List all your places of employment for the last 20 years since you've turned 18, including periods of unemployment, beginning with your most recent employer.

Employer	Employer's address	Occupation / Job title	Dates of employment (MM/YR – MM/YR)
UW School of Human Ecology	1300 Linden Dr., Madison, WI 53706	Project Assistant	01/03-05/04
U.S. District Court, E.D. Wisconsin	517 E. Wisconsin Ave., Milwaukee, WI	Pro Se Law Clerk	06/05-05/08
U.S. Department of Justice	517 E. Wisconsin Ave., Milwaukee, WI	Assistant United States Attorney	05/08 - present

16. If you served in the military, provide the particulars of your service, including: the dates of service, the branch of service, rank or rate, and type of discharge received.

Not applicable.

17. Within the past 10 years, has your employment ended for one of the following reasons: you were fired; you resigned after being told you would be fired; you left by mutual agreement following allegations of misconduct or unsatisfactory performance; or you left for other reasons under unfavorable circumstances?

Yes,  No

18. If yes, provide the following information:

Employer	Employer's address
Specific reason for separation	Date of separation (MM/YEAR)
Explanation	
Not applicable.	

19. Provide the following information if, within the past 10 years, an employer investigated you or disciplined you due to actual or alleged misconduct:

Employer	Employer's address
Nature of allegation or misconduct	Disposition of investigation
Explanation	
Not applicable.	

**Section 5: Legal practice**

20. Describe the general character of your practice. If you are currently a judge, describe your practice before you became a judge.

Serves as a Criminal Division trial and appellate attorney representing the United States in all stages of the investigation and prosecution of federal offenses with an emphasis on complex narcotics offenses and related financial crimes. Responsible for the day-to-day prosecution of narcotics trafficking offenses, including drug conspiracies, illegal internet pharmacies, money laundering offenses, and violent crime. Pre-trial preparation of prosecution memoranda, search and seizure warrant affidavits, obtaining wiretap interception orders, criminal complaints, indictments, and plea agreements.

21. Describe your typical clients and the areas, if any, in which you have specialized.

Over the past 15 years, I have specialized in various practice areas, with particular emphasis on the following: drug conspiracies; illegal internet pharmacies; gang prosecutions; dogfighting offenses; firearms violations; money laundering and structuring offenses; and cryptocurrency seizures.



22. How many cases have you tried to verdict? <sup>6</sup> \_\_\_\_\_

23. Describe up to three significant trials, appeals, or other legal matters in which you participated as a judge or lawyer in the past seven years. Please explain your role in the case, jurisdiction, name of judge and opposing counsel, dates of involvement, a brief description of your involvement, and why it was significant:

United States v. Sanchez Vargas, et al., Case No. 20-Cr-127 (E.D. Wis.)(Hon. Pamela Pepper): In this matter, I represented the United States in all stages of the proceedings. This prosecution was based on a DEA investigation that began after an individual in Oconomowoc, who was purchasing controlled substances from an illegal internet pharmacy, committed suicide. The controlled substances, including Tapentadol, Carisoprodol, and Tramadol, were sold online without a prescription and mailed to customers across the country. Two California-based co-conspirators involved in shipping the controlled substances were convicted. This case was significant because it stopped the illegal distribution of pharmaceuticals through the website. Dates of involvement were: 2020 to 2023. Defense counsel: Gabriela Leija, Martin Pruhs, and Paul Basseliz.

United States v. Gerardo Lara, et al., Case No. 21-Cr-204 (E.D. Wis.)(Hon. Lynn Adelman): In this matter, I am co-counsel in the prosecution of fourteen defendants charged with firearms violations, structuring offenses, and conspiracy to distribute crack and powder cocaine in Wisconsin and Illinois. To date, ten defendants have been convicted and sentenced. This case was significant because the conspiracy had connection to kilogram level cocaine distributors and many of the convicted defendants were career offenders who had significant criminal records. Dates of involvement are: 2021-present. Defense counsel: Michelle Jacobs, Edward Hunt, Eric Hart, Matt Ricci, Jeffrey Purnell, Kathleen Quinn, Christopher Cherella, Michael Hart, Martin Pruhs, Craig Johnson, and Angela Kachelski.

United States v. Approximately 32,133.63 Tether (USDT) Cryptocurrency from Binance Account Number Ending 8770, Case No. 22-Cv-989 (E.D. Wis.)(Hon. Pamela Pepper): In this matter, the government pursued forfeiture of Tether cryptocurrency on grounds that it constituted wire fraud proceeds and was involved in money laundering. Specifically, between May 26 and May 28, 2022, A.D. provided \$30,200 in U.S. currency in gift cards and Bitcoin to an individual falsely claiming that there was a warrant for victim A.D.'s arrest. The fraudster eventually converted A.D.'s money into Tether cryptocurrency, which was stored at Binance. The government tendered a seizure warrant to Binance and commenced judicial forfeiture of 32,133.63 Tether. After serving the Binance account holder via email and certified mail at his residence in India, and receiving no claim to the property, the government obtained default judgment and forfeited the asset. This case was significant because asset forfeiture enabled the return of fraud proceeds to victim A.D. Dates of involvement were 2022-2023.

24. Describe your experience in adversary proceedings before an administrative agency or commission.

I have not practiced before an administrative agency. However, as part of my criminal case responsibilities, I have prosecuted defendants whose terms of probation and extended supervision were revoked by an Administrative Law Judge. In connection with my civil practice, and as part of the forfeiture referral process, I am familiar with administrative law issues arising in matters handled by federal law enforcement agencies.

25. Describe your non-litigation legal experience (e.g., arbitration, mediation).

In the criminal context, my non-litigation experience consists primarily in reviewing, drafting, and obtaining search and seizure warrants. I have prepared hundreds of search warrants for physical locations (residences, storage units, safety deposit boxes), electronic search warrants (email and social media accounts), and Title III wiretap intercepts. In the civil context, my non-litigation experience consists of preparing seizure warrants and conducting depositions.

26. Summarize any speeches or presentations you have given in the past five years about the law, including: the date of the speech or presentation and the organization to which you presented.

2020 - training to U.S. Attorney's Office on pretrial detention and appeal issues.  
2021 - Asset Forfeiture training to Wisconsin State Patrol.  
December 19, 2023 - Asset Forfeiture training to Wisconsin State Parol.  
December 20, 2023 - Asset Forfeiture training to FBI and MPD Violent Crime Task Force.  
April 9, 2024 - Asset Forfeiture training to U.S. Attorney's Office.

27. List any articles or publications you have authored about the law. Include a citation or hyperlink to each article or publication.

Not applicable.

**Section 5: Professional and public service**

28. Identify your participation in professional, civic, and charitable organizations.

Name of association	Offices held and committees served on	Awards, honors, or citations	Dates of participation
Elm Grove Police and Fire Commission	Member		June 2022 - present
Elm Grove Woman's Club	Member		January 2022 - present
State Bar of Wisconsin	Diversity Clerkship Selection		2020, 2021, 2022
Eastern District of Wisconsin	Co-Chair, Criminal Committee		2012 - 2018

29. Do you currently belong to, or have you ever belonged to, any organization that discriminates on the basis of gender identity, race, religion, sex, or sexual orientation, through membership requirements or membership policies? If so, identify the organization, the dates in which you belonged to the organization, and what, if anything you did to change such requirements or policies.

Not applicable.

30. Identify all public offices to which you were appointed or elected.

Name of office	Elected or appointed?	Dates of service
Not applicable.		

31. Identify any awards or honors you have received in the past 10 years, which have not been listed elsewhere on this questionnaire.

Entity providing the award or honor	Name of the award or honor	Date received (MM/YR)
Public Policy Forum	Intergovernmental Cooperation Award	2015
Wisconsin Narcotics Officers Association	Investigation of the Year	2014
Federal Law Enforcement Officers Association	Federal Prosecutor of the Year	2013

32. Describe any significant pro bono legal work or volunteer service you have performed.

From approximately 2006 to 2008, I was a member of the Eastern District of Wisconsin Bar Association Pro Bono Committee. As a part of this committee, I reviewed policies and procedures for appointing pro bono attorneys to represent pro se parties in federal court.

From approximately 2010 to 2014, I was a member of the Elm Grove Junior Guild. This organization has a strong emphasis on philanthropy, and for several years I was on the Memorial Day Parade Committee, which is responsible for organizing the annual parade in Elm Grove.

**Section 6: Business interests**

33. If you or your spouse/domestic partner are a director, officer, or otherwise engaged in the management of any business entity, provide the following information:

Name of the business	Nature of the business	Duties you or your spouse/domestic partner perform	You or your spouse's/domestic partner's intended involvement if you are appointed
Not applicable.			

**Section 7: Previous partisan or non-partisan political involvement**

34. List any position you've held in a judicial, non-partisan, or partisan, political campaign (e.g. treasurer, campaign manager, volunteer).

Not applicable.

35. If you have ever run for public office, provide the following information:

Office sought	Date of primary election	Date of general election	Outcome / percentage of vote you obtained
Not applicable.			

36. If you have ever publicly endorsed a judicial or non-partisan candidate in the past ten years, provide the following information:

Name of endorsed candidate	Office sought by candidate	Year of endorsement
Not applicable.		

**Section 8: Character and fitness**

37. Answer the following questions. If you answer “no” to any of the following questions, you must attach a detailed explanation of why you answered no.

	Yes	No
a. Are you in good standing with each jurisdiction in which you are admitted to practice law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Are you current with your continuing legal education requirements in each state in which you are admitted to practice law?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Are you free of any physical or mental impairment that in any way would limit your ability or fitness to properly exercise your duties as a member of the judiciary in a competent and professional manner?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have you met every deadline imposed by a court order or obtained an extension when needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Were all of your taxes (federal, state, local) current as of the date of your application?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

38. Answer the following questions. If you answer “yes” to any of the following questions, you must attach a detailed explanation of why you answered yes.

	Yes	No
a. Has any tribunal ever held you in contempt or otherwise formally reprimanded or sanctioned you?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have you ever been disciplined, reprimanded, or sanctioned by any regulatory or licensing entity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have you ever been party to a lawsuit either as a plaintiff or a defendant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have you ever been subject to an investigation by the Wisconsin Judicial Commission, the Wisconsin Supreme Court, the Office of Lawyer Regulation, the Crime Victim Rights Board, or any other equivalent entity in any jurisdiction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. If you are a quasi-judicial officer, have you ever been disciplined or reprimanded by a sitting judge?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Has a tax lien ever been filed against you?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Have you or your spouse/domestic partner ever been subject of any audit, investigation, or inquiry for either federal, state, or local taxes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Have you or your spouse/domestic partner ever filed for bankruptcy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Is there anything in your current or past financial situation that would affect your ability to be a judge or justice?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Are there any circumstances in your professional or personal life that create a substantial question as to your qualifications to serve as a judge or justice that might interfere with your ability to serve?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

39. Provide five references, three of which must be practicing attorneys or judges.

Name	Occupation
The Honorable Lynn Adelman	United States District Court Judge
Address	Phone Number
517 East Wisconsin Avenue, Room 364, Milwaukee, WI	[REDACTED]

Name	Occupation
Laura S. Kwaterski	Deputy Chief, Criminal Division, U.S. Attorney's Office
Address	Phone Number
517 East Wisconsin Avenue, Room 530, Milwaukee, WI	[REDACTED]

Name	Occupation
Natalie G. Maciolek	Chief Legal and Government Affairs Officer, Molson Coors
Address	Phone Number
3939 West Highland Boulevard, Milwaukee, WI	[REDACTED]

Name	Occupation
Daniel Thompson	Chief, City of Waukesha Police Department
Address	Phone Number
1901 Delafield Street, Waukesha, WI	[REDACTED]

Name	Occupation
Michael Steinle	Attorney, Tersch, Steinle, Hodan & Ganzer, Ltd.
Address	Phone Number
309 North Water Street, Milwaukee, WI	[REDACTED]

**Section 10: Additional information for consideration**

40. Attach your answers to the following questions. Each answer must be 500 words or less. Your answers must be attached as a Word document.

- a. Why do you want to serve the people of Wisconsin as a judge or justice?
- b. Decisions by the Wisconsin Supreme Court and U.S. Supreme Court can greatly impact the people of Wisconsin. Describe which case in the past 25 years by the Wisconsin Supreme Court or U.S. Supreme Court you believe had a significant positive or negative impact on the people of Wisconsin.
- c. Identify two or three judges or justices whom you admire and explain why.
- d. Describe the proper role of a judge.

41. Attach two legal writing samples. Your writing samples must be attached as a Word document.

42. Do you wish to request that your application remain confidential to the extent permitted by law? Please note that state law only provides limited protections. A request for confidentiality will not adversely affect your application.

Yes,  No

**REMINDER:** Do not forget to attach the following documents to your application:

- Your resume;
- Your cover letter;
- Two legal writing samples;
- Your answers to question 40;
- Your waiver, notice of disclosure, and affidavit (see below); and
- Any necessary attachments (e.g., explanations).

**SUBMISSION:** Email your application and application materials as a PDF to [GOVJudicialAppointments@wisconsin.gov](mailto:GOVJudicialAppointments@wisconsin.gov). The email address will provide an automatic confirmation if your submission is received. The email address will not accept attachments exceeding 10 mb in size. If your attachments exceed 10 mb in size, send the attachments in two separate emails.

**NEXT STEPS:** After you submit your application materials, the Governor's Office will review the application for completeness and accuracy. Complete and accurate applications will be forwarded to the Governor's Judicial Selection Advisory Committee for consideration. If you are selected for an interview, the Committee will contact you to setup an interview. The Committee will base its recommendation on your materials, references, interview, and any other information it deems relevant.

**LETTERS OF RECOMMENDATION:** You may have individuals submit letters of recommendation on your behalf. The letters must be sent to [GOVJudicialAppointments@wisconsin.gov](mailto:GOVJudicialAppointments@wisconsin.gov). The letters must be received by the application due date. No more than 10 letters may be submitted.



## Waiver and Authorization

I hereby authorize the Office of the Governor or his staff to solicit information and records pertaining to me from any or all of the following sources:

1. My present employer.
2. My previous employers.
3. Any school, college, university, or other educational institution that I attended.
4. Any place of business.
5. Any governmental agency or political subdivision.
6. The Wisconsin Department of Revenue.

I further authorize any recipient of a request for information from the Governor or his staff to provide any such information as may be necessary to consider my application.

Signature: Bridget J. Schuebsorn Date: 9/26/2024

Printed name: Bridget J. Schuebsorn

## Notice of Disclosure

I acknowledge and understand that my application and its attachments will become public records once they are submitted to the Office of the Governor. I further acknowledge and understand that, while state law provides limited confidentiality protections, most of my application and its attachments are subject to disclosure to the general public under the Public Records Law.

Signature: Bridget J. Schuebsorn Date: 9/26/2024

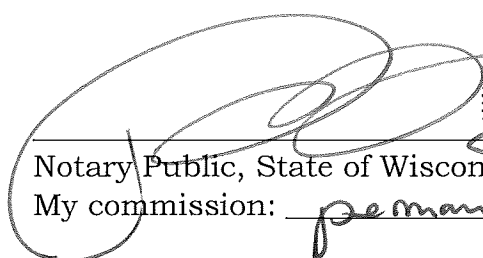
# Affidavit

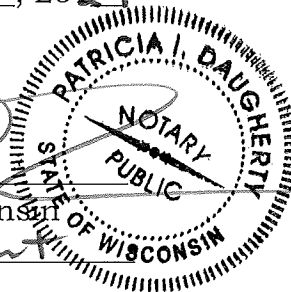
I, Bridget T. Schweuborn, do swear that the information provided in this application is, to the best of my knowledge, true and accurate.

Signature: Bridget T. Schweuborn

Date: 9/26/2024

Sworn and subscribed to before me  
this 26<sup>th</sup> day of April, 2024

  
Notary Public, State of Wisconsin  
My commission: permanent



# BRIDGET J. SCHOENBORN

Elm Grove  
Wisconsin - 53122

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## I. Why do you want to serve the people of Wisconsin as a judge or justice?

I want to serve as a Waukesha County Circuit Court Judge because I want to be the fair and impartial person who makes the thorough, well-informed, and challenging decisions needed to guide parties through litigation. I believe that this position is a natural progression from my current public service experience. I was a law clerk for nearly three years and have served as an Assistant United States Attorney for more than fifteen years. After seeing the judiciary from the inside, helping judges and drafting opinions, and then as a litigant, appearing before numerous district court and magistrate judges to argue on behalf of the United States, I believe that serving on the judiciary is where I need to go next to serve the people of Wisconsin.

My qualifications for the position of being a circuit court judge have evolved. First, as a law clerk, I was in awe of the judges I worked with and for. My clerkship helped me appreciate the many-faceted role of a judge: to engage in thoughtful decision making, to learn about new areas of the law, to consider their judicial demeanor and appreciate that they are the public face of the court system, and, most importantly for me as a young lawyer, to be conscientious. As an example, I recall Magistrate Judge Patricia J. Gorence advising me to read *pro se* submissions carefully, because one meritorious argument could be nestled amongst dozens of others, nearly all of which were handwritten.

Then, as a prosecutor, I sought to persuade judges to accept my reasoning and recommendations. Representing the United States, I am tasked with the ultimate goal of seeking justice. Justice, I learned, does not in every case call for a severe sentence or villainizing a perpetrator. Among many things, it means treating everyone, including defendants, with fairness and respect. As an example, I recall a case in which Judge Rudolph T. Randa sentenced the defendant, who had been incarcerated much of his life, to a significant term of prison based on his possession of a firearm and fentanyl. After imposing sentence, Judge Randa wished the defendant well and ask him to visit the judge's chambers upon his release from prison.

I seek to be a circuit court judge because I have learned so much, both about what works and what does not, and I want to emulate the great judges I had the privilege of working with. I aspire to the conscientiousness of Magistrate Judge Gorence, the emotional awareness of Judge Randa, the preparedness of Judge William

C. Griesbach, and the intellectual rigor of Judge Lynn Adelman. With this experience in mind, I believe that I am ready to serve as a Waukesha County Circuit Court Judge.

**II. Decisions by the Wisconsin Supreme Court and U.S. Supreme Court can greatly impact the people of Wisconsin. Describe which case in the past 25 years by the Wisconsin Supreme Court or U.S. Supreme Court you believe had a significant positive or negative impact on the people of Wisconsin.**

In *Doubek v. Kaul*, 2022WI931, the Wisconsin Supreme Court held that the Wisconsin disorderly conduct statute, Wis. Stat. § 947.01(1), is not a disqualifying predicate offense for purposes of carrying a concealed weapon. *Doubek* is important because, as the law currently stands, individuals may legally possess firearms even after having been convicted of domestic violence-related disorderly conduct, thereby exposing the public to an unacceptable risk of gun violence. Thankfully, *Doubek*'s dissent and the Attorney General's proposed legislation demonstrate a desire to fix this legal loophole and reduce the risk of danger to the community.

Daniel Doubek was convicted of disorderly conduct after breaking into his estranged wife's trailer by smashing a window in the door, brandishing a 2 x 4 as a weapon, and loudly threatening her, telling her she "was dead." When she yelled to the neighbors for help, he threatened to, "let her have it." During this time, the couple's four year old daughter slept nearby. Years later, Doubek successfully sought and obtained a concealed weapon license. However, in connection with a 2019 audit, the Wisconsin Department of Justice determined that he failed to meet one of the licensing requirements, namely he was "prohibited from possessing a firearm under federal or state law." The federal law at issue, 18 U.S.C. § 922(g)(9), makes it illegal for an individual convicted of a misdemeanor crime of domestic violence to possess a firearm. Based on Doubek's disorderly conduct conviction, the Department of Justice believed he was precluded from possessing a firearm and revoked his license.

Doubek successfully argued before the Supreme Court that the disorderly conduct statute, section 947.01(1), is not a "misdemeanor crime of domestic violence" because it did not have "as an element, the use or attempted use of physical force, or the threatened use of deadly weapon." Accordingly, he was not a prohibited person under federal law and was entitled to a concealed weapon license. The Court agreed with Doubek and the case was reversed and remanded.

Although correctly decided, *Doubek* highlights a glaring omission in the Wisconsin Statutes. As Justice Jill Karofsky explained in concurrence, "although *Doubek* is legally correct, this result is as nonsensical as it is dangerous. In the realm of domestic violence, threats to kill, like the one Doubek made to his wife, more than double the risk of femicide." And when a domestic abuse perpetrator, who has engaged in threats to kill or any other type of domestic violence, has access to a gun, the lethality risk for his victim increases significantly. Recognizing this deadly combination, Congress enacted a federal firearm ban on domestic violence misdemeanants, section

922(g)(9), limiting domestic abusers' access to guns. On November 13, 2023, Attorney General Josh Kaul announced legislation to reorganize the crime of disorderly conduct and the definition of domestic abuse so that individuals convicted of domestic violence-related disorderly conduct offenses will be prohibited from possessing firearms, seeking to have Wisconsin join the effort to prevent this unacceptable risk of violence.

**III. Identify two or three judges or justices whom you admire and explain why.**

Patricia J. Gorence, Magistrate Judge

In June 2005, Magistrate Judge Gorence hired me as a *pro se* law clerk. The *pro se* law clerks worked for all of the judges in the Eastern District of Wisconsin, conducting research and writing, preparing orders and opinions, and monitoring and moving civil dockets. At the time, I was a young mother and Magistrate Judge Gorence had grown children of her own. She was the first federal female magistrate in Milwaukee. As an advocate for women's education and employment, and my direct supervisor, Magistrate Judge Gorence played a huge role in shaping me as a young lawyer.

Beyond her personal guidance, I learned from watching Judge Gorence as she encouraged parties to reach agreements but was willing to make tough decisions when they could not. She crafted thorough and well-researched opinions, explaining her decisions in practical terms. Judge Gorence wanted the parties to feel heard, and often displayed compassion and empathy, but at the same time kept the proceedings moving at a steady pace. Finally, she treated everyone in her courtroom, from her staff and clerks, to attorneys and defendants, equally and with respect.

Lynn Adelman, District Court Judge

From 2005 to 2008, I worked with Judge Adelman as a *pro se* law clerk. It was immediately clear how much Judge Adelman loves being a judge and engaging with the law. Beyond his trial court responsibilities, he often sits by designation on the Court of Appeals for the Seventh Circuit and publishes articles about legal issues that are important to him. Working as a law clerk for Judge Adelman was not easy – his high standards demanded much of my research and writing skills – but I am a better lawyer as a result.

Since joining the U.S. Attorney's Office, I have appeared before Judge Adelman hundreds of times, and often in connection with my most significant cases. For example, during the summer of 2009, I prosecuted *United States v. Bowie*, Case No. 07-Cr-123 (E.D. Wis.), a week-long trial with numerous cooperating defendants as witnesses and dozens of wiretap intercepts as exhibits. At sentencing, Judge Adelman agreed that the defendant and his serious crimes posed a danger to the community and imposed a sentence of 253 months' imprisonment. In the countless sentencing hearings I have had with him since, Judge Adelman and I do not always agree about the sentencing factors, offense enhancements, or guidelines ranges. However, regardless of the outcome, I immensely respect Judge Adelman for his intellectual honesty. I always feel

heard and am confident that, although I may not get the outcome I seek, he is always prepared and thoughtful, using intellect and reason to support his findings.

#### **IV. Describe the proper role of a judge.**

Wisconsin Circuit Court Judges pledge to support the constitution of the United States and the constitution of the State of Wisconsin, and to faithfully and impartially discharge their duties. It is the proper role of a judge to follow the statutory text and apply binding precedent, regardless of their personal beliefs.

A judge should instill confidence in, and promote respect for, the legal system. I believe that a judge can accomplish this in the following ways.

First, a judge must be as prepared as possible. This means reading the parties' submissions and being ready to respond in court and in writing. It also means remaining present and meaningfully considering the arguments, issues, and facts raised on the record in open court.

Next, a judge's impartiality is critical. A judge must be committed to making thorough and intellectually honest decisions, and keeping an open mind until all of the issues are fully presented.

Next, a judge should treat all those who appear in a courtroom fairly and equally. It is important to make litigants feel seen and heard, even though they may not receive the exact outcome they seek. The judge serves all parties in the courtroom, as well as the public outside the courtroom. This means getting to the heart of an issue quickly, making decisions, and keeping a caseload moving.

Finally, a judge must be able to make difficult decisions. Many times, the parties in a courtroom are at the lowest point in their lives. Their liberty, parental rights, business, and way of life may be at stake. During these especially trying times, the parties turn to the courts to make decisions for them. A judge must be able to make thorough, well-informed, and efficient decisions.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
AT LAW AND IN ADMIRALTY

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-CV-706 (JPS)

APPROXIMATELY \$11,360.00 IN UNITED  
STATES CURRENCY,

Defendant.

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**MOTION TO STRIKE CLAIMANT BARBIE BYERS' CLAIMS AND ANSWER,  
AND FOR ENTRY OF DEFAULT JUDGMENT**

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The Plaintiff, the United States of America, by the undersigned Assistant United States Attorney, hereby moves this Court pursuant to Rule G(8)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions to strike the claims (R. 13, 16) that Claimant Barbie Byers filed pro se and the purported answer (R. 18) that Claimant Byers filed for failure to comply with the requirements set forth in Supplemental Rule (G)(5), Fed. R. Civ. P. 8(b), and Civil L.R. 10. Plaintiff further moves this Court for an Order of Default Judgment under Rule 55 of the Federal Rules of Civil Procedure. In support of this motion, the United States asserts as follows:

**A. Background**

1. On June 5, 2023, the United States filed its complaint for forfeiture against the defendant property, approximately \$11,360.00 in United States currency (the "Defendant Property"). (R. 1). The complaint alleges that the Defendant Property was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled

substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1), and is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

2. On or about June 7, 2023, the United States Marshals Service seized the Defendant Property pursuant to a Warrant of Arrest In Rem issued on June 6, 2023. (R. 10). The Defendant Property was originally seized on or about January 12, 2023, from Jarrell Jones and Barbie Byers at 3XXX North 40<sup>th</sup> Street, Milwaukee, Wisconsin.

3. Pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and United States District Court for the Eastern District of Wisconsin Civil Local Rule 101, notice of this civil forfeiture action was posted on an official government internet site for at least 30 consecutive days beginning on June 6, 2023. (R. 11).

4. On June 6, 2023, the United States filed Notices of the Complaint for Civil Forfeiture of Property and served them by certified mail, along with copies of the Verified Complaint for Civil Forfeiture and the Verification, upon potential claimants, Jarrell Jones and Barbie Byers, at their last known residences. (R. 5-9).

5. The certified mail return receipts and the United States Postal Service tracking reports as to the June 6 notice documents intended for Jarrell Jones and Barbie Byers – at their residence from which the Defendant Property was seized – reflect that the documents were delivered and accepted by, or on behalf of, Mr. Jones and Ms. Byers on June 10, 2023. The USPS tracking report as to the June 6 notice documents intended for Jarrell Jones at his possible alternate address on Swan Circle reflects that the documents were delivered and accepted by, or on behalf of, Mr. Jones on June 8, 2023.



6. The notice documents that the United States served on Jarrell Jones and Barbie Byers notified them that interested parties had to file a claim to the Defendant Property within 35 days of the date of the notice of the complaint and an answer to the complaint within 21 days of filing a claim. The 35-day time limit for Mr. Jones and Ms. Byers to file a claim expired on July 11, 2023.

7. On July 18, 2023, the United States filed a letter advising the Court that no claims had been filed in this action and that the time limit for potential claimants to file a claim had expired. (R. 12). The United States' letter further advised the Court that if a valid claim was not filed on or before August 3, 2023, the United States intended to file a motion for a default judgment. The United States served copies of its July 18 letter on Jarrell Jones and Barbie Byers.

**B. Byers' Claim and Purported Answer**

8. On July 26, 2023, Barbie Byers filed a claim to the Defendant Property. (R.13).

9. That same day, the United States filed a letter advising the Court and Barbie Byers that the purported claim Ms. Byers filed did not comply with the requirements of Supplemental Rule G(5)(a). In its July 26 letter, the United States – as it had in its June 6 notice and July 18 letter served on Ms. Byers – again set forth the pertinent portion of Rule G(5)(a) as follows:

The claim must: (A) identify the specific property claimed; (B) identify the claimant and state the claimant's interest in the property; (C) be signed by the claimant under penalty of perjury; and (D) be served on the government attorney.

Supplemental Rule G(5)(a). The July 26 letter notified Ms. Byers that her claim did not comply with (A) and (C) of these requirements in that it did not identify the specific property she was claiming and it was not signed by Ms. Byers under penalty of perjury. The United States served a copy of its July 26 letter on Ms. Byers.

10. On August 2, 2023, Claimant Barbie Byers filed a corrected claim. (R. 16).

11. The United States' June 6 notice, July 18 letter, and July 26 letter served on Barbie Byers all notified Ms. Byers that she was required to file an answer to the complaint within 21 days after filing a claim. Claimant Byers' deadline to file an answer, or motion under Rule 12, was August 23, 2023.

12. Specifically, the notifications stated that:

The United States further reminds Ms. Byers that, under Supplemental Rule G(5)(b), she is also required to file an answer to the complaint, or a motion under Rule 12 of the Federal Rules of Civil Procedure, within 21 days after she files her claim. *Ms. Byers' answer must respond to each of the numbered paragraphs in the complaint. If Ms. Byers fails to file a timely and legally sufficient answer within that 21-day time frame, the United States likewise intends to move for default judgment (emphasis added).*

13. Despite these warnings, Byers failed to timely file an answer. On September 5, 2023, after Claimant Byers failed to file an answer, the United States filed a letter advising the Court and Claimant Byers that the deadline for Claimant Byers to file an answer had expired. (R. 17). The United States' letter further advised that if Claimant Byers failed to file an answer to the complaint, or a motion under Rule 12 of the Federal Rules of Civil Procedure, on or before September 25, 2023, the United States intended to file a motion to strike Claimant Byers' claim and for default judgment. The United States' September 5 letter again reminded Claimant Byers – as stated in the July 18 and July 26 letters served on her – that her answer must respond to each of the numbered paragraphs in the complaint. The United States served a copy of its September 5 letter on Claimant Byers.

14. On September 22, 2023, Claimant Byers filed a purported answer. (R. 18).

15. On September 27, 2023, the United States filed a letter advising the Court and Claimant Byers that Claimant Byers' answer was not legally sufficient in that it did not respond to each of the numbered paragraphs in the complaint. (R. 19). The September 27 letter further advised that if Claimant Byers failed to file an answer – responding to each of the numbered

paragraphs in the complaint – on or before October 19, 2023, the United States intended to file a motion to strike Claimant Byers’ claim and answer and for default judgment.

16. Despite being given explicit instructions as to how to file a sufficient answer, Claimant Byers did not file an amended answer after the United States’ September 27 letter.

17. As of this date, the United States has repeatedly advised Claimant Byers as to the consequences of failing to file a sufficient answer – that it would move to strike and for default judgment. Nonetheless, Claimant Barbie Byers has not filed a legally sufficient answer to the complaint as required by Supplemental Rule G(5), Fed. R. Civ. P. 8(b), and Civil L.R. 10.

### **C. Analysis**

#### **Civil Forfeiture Background**

18. In a civil forfeiture action, the government is the plaintiff and the named property is the defendant. Accordingly, a party seeking to contest the forfeiture must appear as a third-party intervenor. *See, e.g., United States v. One-Sixth Share of James J. Bulger in all Present and Future Proceeds of Mass Millions Lottery Ticket No. M246233*, 326 F.3d 36, 40 (1st Cir. 2003); *United States v. Funds in the Amount of \$574,840*, 719 F.3d 648, 652 (7th Cir. 2013) (“A forfeiture suit is *in rem*. The defendant is not a person, or a firm or a government agency or some other type of organization, but a thing . . .”).

19. The procedures for intervening in, and contesting, a civil forfeiture action are set forth in the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. Under Supplemental Rule G(5), “[a] person who asserts an interest in the defendant property may contest the forfeiture by filing a claim in the court where the action is pending.” Supp. R. G(5)(a)(i); *see also* 18 U.S.C. § 983(a)(4)(A) (providing that a person may claim an interest in seized property in a “manner set forth in the [Supplemental Rules] . . .”). In addition to requiring

a claimant to file a verified claim, Supplemental Rule G(5) also requires a claimant to file an answer: “A claimant must serve and file an answer to the complaint or a motion under Rule 12 within 21 days after filing the claim.” Supp. R. G(5)(b). Thus, to have statutory standing to intervene in a civil forfeiture action, a contesting party must first file a timely, verified claim and then a timely answer consistent with Supplemental Rule G(5). *See, e.g., United States v. \$20,000 in U.S. Currency*, 350 F. Supp. 3d 1148 (D.N.M. 2018) (the purposes that a verified claim and answer serve are distinct, and Rule G’s requirement that claimants must file two distinct pleadings is plain and unambiguous); *United States v. \$25,790 in U.S. Currency*, 2010 WL 2671754, \*3 (D. Md. July 2, 2010) (claim and answer serve different purposes; the claim forces claimant to swear that he has an interest in the property, while the answer requires him to state defenses and admit or deny the statements in government’s complaint).

**Inasmuch as Claimant Byers has failed to respond, either in substance or in form, to the Complaint allegations, her September 27 filing does not constitute a legally sufficient answer.**

20. The complaint in this matter sets forth approximately 30 paragraphs containing numerous factual assertions to which the Claimant is required to respond. This includes assertions about drug-trafficking occurring at Claimant’s home, as well as drug paraphernalia and firearms recovered during a search warrant. Claimant Byers has failed to file a legally sufficient answer despite being provided numerous notifications and ample opportunity to do so.

21. Although captioned as an answer, Byers’ filing is actually an extremely general two-page document setting forth a blanket assertion that she is entitled to the currency recovered during the execution of the warrant. It is not, in fact, an answer because she has not responded to the numbered paragraphs of the complaint, either in a meaningful or substantive manner, as required by law.

**Claimant Byers' claim and answer should be stricken under Rule G(8)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.**

22. With respect to the contents of an answer, pursuant to Federal Rule of Civil Procedure 8(b), a responding party must, “state in short and plain terms its defenses to each claim asserted against it; and admit or deny the allegations asserted against it by an opposing party.” The Local Rules provide that an answer, “must respond in numbered paragraphs corresponding to the paragraphs of the pleading to which it refers.” Civ. L.R. 10(b).

23. A claimant’s failure to file a sufficient answer is not a mere technical deficiency but rather means that she has no statutory standing to continue to pursue her claim. Therefore, at any time before trial, the United States may move to strike a claim because the claimant lacks standing to contest the forfeiture. Supp. R. G(8)(c)(i). *See, e.g., United States v. Vehicle 2007 Mack 600 Dump Truck*, 680 F. Supp. 2d 816 (E.D. Mich. Jan. 20, 2010)(striking answers that neither admit nor deny the allegations but merely demand that the government prove its case).

24. In the present case, Ms. Byers’ filing does not “state in short and plain terms its defenses to each claim asserted against it” or admit or deny the allegations asserted against it. *See* Fed. R. Civ. P. 8(b). Nor does it “respond in numbered paragraphs corresponding to the paragraphs of the pleading to which it refers.” *See* Civ. L.R. 10(b). Accordingly, the government respectfully moves to strike the September 27 filing.

25. Additionally, it is worth noting that, where a claimant like Ms. Byers neither admits nor denies the complaint allegations, her answer is insufficient to constitute a denial of such allegations. *See id.* (citing *Mahanor v. United States*, 192 F.2d 873, 876 (1st Cir. 1951)). As such, the following undisputed facts establish the requisite nexus required for forfeiture under 18 U.S.C. § 983(c)(3):

A CI reported that Jarrell Jones was involved in the sale of controlled substances. He lived at 3XXX North 40th Street, Milwaukee, Wisconsin. Jones conducted mobile drug transactions outside the residence on three occasions in December 2022. On January 10, 2023, two suspicious drug parcels, associated with Jones at 5XXX North 35th Street, Milwaukee, Wisconsin were identified as being associated with Jones. One package was found to contain approximately 4,676 grams of cocaine. Thereafter, law enforcement officers conducting surveillance observed the package delivered to the 35th Street address be delivered to the 40th Street address. On January 12, 2023, a search warrant was executed at the 40th Street address. Jones was arrested and was found in possession of 9.4 grams of marijuana and \$400 in U.S. currency in his pocket. In the first-floor northeast bedroom, law enforcement officers recovered a Glock. 22 firearm, an open box of baggies, a November 30, 2022, letter from the State of Wisconsin Department of Children and Families addressed to Jarrell Jones, and approximately \$11,360 in U.S. currency. Byers was interviewed and admitted that Jones was her son and that he resided in the northeast first-floor bedroom.

Doc. 1, ¶¶ 15-40.

**Because there is no sufficient claim or answer, this Court should enter default judgment.**

26. If the Court strikes Barbie Byers' claims and answer, the entry of default judgment as to the Defendant Property would be appropriate as Ms. Byers would no longer have a claim on file and no other parties have filed claims in this matter. *See, e.g., United States v. \$27,601 in U.S. Currency*, 2018 WL 718572 (W.D.N.Y. Jan. 3, 2018)(default judgment appropriate where court previously dismissed sole claim for failure to file an answer to verified complaint).

#### **D. Conclusion**

For the reasons set forth herein, the United States respectfully moves this Court (1) to strike the claim and answer filed by Claimant Barbie Byers under Rule G(8)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and (2) for an Order of Default Judgment under Rule 55 of the Federal Rules of Civil Procedure.

Dated at Milwaukee, Wisconsin, this \_\_\_\_ day of December, 2023.

GREGORY J. HAANSTAD  
United States Attorney

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 22-CR-162

MICHAEL T. SHELTON, JR.,

Defendant.

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**GOVERNMENT’S RESPONSE TO DEFENDANT’S  
POST-HEARING BRIEF IN SUPPORT OF MOTION TO SUPPRESS**

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The United States of America, by and through its attorneys, Gregory J. Haanstad, United States Attorney, and Porchia S. Lewand and Bridget J. Schoenborn, Assistant United States Attorneys, hereby responds to defendant, Michael Shelton, Jr.’s, post-hearing brief regarding his motion to suppress. For the reasons set forth herein, the government respectfully requests that the motion be denied.

**I. PROCEDURAL HISTORY**

On August 9, 2022, a grand jury in this district returned a three-count indictment, charging the defendant, Michael Shelton, Jr., with unlawful possession of a firearm and ammunition by a felon, in violation of Title 18 United States Code, Sections 922(g)(1) and 924(e)(1); possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D); and possession of a firearm in furtherance of a drug trafficking offense, in violation of Title 18, United States Code Section



924(c)(1)(A)(i). These charges are based on the firearms, ammunition, and marijuana recovered during the September 2, 2020, searches of Shelton's residence.

On January 10, 2023, Shelton filed a motion to suppress the evidence recovered during the search and requested an evidentiary hearing. Doc. 29. In support of his request, Shelton asserts that the search was not supported by reasonable suspicion and was conducted in arbitrary and capricious manner. Doc. 29 at 2-3. On March 27, 2023, Magistrate Judge Duffin held an evidentiary hearing. Doc. 45. At the hearing, Debra Rozier and Jason Luebke from the Wisconsin Department of Corrections (DOC) and Justin Schwarzhuber from the Milwaukee Police Department testified. *Id.* The record post-hearing evidence establishes that the citizen witness tip that about Shelton being in possession of a high-capacity magazine and engaging in drug sales provided reasonable suspicion to believe that he was in violation of several of his rules of supervision. As such, the probation and Act 79 searches of his home were reasonable under the Fourth Amendment. Additionally, pursuant to the execution of the arrest warrant, law enforcement had another basis to conduct a protective sweep of Shelton's residence. It was during this sweep that law enforcement observed ammunition in plain view on his bedroom dresser. Finally, the testimony elicited at the hearing established that the searches were conducted in a reasonable manner. For these reasons, Shelton's arguments are without legal or factual support and his motion to suppress must be denied.

## **II. STATEMENT OF RELEVANT FACTS**

On September 2, 2020, Milwaukee Police Department Officers accompanied Wisconsin DOC probation agents on a home visit and probation search at Shelton's residence located at XXXX North 35th Street, Milwaukee, Wisconsin. Probation agents issued an apprehension request for Shelton after receiving a tip from a citizen witness. According to the citizen witness,

since Shelton was placed on GPS monitoring, there had been a lot of activity at his residence which appeared to be drug related. The witness observed Shelton entering and exiting the back door of his residence carrying a Louis Vuitton or Gucci man bag, which was believed by the witness to contain drugs or money. During a conversation with Shelton, the citizen witness personally observed an extended magazine for a firearm in his right pocket. While discussing the rash of break-ins in the neighborhood, Shelton patted his pocket and told the witness, “that’s why I keep protection on me.” Based on DOC records, agents were aware that Shelton was prohibited from possessing firearms and ammunition. Additionally, DOC agents were aware that Shelton was placed on GPS monitoring on August 13, 2020, approximately two weeks before the tip, as a sentence for a fleeing conviction in *Wisconsin v. Shelton*, Milwaukee County Circuit Court Case No. 19-CF-2853. Finally, based on publicly available records, DOC agents were aware that Shelton was on extended supervision for second degree attempted homicide while armed in *Wisconsin v. Shelton*, Milwaukee County Circuit Court Case No. 03-CF-1756.

Upon arrival at the residence, officers knocked on the front door and, after a delay, Shelton answered. Shelton was arrested immediately outside the front door. He was in possession of two cellphones. Present inside the residence was an adult female, A.J., and a juvenile female. MPD Officers conducted a protective sweep of the residence for DOC agents’ safety. During the sweep, ammunition was in plain view on Shelton’s dresser.

Probation agents informed A.J. that they would be searching common areas and rooms that Shelton had access to. A.J. told officers that Shelton stayed in the first-floor, northeast, bedroom with L.N. Further, A.J. stated that Shelton used the upstairs living room. Agents searched Shelton’s bedroom and found:

- Two boxes of ammunition totaling 150 rounds of 9mm ammunition;
- A bag containing 200 rounds of 5.56 rounds of ammunition;

- A gun box for a Springfield handgun;
- Three boxes of 50 rounds each of 9mm ammunition;
- 37 loose rounds of ammunition; and
- A safe.

L.N. soon arrived at the scene and confirmed that Shelton stayed with her in the northeast bedroom and that he had control over the upstairs living room. Officers asked L.N. if she had the code to the safe and she said yes. Officers asked if she had a firearm in the residence, and L.N. admitted she had a Springfield firearm in the safe and provided documentation for it. After she handed the safe keys to the probation agent, he opened the safe and found a handgun, extra magazines, ammunition, and a large amount of U.S. currency. The firearm was a Hi-Point handgun, not a Springfield, with an extended magazine.<sup>1</sup> At that time, probation agents turned the search over to the police officers for an Act 79 search and recovery of the contraband. Police officers then searched the same bedroom and recovered the above-listed contraband as well as identifiers for Shelton and from the basement, hidden in the rafters, officers recovered a box for the Hi-Point pistol.

In the second-floor living room controlled by Shelton, officers found a hidden compartment under the floor containing:

- A Glock 9mm pistol with an extended magazine;
- A loaded magazine for the Springfield firearm;
- Two digital scales;
- Drug paraphernalia;
- A humidity control packet;
- Additional magazines; and
- Multiple baggies containing a total of 991 grams of marijuana.

After being advised of and waiving her constitutional rights, L.N. admitted that she shared the downstairs bedroom with Shelton and that he controlled the upstairs living room.

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<sup>1</sup> A records check later revealed that since Shelton's release from prison in 2017, L.N. purchased three firearms: a Hi-point pistol, a Ruger, and a Smith and Wesson firearm.

When asked whether she owned a Glock, she said no. When asked whether she owned any extended magazines, she said no. Shelton's DNA was subsequently found on the Glock pistol recovered from the upstairs living room floorboard.

### **III. LEGAL ANALYSIS**

Shelton asserts that the searches of his residence were unreasonable because there was inadequate reasonable suspicion and the searches were conducted unreasonably. The reasonableness of a search is evaluated by balancing the degree of intrusion upon an individual's privacy against the promotion of legitimate government interests. *Sampson v. California*, 547 U.S. 843 (2006).

#### **A. The Probation and Act 79 Searches of Shelton's Residence Were Reasonable Under the Fourth Amendment.**

Shelton argues that the firearms, ammunition, and marijuana recovered from his house should be suppressed because the probation and Act 79 searches lacked reasonable suspicion. As a preliminary matter, DOC officials may conduct a probation search where there are reasonable grounds to believe that an offender possess contraband or evidence of a rule violation on or within his person or property. Wis. Admin. Code DOC § 388.22. The "reasonable grounds" standard, which satisfies the Fourth Amendment's reasonableness requirement, is not the same as the Fourth Amendment "reasonable suspicion" required for an Act 79 search. *Wisconsin v. Guzman*, 480 N.W. 2d 446 (Wis. S. Ct. 1992). In *Guzman* and *Griffin v. Wisconsin*, 483 U.S. 868 (1987), the Wisconsin Supreme Court held that parolees and probationers do not enjoy the same degree of privacy expectations as ordinary citizens. *Guzman*, decided five years after *Griffin*, explained:

The [*Griffin*] court did not hold that a finding of 'reasonable grounds' was necessary before a finding of "reasonableness" could be found. It merely held that a search made pursuant to a regulation including a "reasonable grounds" standard was

constitutional. Thus, while a warrantless search based on a regulation mandating “reasonable grounds” meets the “reasonableness” requirement of the Fourth Amendment, not all warrantless searches must be based on “reasonable grounds” to meet the Fourth Amendment “reasonableness” requirement.

*Guzman*, at 599-600.

Notably, in the order granting the evidentiary hearing, this Court found that the government’s reliance on *Griffin* was misplaced because the *Griffin* court did not specifically address the reasonableness of the tip itself. The government does not dispute this finding. However, *Griffin* does unequivocally establish that individuals on supervision in the State of Wisconsin, like Shelton, are afforded fewer Fourth Amendment protections in the context of probation searches. This is due in large part to the rehabilitative “special needs” of the probation system; “[t]he purpose of probation is to rehabilitate those convicted of a crime and to protect the public from further criminal conduct.” *Guzman* at 601. Further, *Griffin* recognized that, “[i]n some cases—especially those involving drugs or illegal weapons—the probation agency must be able to act based upon a lesser degree of certainty than the Fourth Amendment would otherwise require in order to intervene before a probationer does damage to himself or society. The agency, moreover, must be able to proceed on the basis of its entire experience with the probationer, and to assess probabilities in the light of its knowledge of his life, character, and circumstances.” *Id.*

On March 19, 2018, Shelton signed his DOC rules of supervision, which were applicable at the time of the probation search, acknowledging that he was subject to numerous restrictions, including:

- Shelton was required to obtain permission from his agent “prior to purchasing, owning, or carrying a firearm or other weapon or ammunition.” Tr. 15, 20-25; Tr. 16, 1-4. <sup>2</sup>

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<sup>2</sup> In this brief, “Tr.” Followed by a page number refers to the transcript of the March 27, 2023, evidentiary hearing in the above-captioned case.

- Shelton was prohibited from possessing “any drugs or drug paraphernalia, including but not limited to corner cut baggies, gem packs, or digital scales.” Tr. 16, 18-20.
- Shelton prohibited from being in the vicinity of a vehicle or residence of anybody using illegal substances, drugs, or selling them.” *Id.*

Ms. Rozier, who was a DOC agent for 16 years and a Corrections Field Supervisor for 7 years, testified about the process she used to analyze the reliability of the citizen witness’s allegations as it pertained to Shelton’s “life, character, and circumstances.” Tr. 4, 16-23; 5, 25-25; *Griffin* at 3171. She currently supervises 7 agents. Tr. 5, 4-6. As part of her duties, Rozier reviews and approves community search plans. Tr. 5, 14-16. When an agent she supervises wants to conduct a home search, they request authorization from Rozier and include in the request the information supporting their belief that a violation has occurred. Tr. 6, 10-18. Rozier’s role is to review the information and determine whether it qualifies as “something that should be taken to the next level (for final approval).” Tr. 6, 21-25. When reviewing a search request based on a tip, Rozier considers, among other things, DOC policy, the amount of detail in the tip, the identity of the caller, whether the information presents a public safety issue, the offender’s prior criminal record, and the offense of conviction that resulted in supervision. Tr. 8, 1-7. If Rozier determines that additional action is necessary, she forwards the search request to the Assistant Regional Chief for review. Tr. 8, 13-14. When assessing the reliability of a tip, the relationship of the tipster is important. Tr. 10, 1-3. For example, someone who has a volatile relationship with the offender, like a family member or significant other, who presumably has a motive to get the offender in trouble, is treated with caution. Tr. 10, 5-10. Additionally, a tip that is based on first-hand information is stronger than one that is not. Tr. 10, 19-22.

Rozier considered that Shelton’s offense of conviction was a crime of violence involving a firearm, that the citizen witness tip came in during the height of the COVID-19 pandemic,

during which time offenders were not being closely monitored byway of home visits, that he committed a felony offense while on supervision when he picked up the fleeing case, that the tip alleged conduct that involved a firearm and a threat of violence, that Shelton was recently placed on GPS monitoring as a result of his fleeing case, and that the witness was detailed and corroborated. Tr. 28, 25; Tr. 29, 1. With respect to the detail and corroboration, the witness identified the location of the ammunition as Shelton's right pocket, she gave the brand name of the bags he used, she reported the presence of an extended clip, she was correct about him recently being placed on GPS, her information was based on first-hand knowledge because she had a face-to-face interaction with him, she had no apparent motive to lie, and she provided her name and phone number.

Despite this, Shelton contends that the informant tip was not corroborated or vetted. As a preliminary matter, he is incorrect that the individual who provided information is an informant. Indeed, courts have drawn a distinction between ordinary citizen witnesses, anonymous tipsters, and police informants on the other. *See Edwards v. Cabrera*, 58 F.3d 290, 294 (7th Cir. 1995)(a citizen informant is inherently more reliable than the usual police informants who are often mired in some criminal activity themselves). Here, it was reasonable to infer that the neighbor was an honest citizen witness when she provided the tip and there is nothing in the record to refute that assertion. *See Illinois v. Gates*, 462 U.S. 213, 240 (1983). The citizen witness was not a criminal. She had no motive to lie and so her statement was more probative than information from inmates, suspects, friends or relatives of the accused. *House v. Bell*, 547 U.S. 518, 522 (2006); *Gates*, 462 U.S. at 238; *United States v. Geasland*, 694 Fed App'x 422, 431 (7th Cir. 2017)(when an officer has received information from some person – normally the putative victim or an eyewitness-who it seems reasonable to believe is telling the truth-he had

probable cause); *United States v. Decoteau*, 932 F.2d 1205 (7th Cir. 1991); *Gramenos v. Jewel Cos.*, 797 F.2d 432 (7th Cir. 1986); *see also United States v. Parker*, 2019 U.S. Dist. LEXIS 119348, \*6 (N.D. Ill. Jul. 16, 2019)(building owner’s identification of defendant reliable and establish probable cause for the search); *United States v. High*, 2007 U.S. Dist. LEXIS 82102 (W.D. Wis. Nov. 2, 2007).

Moreover, corroboration is less important in the probation context. For example, in *Leatherwood v. Welker*, the defendant argued that a warrantless probation search violated the Fourth Amendment because the tips that led to the search were not reliable or corroborated. 757 F.3d 1115, 1121 (10th Cir. 2014). Relying on *Griffin*, the Court of Appeals for the Tenth Circuit rejected this argument, noting that:

Generally, anonymous tips must be corroborated and bear “sufficient indicia of reliability” to support reasonable suspicion. . .[b]ut probation searches may be premised on less reliable information than that required in other context. Accordingly, the Supreme Court in *Griffin* approved (under a special needs analysis) of a tip that came from a police officer but relayed hearsay information from an unidentified third party, was uncorroborated, and asserted only the possible existence of a violation.

*Leatherwood*, 757 F.3d at 1121.

*Leatherwood* went on to discuss how the appeals court had previously “approved of an uncorroborated tip from a known citizen-informant relaying information from anonymous sources where those sources alleged they had been in the defendant’s home and witnessed the violation...and we have approved of probation searches based on anonymous or vague tips in other cases.” *Id.*; *see also United States v. Tucker*, 305 F.3d 1193 (10th Cir. 2002); *Trujillo*, 404 F.3d 1238 (10th Cir. 2005); *United States v. Lewis*, 71 F.3d 358 (10th Cir. 1995). *Leatherwood* found it important that “the anonymous tipster alleged a reliable base of knowledge—access to Mr. Leatherwood’s home.” *Id.* Thus, the court concluded, “failure to corroborate these tips is not fatal in the probation context.” *Id.*



Like the tipster in *Leatherwood*, the citizen witness in this case alleged *personal knowledge* of violations committed by Shelton. See also *Navarette v. California*, 572 U.S. 393 (2014), quoting, *Spinelli v. United States*, 393 U.S. 410, 416 (1969) (“[An informant’s] explicit and detailed description of alleged wrongdoing, along with a statement that the event was observed firsthand, entitles his tip greater weight than might otherwise be the case.”). In light of all the foregoing facts, the citizen witness’ information, combined with Shelton’s history and characteristics, provided reasonable grounds to believe that he had violated at least one of his release conditions. Accordingly, the probation search was lawful and Shelton’s motion to suppress should be denied. However, even if this Court were to use the slightly enhanced burden of reasonable suspicion when evaluating the totality of the circumstances, the probation search and subsequent Act 79 search were still reasonable under the Fourth Amendment.

Although reasonable suspicion under Act 79 is a slightly higher standard than the reasonable grounds standard, “reasonable suspicion is a fairly low standard to meet.” *Wisconsin v. Anderson*, 935 N.W.2d 285 (2019). *Anderson* explained that “[a]lthough it is not possible to state precisely what the term reasonable suspicion means, it is a ‘commonsense nontechnical conception...that deal[s] with ‘the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act.’” *Id.* (quoting *Ornelas v. United States*, 517 U.S. 690, 695 (1996)). Further, based on the totality of the circumstances, “[s]uch reasonable suspicion must be based on ‘specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.’” *Id.*

Wisconsin’s Act 79 legislation “permits warrantless searches of supervisees if officers have a reasonable suspicion that a crime or a violation of supervised release is afoot. The Seventh Circuit recently upheld Act 79 searches as constitutional” *United States v. Johnson*,

2022 WL 102277, at \*4 (E.D. Wis. Jan. 11, 2022)(citing *United States v. Caya*, 956 F.3d 498, 500 (7th Cir. 2020)).

The defendant cites *United States v. Johnson*, No. 20-cr-114, 2022 WL 102277 (E.D. Wis. Jan. 11, 2022), to emphasize his client’s “meaningful expectation of privacy” in an Act 79 search. Yet, the defendant fails to recognize that the facts and circumstances of his case are in stark contrast to those of Johnson’s, which resulted in suppression after a purported pretextual stop exceeded the scope of Act 79. Johnson had been stopped in a Wendy’s parking lot which was a suspected drug trafficking location. *Johnson*, at \*2. The official basis for the stop was reported to be illegal window tint on his vehicle. *Id.* During the course of the stop, it was discovered that Johnson was on extended supervision so a search of his vehicle was initiated pursuant to Act 79. *Id.* at \*3. District Judge J.P. Stadtmueller ultimately granted the defendant’s motion to suppress the evidence finding that the officers engaged in prolonged delay of the window tint infraction because they were more focused on whether Johnson was engaged in illegal drug trafficking:

[t]he time between when he was ordered out of the vehicle and when the tint meter was finally mentioned by the police—some thirteen minutes—had nothing to do with investigating the tint. During that time, the police patted Johnson down for weapons, questioned him about what he was doing in the parking lot, summoned a drug-sniffing dogs and attempted to get Johnson to consent to a car search by saying they had a gun complaint for a car that looked like the Equinox. None of the body-worn camera footage shows the officer investigating the tint during this time.

*Id.* at \*3-4.

The *Johnson* court went on to find that the search was not tailored to the suspected violation of extended supervision and that the window tint violation did not provide reasonable suspicion that Johnson was engaged in drug activity. *Id.* The court reasoned that, “the principle that a search or seizure must be reasonably related to the object of investigation has been cited in

both reasonable suspicion and probable cause searches. *Id.*, at \*6. The court thus concluded, “[t]his principle compels the conclusion that a search of an entire vehicle beyond the scope of the suspected supervision violation would run afoul of Act 79’s limiting provisions, which require reasonableness and prohibit searches that are arbitrary, capricious, or intended to harass.” *Id.*

Unlike the defendant in *Johnson*, the search of Shelton’s residence was in direct relation to what the tip had substantiated as reasonable suspicion. It is undisputed that from the approval of the search plan to the probation and Act 79 searches, officers remained tailored to looking for evidence to substantiate the violations regarding the presence of guns and drugs in Shelton’s. There was no prolonged delay or ulterior motive as the defendant asserts. Since the Act 79 search was supported by ample reasonable suspicion based upon the tip and the prior search by the DOC the search should be upheld: “so long as the provisions of Act 79 are met, a search should be upheld.” *Johnson*, at \*4.

Shelton also relies on *United States v. Slater*, 2022 WL 558097 (E.D. Wis. Feb. 24, 2022), but that case is also factually distinct from Shelton’s. In *Slater*, the tipster reached out directly to law enforcement, as opposed to the probation department who was supervising Shelton. *Id.* at \*2. The tipster alleged suspected drug trafficking and firearms possession. *Id.* The Brown Deer police department then launched an independent investigation into Slater. *Id.* at \*2-3.

Shelton uses the independent Brown Deer months-long investigation in *Slater* to try to set a higher standard than what is required under the law while ignoring that Slater’s lesser violations were sufficient reasonable suspicion for the Act 79 search. While the probation department had been aware of the ongoing, months long, drug investigation by the Brown Deer police department, an apprehension request was issued for Slater only after the probation department learned that Slater had allegedly fled from police in Illinois on August 25, 2020,

while having a suspended driver's license. *Id.* at \*3. While the court reasoned that the ongoing Brown Deer police investigation which included surveillance, trash pulls, and reviewing evidence from the tipster contributed to reasonable suspicion—the court also acknowledged that separate and apart from the drug investigation, the driving infractions themselves established an independent basis for the Act 79 search of Slater's bedroom:

the information about the defendant's mother's grey Audi speeding through Illinois and fleeing police an hour before officers confirmed that neither the Audi nor the defendant were home was more recent (than the drug investigation) and was sufficient to provide Miller (the agent) with a reasonable suspicion that days before she issued the apprehension request, the defendant had been out of state without permission and had committed, at the very least, driving infractions.

*Id.* at \*21.

Where reasonable suspicion already exists, officers are not required to stand by and watch for more reasonable suspicion before acting. *See Navarette v. California*, 572 U.S. 393, 403-404 (2014). Accordingly, Slater's violation of his rules of supervision related to driving with a suspended license, leaving the State without his agent's approval, and fleeing from police, provided sufficient and independent reasonable suspicion for the Act 79 search. *Id.* at 25 (“[i]n fact, the information about the August 25 incident involving the Audi was a potent source of reasonable suspicion recent enough to warrant an Act 79 search.”). Thus, once armed with information supporting a reasonable believe that Shelton had violations numerous conditions of his release, DOC agents were not required to collect additional evidence to further bolster the already present reasonable suspicion.

Next, Shelton asserts that the citizen witness is unreliable he could not have engaged in the alleged drug trafficking without triggering a GPS violation. There is no support for this assertion in the record. Moreover, the record evidence supports a contrary conclusion. Specifically, Luebke explained that a common home zone the perimeter of the offender's address

and not an offender's back door as Shelton contends. Furthermore, at the evidentiary hearing, Shelton objected to the government presenting evidence in response to this argument.

Additionally, Ms. Rozier testified that the Shelton's GPS, which was not being monitored by another agency, was not a factor in her approval of the search plan because she was unaware of the parameters of Shelton's GPS and whether him stepping outside of the backdoor of his residence would have resulted in a violation. Tr. 38, 19-21. Nonetheless, what added credibility to the tip is the fact that Shelton was in fact wearing a GPS bracelet at the exact time that the tip was reported and the tipster had knowledge of that fact, which is factor that Ms. Rozier did consider in finding the tip reliable. Tr. 25, 5-10.

Next, Shelton contends that no police officer asked the DOC about the basis for the search. Not only is this mere speculation on Shelton's part, but it also demonstrates a misunderstanding of the law. Under the collective-knowledge doctrine, officers may conduct a stop or search even if they do not have firsthand knowledge of the facts amounting to reasonable suspicion. *United States v. Eymann*, 962 F.3d 273, 283-84 (7th Cir. 2020)(citing *United States v. Harris*, 585 F.3d 394, 400 (7th Cir. 2009)). Indeed, "where law enforcement authorities are cooperating in an investigation, as here, the knowledge of one is presumed shared by all." *Id.* (quoting *Illinois v. Andreas*, 463 U.S. 765, 771 n.5, 103 S. Ct. 3319, 77 L. Ed. 2d 1003 (1983)). Collective knowledge also applies to information that an officer receives from those with the "training, responsibility or authority to make a determination of reasonable suspicion." *Id.* (quoting *United States v. Colon*, 250 F.3d 130, 137 (2d Cir. 2001)).

In the present case, the probation search and apprehension request were authorized by the Wisconsin DOC. Jason Luebke, who has worked for DOC for 17 years, is assigned to the MCORP unit. Tr. 49, 15-21. As an MCORP agent, Luebke serves as a law enforcement liaison

between the DOC and the Milwaukee Police Department. Tr. 50, 1-21. He works with MPD Officers locating wanted persons on extended supervision. *Id.* On September 1, 2020, Luebke reviewed the search plan, which included the citizen witness tip, history of dangerousness by the offender, potential occupants in the residence, and that MPD District 4 anti-gang unit would be present to secure the residence and stand by if weapons or drugs were found. Tr. 67, 14-15; Ex. 7.

MPD Sergeant Justin Schwarzhuber was a MPD Officer on September 2, 2020. Tr. 71, 7-16. He has conducted between approximately 50 and 100 Act 79 searches. Tr. 72, 15-17. Upon his arrival at XXX North 35<sup>th</sup> Street, Schwarzhuber learned that, as part of the probation search, the DOC had located contraband in Shelton's room. Tr. 74, 1-5.

In the present case, the record evidence establishes that DOC and MPD were working together during the probation and Act 79 searches. Inasmuch as Luebke was clearly aware of the basis for the search, his knowledge is presumed shared by all, including then Officer Schwarzhuber.

For all the foregoing reasons, the probation and Act 79 searches of Shelton's residence were reasonable under the Fourth Amendment. Therefore, Shelton's motion to suppress should be denied. However, even if the Court were to find that the planned searches were unlawful, the evidence recovered from Shelton's residence is admissible under the inevitable discovery doctrine given the sweep conducted incident to his arrest on the apprehension warrant.

The doctrine of inevitable discovery provides that illegally obtained evidence will not be excluded if the government can prove, by a preponderance of the evidence, that the officers "ultimately or inevitably" would have discovered the challenged evidence by lawful means. *Nix v. Williams*, 467 U.S. 431, 444 (1984). The government meets its burden to establish that

evidence would have inevitably been discovered by lawful means when it shows two things: (1) "that it had, or would have obtained, an independent, legal justification for conducting a search that would have led to the discovery of the evidence;" and (2) "that it would have conducted a lawful search absent the challenged conduct." *United States v. Marrocco*, 578 F.3d 627, 637-38 (7th Cir. 2009).

As to the first requirement, MPD was in possession of an apprehension request, or probation violation warrant, that directed that Shelton be arrested. In connection with that arrest, law enforcement officers were authorized to conduct a protective sweep. *Chimel v. California*, 395 U.S. 752 (1969). *Maryland v. Buie* identified two different protective sweep circumstances. The first allows officers to look in closets and other spaces adjoining the place of arrest from which an attack could be immediately launched. This may be done as a precautionary matter and without probable cause or reasonable suspicion. The second is where articulable facts which, taken together with the rational inferences from those facts, would warrant a reasonably prudent officer in believing that the area to be swept harbors an individual posing a danger to those on the arrest scene, and in this case the search may extend beyond the parameters of the first type of protective sweep. Officers may take steps to assure themselves that the house in which a suspect is being, or has just been, arrested is not harboring other persons who are dangerous and could unexpectedly launch an attack. 494 U.S. 325, 333 (1990).

An unknown assailant who attacks officers departing from an arrestee's home poses an equivalent, if not greater risk to the safety of the officers as does the assailant who attacks upon entry. *United States v. Burrows*, 48 F.3d 1011, 1017 (7th Cir. 1995); *see also United States v. McLemore*, 2006 U.S. Dist. LEXIS 13335, \*29 (E.D. Wis. Mar. 7, 2006). Having heard the presence of another person, police are entitled to sweep the house for their own protection after

defendant was arrested in the garage. *United States v. Contreras*, 820 F.3d 255, 269 (7th Cir. 2016).

In the present case, the first requirement is satisfied because MPD could search the areas immediately next to Shelton where an attack could be launched, including his bedroom, which was the first bedroom next to the front door. As to the second requirement, MPD would have conducted the Act 79 search absent the challenged conduct. They knew that Shelton was in possession of ammunition, he was on supervision for a crime of violence, he had committed another felony offense while on supervision, he had communicated a threat of violence in the future, he delayed coming to the door, and they observed several types of ammunition in plain view on the dresser in his bedroom.

Therefore, should the Court find that the initial searches were not reasonable, an independent basis existed for law enforcement to be lawfully present where contraband was in plain view. Thus, Shelton's motion to suppress should also be denied on this ground.

#### **THE SEARCH WAS CONDUCTED REASONABLY**

The search of Shelton's residence was not arbitrary which would require a showing of that the search was conducted on a whim as opposed to being based in reason or systematically. As articulated above, Ms. Rozier testified that the search was not based upon a mere hunch—but based upon a reliable tip from a concerned citizen reporting eyewitness observations and conversations with Shelton. Further, Ms. Rozier testified that there are in fact procedures in place, in addition to the provisions authorized by Shelton's rules of supervision, which govern the DOC's authority to conduct probation searches. Further, Sergeant Schwarzhuber testified that the manner in which the search was conducted was reasonable in light of the fact regarding allegations that the defendant was in possession of an extended magazine for a firearm. Further,



he testified that during the search, L.J., identified a firearm that belonged to her that was not where it was supposed to be in the residence which caused them to continue to search for that missing firearm, ultimately, they never found it. Additionally, Sergeant Schwarzhuber testified that agents had recovered numerous rounds of rifle ammunition and had not found a rifle for which the ammunition would be used. Based on the totality of the circumstances, it was reasonable for the Act 79 search to take as long as it did and for officers to recover the multiple firearms, magazines, hundreds of rounds of ammunition, and pounds of marijuana.

The search of Shelton's residence was not capricious; it was not done on impulse. The probation search was based upon the tip, and the Act 79 search was conducted pursuant to the collective knowledge of the tip as well as the contraband recovered during the probation search. This search was not conducted randomly.

Finally, the search was not conducted in a harassing manner. As evidenced by the record and previously submitted body-camera footage<sup>3</sup>, the agents and officers were indisputably polite and respectful to both Shelton at the time of his arrest, as well as the occupants of the home during the execution of the searches. There was not an excessive number of law enforcement officers on scene; in fact, Agent Leubke testified that there were, at most, six police officers on scene. Tr. 66, 10-12.

Notably, this search stands in stark contrast to the search in *Johnson* as described above where the court found that the search exceeded the reaches of Act 79 and was conducted unreasonably based upon the pretextual stop. *See Johnson*, at \*6. Further, in the *Slater* decision discussed above, the court found that because of the circumstances (allegations that Slater was engaged in drug and weapons offenses), it was reasonable that approximately 20 law enforcement officers, including the United States Marshal's Service, were present and armed

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<sup>3</sup> See Doc. 37.

with long guns and wearing tactical gear. *Slater* at \* 27. The court in *Slater* also found it reasonable that law enforcement forced entry into Slater's residence by breaking down a door. *Id.* Thus the court held that, "under the totality of the circumstances, the officers conducted the search in a reasonable manner." *Id* at \*28.

While Shelton's case also involved allegations of drug and weapon's violations, there were at most six officers on scene from the beginning to the end of search of Shelton's residence and no forced entry was made into the residence. The defendant fails entirely to substantiate any allegation that the search was conducted unreasonably. The only factual allegation the defendant asserts is that the approximate two-three hour search was unreasonable. The record is clear that based upon the circumstances of the search and quantity of contraband, that amount of time was not unreasonable and the defendant's allegation of a purported lengthy search is without factual merit or lawful authority; it is merely unsupported speculation.

#### **IV. CONCLUSION**

For all the foregoing reasons, the citizen witness tip provided reasonable suspicion to conduct the probation and Act 79 searches of Shelton's residence. Additionally, law enforcement had an independent basis for entering the home when MPD officers conducted a protective sweep after arresting Shelton on the probation violation warrant. Under the totality of the circumstances, there was reasonable suspicion that Shelton was committing, was about to commit, or had committed a crime. Accordingly, the recovery of evidence from Shelton's bedroom and living room were reasonable under the Fourth Amendment and his motion to suppress the evidence should be denied.

Respectfully submitted at Milwaukee, Wisconsin, this 21st day of April, 2023.

Respectfully Submitted,

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April 25, 2024

Judicial Selection Advisory Committee  
Office of Governor Tony Evers  
P.O. Box 7863  
Madison, WI 53707

Via email to [GOVJudicialAppointments@wisconsin.gov](mailto:GOVJudicialAppointments@wisconsin.gov)

Re: Letter of Recommendation for Bridget J. Schoenborn (Waukesha County)

Dear Committee Members:

I write in support of Bridget J. Schoenborn's application for an appointment to the Waukesha County Circuit Court. Bridget's experience, judgment, diplomacy, and sense of fairness would serve the people of Waukesha County well.

I have been a supervisor in the U.S. Attorney's Office since 2004, and I met Bridget in late 2007, when she applied for a position as an Assistant U.S. Attorney. At the time, Bridget was working as a *pro se* clerk for the Eastern District of Wisconsin, and the judges with whom she worked uniformly reported that Bridget was a talented researcher and writer. They also explained that she was hard-working, smart, and personable.

The judges were correct. Bridget joined our office in May 2008 and quickly established herself as a talented and hard-working trial lawyer. Within a short time of starting in the office, Bridget began taking the lead on complex narcotics, violent crime, and money laundering investigations. These matters required her to organize voluminous materials, make efficient decisions, prioritize tasks, display compassion when working with witnesses and victims, demonstrate that her word was her bond, and inspire and lead the law enforcement officers with whom she worked. She did this all very well and earned the respect of colleagues, judges, court staff, agents, and the defense bar.

Although Bridget primarily handled complex criminal matters for over a decade, in November 2020, she seized an opportunity to demonstrate her leadership skills and expand her practice area. Specifically, Bridget began serving as our Asset Forfeiture Chief. She has excelled in that role, gaining subject matter expertise and flourishing as a mentor and advisor to prosecutors, agents, and support staff. In addition, she assumed responsibility for filing civil complaints, conducting discovery, and handling all aspects of civil litigation related to forfeiture matters. She

has done an outstanding job of handling a high volume caseload, while effectively guiding a team of support professionals.

In addition to her litigation-related work, Bridget has been a leader on our Diversity Committee and has handled a wide variety of collateral assignments. She also has devoted significant time and energy to state and local bar associations and to civic organizations. This should not come as a surprise. Bridget cares about and wants to make a difference in the community. I am confident that she would continue to make a positive impact on the community as a circuit court judge.

I would be happy to answer any questions you may have about Bridget's skills and abilities. I can be reached at [REDACTED] Thank you for your consideration of this letter.

Sincerely,

Richard G. Frohling  
First Assistant United States Attorney