



**JUDGE WILLIAM E. HANRAHAN**  
DANE COUNTY CIRCUIT COURT  
BRANCH 7

Dane County Courthouse  
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May 3, 2018

Mr. A. David Dahmer  
Editor, Madison 365  
PO Box 842  
Madison, WI 53701-0842

Re: May 3, 2018 Edition

Dear Mr. Dahmer,

I have just read an article in your publication entitled "All-White Jury Acquits Man Who Pointed Gun at Black Man and Child". This article concerned a trial recently held in my courtroom. It is highly unusual for me to comment on a case prior to its closure, but I do so because I am concerned that in this era where facts no longer seem to matter, this highly inflammatory, factually inaccurate article is likely to arouse *unjustified* anger by filling the public's apparently insatiable appetite for sensationalism.

The following verifiable facts have been taken from the verbatim court record and have been juxtaposed below with the erroneous and misleading assertions reported in your article. I have taken the liberty of copying both attorneys that were involved in this trial to ensure that nothing has been misstated. Since it appears that the race of the defendant and the crime victims was of essential significance to your story, references to the race of other participants will also be included.

- "Thirteen whites decided that...and the judge was okay with it"
  - Actually, as is guaranteed by the Constitution, only 12 jurors decided this case. Those jurors were white. In the jury selection process, two black jurors were struck when they stated under oath that they did not want to serve as jurors in this trial and then stated the reasons therefor.
  - This judge had **no choice** other than to "be okay with it (the verdict)". Neither attorney asked for *judgment notwithstanding the verdict*, nor did legal grounds exist to grant such a request.

- “Sopko was arrested and charged for carrying a concealed firearm and for pointing a firearm at another person”
  - The African-American police officer that led this investigation, testified under oath that he had arrested Sopko *only* for carrying a concealed weapon. He further testified that he specifically did not arrest Sopko for pointing the gun because **he did not believe that *probable cause* existed** to arrest him for that crime.<sup>1</sup>
  
- “Judge William Hanrahan allowed the prior records of Porter (victim) to be discussed during the trial”
  - The law allows a very limited inquiry into prior convictions. A lawyer is allowed to ask whether the witness has been accused of a crime and if the answer is yes, they may inquire as to the number of convictions. When a witness misrepresents the number of prior convictions however, the lawyer may then, in the presence of the jury, detail the nature and dates of the convictions. Here, Porter misled the jury by telling them that he had “just one” conviction. This is not true. Consistent with the law, the defense counsel<sup>2</sup> proceeded to question Porter about the dates and nature of his 7 prior convictions.
  
- “...the prior arrest record of the defendant, Paul Sopko, did not get admitted.”
  - In discussing jury instructions, the court specifically inquired of the African-American Assistant District Attorney why he did not inquire about the records of either Paul or Ryan (witness) Sopko’s records. The prosecutor responded that he and defense counsel agreed that those convictions were “too old” to be relevant. The court was not asked to decide this issue.
  
- “...victim forced to testify in handcuffs”
  - Actually, after selecting the jury on Monday, the court told the prosecutor to be sure to have “street clothes” for Porter, who was in jail. At trial on

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<sup>1</sup> Furthermore, for some unknown reason, the officer did not collect the gun and holster as evidence. Thus, the jury did not have the opportunity to evaluate this evidence in order to see whether it corroborated witness statements.

<sup>2</sup> The attorney representing the defendant, because of his dark complexion, argued before the jury that he too had personally experienced the indignity of being called a “nigger”.

Tuesday, the prosecutor chose to call his witness to the witness stand dressed in a jail uniform. Prior to being called into the courtroom, the court instructed the bailiff to remove the defendant's handcuffs. The bailiff attempted to do so, but Porter told the bailiff that he did not want the handcuffs removed. The bailiff then informed the court and attorneys while in open court. This was noted on the record and the court allowed the defendant to testify with handcuffs on, as he had requested.

- “The way Judge Hanrahan talked about these victims...”
  - The author may have been referring to comments made to Porter after he said “I don’t want nothing to do with this”, referring to the prosecution of Sopko.
  - Or maybe the author was considering the time Porter refused to answer questions of defense counsel on cross examination. At that time, the court had to remove the jury and speak directly to Porter, advising him that his failure to submit to cross examination could result in his entire testimony being stricken from the record, or that persistent non-compliance could result in a finding of contempt.
  - Or, the author may have been referring to comments made by the court in response to the motion of the defendant to dismiss the charges after the state had *rested*. The court denied the motion of the defendant. As is required, the court reviewed the facts to determine whether the jury would get to decide this matter or whether it should be dismissed. Here are some of the facts reviewed:<sup>3</sup>
    - The testimony of both Porter and the child contradicted their earlier statements and the statements of each other.
    - Porter was an uncooperative and hostile witness even *prior to* coming into the courtroom.
    - The prosecution inadequately prepared the child to testify to the point where, unlike in most any other case, he did not even seem to understand the oath or the process of administering it.
    - The prosecution only presented surveillance video captured by only 1, out of a possible 22 cameras in the store. This one video presented for

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<sup>3</sup> A more complete analysis of the facts was articulated on the record.

consideration by the jury contained less than 15 seconds of relevant images, and those were mostly obstructed from view.

- Sopko should have been charged with a “hate crime”
  - The investigating officer did not refer this to the DA as a hate crime. Staff in the office of District Attorney Ismael Ozanne did not charge it as a hate crime. The Assistant District Attorney did not prosecute it as a hate crime. Contrary to what has been implied, the white judge and all white jury had no power whatsoever to change those decisions.
  
- “The Sopkos were able to escape conviction of the heavier charge”
  - Actually, neither charge is “heavier” - each of these charges is a Class A Misdemeanor and carry the same maximum penalty of up to 9 months in jail and a \$10,000 fine, or both.

I am a firm believer in a strong, free and independent press. I have always tried to maintain the utmost transparency in court proceedings, welcoming both the interest and scrutiny of the operations of the 3<sup>rd</sup> Branch of Government. I have also appreciated the role that Madison 365 has played in this community. This article however, because of its gross inaccuracies and false narrative, fails to advance the cause of justice reform and depreciates the standing of your publication in this community.

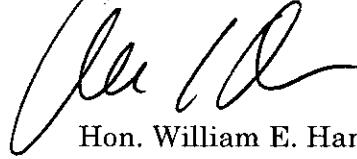
I commend the citizens that served on this jury. They selflessly took time away from their families and their jobs to do a most unpleasant job. They were united in the belief that jury service is a sacred duty. They know that the rights of the accused are enshrined in our Constitution and the rights of the victims guaranteed by Wisconsin law. They deliberated for many hours, struggling to determine whether the state had proved each crime beyond a reasonable doubt. They concluded that the state failed to meet its burden in regard to one crime, but not the other. Your criticism of the jury’s verdict is wholly unsupported by the record, it is demeaning to these citizens and diminishes the legitimacy of your news organization.

I strongly encourage you to consider correcting these factual inaccuracies as soon as possible. Even a smaller publication like yours has a duty to guard against the spread of

the virus of misinformation that has so infected our political discourse on a national, state and local level.

Thank you for your consideration of these comments.<sup>4</sup>

Sincerely,

A handwritten signature in black ink, appearing to read 'W. E. Hanrahan', written in a cursive style.

Hon. William E. Hanrahan  
Judge, Dane County Circuit Court Br. 7

C: D.A. Ismael Ozanne  
Asst. D.A. David Hart  
Atty. Murali Jasti

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<sup>4</sup> If either the State or Defense believe that this missive gives even the slightest appearance of partiality, upon request, this court will recuse itself prior to sentencing.