

05/13/14



- HOME
- STATES
- NATIONAL
- NEWS
- VIDEO
- WATCHBLOG
- ISSUES
- DONATE

- ENERGY
- ELECTIONS
- PENSIONS
- EDUCATION
- HEALTH CARE

Home > Wisconsin > WI: Assistant D.A. still silent on Doe records request

# WI: Assistant D.A. still silent on Doe records request

By M.D. Kittle / October 10, 2012 / No Comments

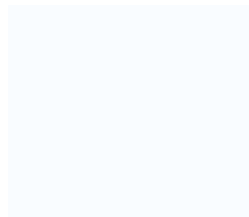


By M.D. Kittle | Wisconsin Reporter

MADISON — The Milwaukee County assistant district attorney who expanded the scope of a **John Doe investigation** into former aides of Gov. [Scott Walker](#) tells [Wisconsin Reporter](#) he will not comment on why his open records request with the state didn't provide key professional information.

On June 18, **David Robles** made the request with the state without using official DA office letterhead. Robles also did not provide his job title.

“His requests also provide what appears to be a private email account. He did list his official work address and phone number on the letters,” noted a mid-August story from the [Milwaukee Journal Sentinel](#), adding that Robles repeatedly refused to comment on the matter.



He continued that stance, for the most part, with Wisconsin Reporter on Wednesday, nearly two months after the wider scope of the investigation and the records retrieval process were brought to light.

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Still no comment from Milwaukee County assistant district attorney on his 'unusual' open records request in John Doe investigation.

Robles said he did not “utilize a private email address to submit open record.” The request only lists the private email account as an email contact.

Asked if he was in the habit of making public record requests without including his job title or making submissions not on Milwaukee County DA letterhead, Robles said, “I am not going to comment on that. There may be a time when I may, but this is not the time.”

The brunt of the Journal Sentinel story was about how Milwaukee County District Attorney [John Chisholm](#)’s two-year-plus John Doe investigation into former aides of the governor, when he was Milwaukee County executive, has expanded into state government.

Records obtained by the newspaper “show that a Milwaukee County prosecutor sought personnel records from Walker’s office and another state agency in June and then met with a top state lawyer the next day.”

In August, Waukesha County District Attorney [Brad Schimel](#) told Wisconsin Reporter that he found the Milwaukee County prosecutor’s methods “rather unusual.”

“If a DA is looking for information from a government body, you don’t have to make an open-records request. We subpoena or ask for it. Government agencies really don’t want to hide things from John Doe investigation,” Schimel said.

There are penalties for failing to hand over information in the secret probes that place strict gag orders on those called to testify or provide information.

“It does strike me as odd to do it in a way that doesn’t make this seem like an official act,” added Schimel, a Republican. “I would announce who I am.”

The district attorney, like anyone outside the probe’s cone of silence, said he isn’t privy to the reasons and motivations surrounding the records requests. He offered that

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Robles could have filed the request privately to avoid media exposure, a way to prevent a subject who may be “corrupt or might have something to hide” from learning of the request.

“I do not know the circumstances. It could be a legitimate reason to approach something under cover, but it is unusual” Schimel said.

Robles declined to comment on Schimel’s statements.

**Keith Sellen**, director of the state [Office of Lawyer Regulation](#), again declined to comment on the matter, saying it’s the kind of situation that could come to his office for review. He would not say if it has.

Chisholm is a Democrat. Walker supporters have accused the Milwaukee County DA of conducting nothing more than an extended fishing expedition.

The probe has led to criminal charges against four former Walker aides or appointees in Milwaukee County. Former aide Darlene Wink pleaded guilty to misdemeanor counts for campaigning on taxpayer time. Three others have been charged with felonies, two pleading not guilty.

Walker has not been accused of any wrongdoing.

Kelly Rindfleisch, 43, a former aide to Walker in Milwaukee County, on Wednesday agreed to plead guilty or no contest to one felony count of misconduct in public office in a deal between Rindfleisch and Milwaukee County prosecutors.

Walker had been subpoenaed to testify in a pending trial, but the agreement takes the governor off the hook.

Milwaukee County **Judge Hansher** must sign off on the agreement. He set a plea hearing for 1:30 p.m. Thursday in Milwaukee County Circuit Court.

Rindfleisch is charged with four felony counts, accused of campaigning on the public’s dime for Republican **Brett Davis**’ campaign for lieutenant governor, while Rindfleisch worked as deputy chief of staff for then-Milwaukee County Executive Scott Walker.

If the deal is approved, Rindfleisch faces probation. She was looking at the possibility of 14 years in prison and \$40,000 in fines.

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## M.D. Kittle

Kittle is a 25-year veteran of radio, newspaper and online journalism. In July 2011, Kittle joined Watchdog.org as bureau chief for Wisconsin Reporter. He has spent much of the past three years covering the seismic political changes taking place in the Badger State. Last year, Kittle joined Watchdog's national reporting team, covering everything from energy policy to governmental assaults on civil rights. Beyond being published in Wisconsin's daily newspapers and in multimedia news outlets, Kittle's work has appeared on Fox News, and in Human Events, Reason Magazine, Newsmax and Town Hall. His special investigation into a politically charged John Doe probe, "Wisconsin's Secret War," was the basis of a 2014 documentary on Glenn Beck's TheBlaze. Kittle has made several appearances on Fox News, including "On the Record with Greta Van Susteren. He serves as weekly politics commentator for Lake 96.1 FM in Lake Geneva, and WRJN-AM 1400 in Racine. His resume includes multiple awards for journalism excellence from The Associated Press, Inland Press, Wisconsin Broadcast Association and other journalism associations. Contact Kittle at [mkittle@watchdog.org](mailto:mkittle@watchdog.org).

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