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2023CF000245

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June 17, 2024

Honorable Steven H. Gibbs
Circuit Court Judge, Branch 1
Chippewa County Courthouse
711 N. Bridge Street
Chippewa Falls, WI 54729

RE: State of Wisconsin vs. Glen Kirckof
Case Number: 21CF318, 23CF244, 23CF245

Dear Judge Gibbs:

Regarding the above-referenced matters, which will be coming into court in the near future for sentencing, this is to remind the Court that there is a joint agreement for a stipulated sentence regarding Mr. Kirckof's cases. The agreement reached by the parties, and which was discussed with the complaining witnesses' families prior to court, contemplates a period of the incarceration in the Chippewa County Jail as a straight sentence, on one misdemeanor count of 4th Degree Sexual Assault, for a period of eight months. The other charges will be cases where the recommendation will be for a withheld sentence, and the defendant to be placed on supervision for a period of three years, concurrent with each other, but consecutive to the County jail time.

As the Court remembers, the reason that the cases did not move forward at the time of the last hearing was because of some shenanigans engaged in by the Chippewa County Sheriff, Mr. Hakes, late in the evening on the Friday before the Monday hearing. As this Court is aware, that email correspondence to the Court was sent without notice to the District Attorney's Office, or to anyone, actually, prior to it being sent. I will not, in this correspondence, belabor what is believed to be problematic and potentially unethical conduct of Mr. Hakes. That will be left for being addressed at a future time. However, I am sure that the Court is aware of the email, wherein Mr. Hakes without question, definitively advises the Court of the actions that it will take against Mr. Kirckof, regardless of the Sentence Orders of the Court. What is further concerning about this situation is that after court, Mr. Hakes spoke with the media. According to the media reports, in the newspaper the next day, Mr. Hakes lied to the media about what was in the email. Despite this office providing the actual email to the reporter, Mr. Vetter, and asking for a correction to be made to the public, Mr. Vetter has failed to do this. Regardless, the email to the Court, advising the Court that

Mr. Hakes will disregard Court Orders, is as plain as day to anyone who reads the English language.

With this in mind, I am notifying the Court that, in the event that Mr. Hakes does, in fact, attempt to pursue his stated intentions of how to treat Mr. Kirckof for any sentence imposed by the Court, a Writ of Mandamus will be filed, wherein sanctions will be pursued personally against Mr. Hakes for his personal violations of Mr. Kirckof's rights, pursuant to Wisconsin Statutes.

As this Court is well aware, pursuant to § 303.08(1)(c), Wis. Stats., the Wisconsin "Huber Law" is to be permitted and utilized for "conducting any self-employed occupation, including housekeeping and attending the needs of the person's family." This is but one of a myriad of circumstances within § 303.08(1), Wis. Stats., which apply to Mr. Kirckof's situation permitting Huber. To the extent that Mr. Hakes has indicated that he does not intend to follow § 303.08(1), Wis. Stats., and in fact intends to violate § 303.08(10) or § 303.08(2), Wis. Stats., please consider this correspondence as an anticipatory request for an Order requiring Mr. Hakes to do exactly what the law requires him to do, and that is to follow Court Orders. Moreover, this is a request that the Court order that Mr. Hakes also adhere to the policies and procedures equally and without discrimination to Mr. Kirckof regarding the policies and procedures for release for the Chippewa County Jail.

Mr. Hakes is a personal family friend of some of the complaining witnesses' family. It is understood that Mr. Hakes socializes with this family. It is also our understanding that Mr. Hakes, prior to the time that he was the Sheriff for Chippewa County, personally involved himself with discussing Mr. Kirckof's matter, as a private citizen, with these people and, as a result, apparently has indicated to them that he will take it upon himself to impose whatever sanctions he mistakenly believes he has the right to pursue. Mr. Hakes is not in charge of the rule of law. Mr. Hakes does not have the authority to impose unilaterally his wishes. Mr. Hakes does not have the legal authority to utilize his role as Sheriff to engage in personal vendettas on behalf of friends or family, which apparently is what he states that he intends to do. Mr. Hakes is mistaken in his beliefs.

Mr. Hakes must follow the law, and execute all lawful Orders of the Court. See § 59.27(1)(4) and (7), Wis. Stats. See also *State ex. rel. Coogan v. Michek*, 2020 WI App 37, 392 Wis.2d 885, 945 N.W.2d 752.

To the extent that the Court enters an Order in favor of Mr. Kirckof, pursuant to this correspondence, and pursuant to the rule of law in the State of Wisconsin, and that Mr. Hakes chooses to violate those Court Orders, it is requested that the Court order sanctions against Mr. Hakes for costs and damages, including attorney's fees to the respondent, pursuant to § 783.04, Wis. Stats., as a result of Mr. Hakes failure to abide by the rule of law which he apparently does not understand he must uphold and follow for all citizens of Chippewa County.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael R. Cohen". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Cohen".

Michael R. Cohen

MRC/kmc