

# Criminal Charges and Forensic Issues

Atty. Eric Heywood

# Criminal charges

- Client
- Legal process
- Negotiation

# Client

- Separated from child
- Incarceration
- Future



# Legal rights

• Silence?

• Confidentiality?

• Jury trial?



# Crim. consequences

- Supervision / Incarceration
- Conviction (felony)
- TPR grounds § 48.415(9m)

# CHIPS consequences

- Separation from child
- Conditions
- Employment
- TPR basis § 48.415(2), (5)

# Discovery – crim.

- § 971.23
- DA “shall” disclose a lot
- Reciprocal is limited

# Discovery – CHIPS

- §§ 48.293, 804.01
- “Upon request”
- Reciprocal expanded

# Discovery – CHIPS

- Production
- Interrogatories
- Deposition



# Discovery – CHIPS

- Requests for admission
- Motion to limit
- Motion to seal

# Motions

- *Bellows*: use JV records
- *Daubert*: expert
- *Spaeth*: compelled statement

# Negotiation – CHIPS

- Services to family
- More supervision
- Longer order
- Motivation of child

# Negotiation

- CHIPS to lower crim.



# Negotiation

- CHIPS to lower crim.



# Negotiation

- CHIPS *instead* of crim.



# Negotiation

- CHIPS *instead* of crim.



# Negotiation – crim.

- Incarceration = no harm
- Minimal services in jail
- No/limited CHIPS needed

# Forensic science

Most of the time we're just  
guessing. Surprise!  
---Your doctor



# Forensic science

- You can do it
- Practice coordinators
- Experts

# Forensics and you



- Scientific process
- Medical terms
- Studies

# Forensic records

- Birth information
- Personal pediatric records
- Well baby visits
- School concerns

# Forensic records

- Injury summary

- X-ray

- CT scan



# Practice coordinators

- Learned treatises
- Strategies
- Expert referrals

# Practice coordinators

- Tim Drewa: [drewat@opd.wi.gov](mailto:drewat@opd.wi.gov)
- Vince Rust: [rustv@opd.wi.gov](mailto:rustv@opd.wi.gov)
- Kathleen Pakes: [pakesk@opd.wi.gov](mailto:pakesk@opd.wi.gov)

# Experts



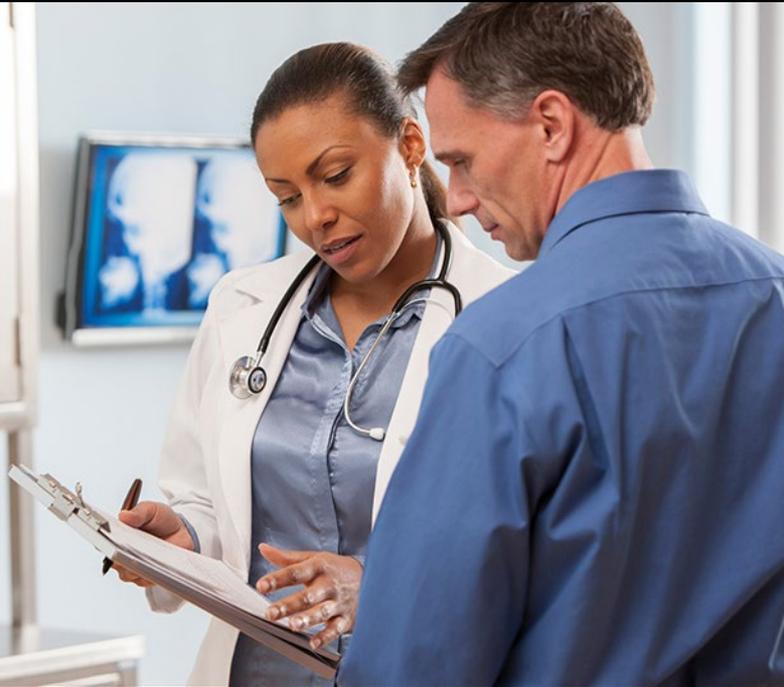
- County
- Defense
- Reports

# County expert

- Facts
- Method
- Application



# Defense expert



- Locate
- Qualifications
- Funding

# Defense expert

- Ok to provide records?
- Consult or report?
- Preparation or litigation?

Questions?