

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

04 APR 13 P 2 54

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH F. PAULUS,

Defendant.

SOPHON B. REED
CLERK

Case No:

04-CR083

[18 U.S.C. § 1952]
[26 U.S.C. § 7206(1)]

Green Bay Division

INFORMATION

THE UNITED STATES OF AMERICA CHARGES:

COUNT ONE - USE OF THE MAIL
AND INTERSTATE FACILITIES TO PROMOTE BRIBERY

At all times material to this Information:

1. Defendant JOSEPH F. PAULUS was the District Attorney of Winnebago County, Wisconsin. He was the County's chief law-enforcement officer, responsible for the investigation and prosecution of violations of Wisconsin's criminal law and traffic law. In all cases within his jurisdiction, he had the power to file charges, enter into plea-bargain agreements, move to dismiss cases, decline prosecution, and make sentencing recommendations. He worked with a number of law-enforcement agencies and officials to investigate crime.

2. Defendant PAULUS was elected by the people of Winnebago County, and paid by the people of the State of Wisconsin, through the State's Department of District Attorneys.

His salary was fixed by state law. He hired and supervised a staff, which consisted of several Assistant District Attorneys, an investigator, and support personnel. Defendant PAULUS's office was located at 240 Algoma Boulevard, in Oshkosh.

3. "Attorney" was a lawyer who represented many clients in criminal and traffic cases in Winnebago County.

The Scheme

4. From June 1998 through June 2000, PAULUS obtained money from Attorney in exchange for defendant PAULUS's use of and agreement to use his official position as District Attorney of Winnebago County to provide Attorney's clients with favorable treatment in criminal and traffic cases.

5. Defendant PAULUS accepted bribes from Attorney relating to approximately 22 of Attorney's cases, 6 of which were criminal cases and 16 of which were drunk-driving and traffic cases. In each case, defendant PAULUS received half of Attorney's client fee. In exchange, defendant PAULUS provided Attorney's clients with benefits including dismissing cases, reducing charges, returning seized property, and requesting that another county's District Attorney give lenient treatment to one of Attorney's clients. Attorney always paid defendant PAULUS in cash, often on the same day that Attorney received the money from his clients. In total, defendant PAULUS received approximately \$48,050 in bribes from Attorney.

Violation of Wisconsin Bribery Statutes

6. From in or about June 1998 through in or about June 2000, defendant JOSEPH F. PAULUS did directly and indirectly accept and offer to accept from Attorney property and personal advantage, which PAULUS was not authorized to receive, pursuant to an understanding that PAULUS would act in a certain manner in relation to matters which by law were pending before him in his capacity as District Attorney and that he would act in violation of his lawful duty, all contrary to Wisc. St. Ann. § 946.10(2). He did so by accepting thousands of dollars from Attorney in exchange for using his official position to provide benefits to various of Attorney's clients.

7. From in or about June 1998, through in or about June 2000, defendant JOSEPH F. PAULUS did, under color of his public office, intentionally solicit and accept from Attorney, for the performance of services, things of value which he knew to be greater than his salary as fixed by law, contrary to Wisc. St. Ann. § 946.12(5). He did so by accepting thousands of dollars from Attorney in exchange for using his official position to provide benefits to various of Attorney's clients.

Use of the United States Mail

8. From in or about June 1998 through in or about June 2000, in the Eastern District of Wisconsin and elsewhere, defendant

JOSEPH F. PAULUS

did knowingly and willfully use and cause the use of the United States mails with intent to promote, manage, establish, carry on and facilitate the promotion, management,

establishment, and carrying on of an unlawful activity—namely, bribery contrary to Wisc. St. Ann. § 946.10(2) and Wisc. St. Ann. § 946.12(5); and thereafter did perform and attempt to perform acts to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, as follows:

9. In May 1999, one of Attorney's clients was arrested in a Wisconsin county for possession of marijuana. Because the client had a prior drug conviction, the District Attorney in this county charged the client with felony possession of marijuana. Defendant PAULUS and Attorney agreed that, in exchange for half of Attorney's \$2,500 client fee, defendant PAULUS would seek to have the charge reduced to a misdemeanor by falsely representing to the District Attorney in this other county that the client was assisting Winnebago County in a drug investigation and therefore should be treated favorably.

10. On or about July 9, 1999, defendant PAULUS used the United States Mail to send a letter to the District Attorney in another county falsely stating that Attorney's client had been "extremely cooperative" in a drug investigation and requesting that the client's charge be reduced from a felony to a misdemeanor.

11. Thereafter, on or about July 22, 1999, defendant PAULUS also telephoned the District Attorney to inform him of the client's supposed cooperation in a Winnebago County drug investigation,

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in violation of Title 18, United States Code, Section 1552.

COUNT TWO-FILING A FALSE TAX RETURN

1. On or about January 24, 2000, in the State and Eastern District of Wisconsin and elsewhere, defendant

JOSEPH F. PAULUS

did willfully make and subscribe a joint United States Individual Income Tax Return (Form 1040, hereinafter "return") for the calendar year 1999, which was verified by a written declaration that it was made under the penalties of perjury and was filed with the Internal Revenue Service, which return the defendant did not believe to be true and correct as to every material matter, in that the defendant falsely indicated on Form 1040, Line 22 of the return that his and his wife's total income was only \$82,931.00, whereas, in fact, and as the defendant well knew, their total income during 1999 was substantially in excess of this amount,

in violation of Title 26, United States Code, Section 7206(1).

April 13, 2004
Date

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