

Written by Democratic Party of Wisconsin, Melissa Baldauff  
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MADISON - Waukesha District Attorney Brad Schimel allowed a sex offender represented by Schimel's former boss to avoid a trial and a prison sentence on child pornography charges with a plea bargain. The offender was sentenced to a short jail term with work release privileges, and was later sent to prison after violating the terms of his probation.

"Brad Schimel has been busy posing for holy pictures and questioning his opponent's record on sex crimes, but Schimel lives in a glass house," Democratic Party Chair Mike Tate said. "Schimel is guilty of multiple counts of hypocrisy in the first degree."

"Here's a case where Schimel let someone with hundreds of child pornography photos and videos cut a deal that allowed him to avoid a trial and got him a slap on the wrist," Tate said. The offender could have faced 15 years or more in prison.

"What is especially troubling is that the defendant's defense attorney was Paul Bucher, the former Waukesha County district attorney who hired Schimel and was his boss for 16 years. This smells a lot like the old boy courthouse gang taking care of each other at the expense of public safety."

The 2012 case involved a former Wisconsin Evangelical Lutheran Synod official, Joel W. Hochmuth, who used the Internet to download hundreds of images of boys engaged in sexual acts with other youths and men. Hochmuth, who was the communications director for the synod, was charged with three counts of possession of child pornography.

As part of a plea agreement that avoided a trial, Hochmuth pleaded guilty to one count of possession of child pornography. The two other counts were dismissed.

He was sentenced to one year in jail with work release privileges and 10 years of probation, with a warning from the judge that "going back to any kind of behavior like this" would result in a prison term of up to the maximum 25 years.

Instead, he was sentenced Hochmuth to four years in prison, followed by five years of extended supervision, after being convicted of violating his probation.

Hochmuth, after failing a polygraph exam, admitted that he had watched a boy's cross-country team as it ran, and once disrobed and masturbated in the woods while he was performing his work-release job as a landscaper.

He was initially investigated by the FBI Cyber Crimes Task Force. Hochmuth was using a software program that allows individuals to connect to one another's computers and browse and download files as well as chat online, according to the complaint.

The complaint also states that the agent engaged Hochmuth in chats and that in one Hochmuth told the agent that he liked pictures of males who were 10 years old or older. The FBI informed Waukesha police, who made the arrest.

"It's easy to talk tough about Internet predators and sex offenders," Tate said. "Schimel's very good at posturing on the issue. But his actions tell another story. When a sex offender hires a lawyer with the right connections to Schimel's office, treatment gets a lot softer.

"Why didn't this come to trial? Why didn't Schimel send the case to a special prosecutor?"

Bucher hired Schimel as an assistant district attorney in 1990, when Bucher was the district attorney. Bucher hired him despite the fact that Schimel had been charged with drunken driving while working as an intern in Bucher's office. Bucher ran a losing campaign for attorney general in 2006 and Schimel was elected to succeed him as district attorney.

The Hochmuth case was handled by an assistant district attorney who reports to Schimel. "As district attorney, Brad Schimel is responsible for how all of the cases in his office are handled, and certainly is willing to take credit for those with a positive outcome," Tate said.

### **Background:**

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Former Lutheran official gets prison for violating child porn probation, *Milwaukee Journal Sentinel*, [1/24/12](#)

Former Lutheran official sentenced to jail, not prison, *Milwaukee Journal Sentinel*, [6/4/12](#)

Wisconsin Circuit Court Access (WCCA). State of Wisconsin vs. Joel W Hochmuth. Waukesha County Case Number 2011CF001154

Attorney general candidate Brad Schimel acknowledges drunken driving offense, *Milwaukee Journal Sentinel*, [1/8/14](#)