

FILED
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Clerk of Circuit Court
Chippewa County, WI
2022CF000265
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STATE OF WISCONSIN	CIRCUIT COURT	CHIPPEWA COUNTY
STATE OF WISCONSIN	DA Case No.: 2022CH000825	
Plaintiff,	Court Case No.: 2022CF000265	
vs.		
CARSON T PETERS-BERGER DOB: 03/19/2008		STATE'S RESPONSE TO DEFENDANT MOTION FOR CHANGE OF VENUE
Defendant.		

At this time, the State objects to a change of venue. The Defense has submitted various local media articles in support of it's motion. What is missing is the fact that all major media markets in Wisconsin have extensive coverage regarding this matter, to include the recent motions filed by the defense. The State contends that the issue of pretrial publicity can be addressed with a well-crafted jury questionnaire. To protect the defendant's due process right to a fair trial, the State would propose that the defense draft a jury questionnaire to deal with any potential issues of juror bias or prejudice, to ensure an impartial jury. The State would then be allowed to object to the language of any particular question, and/or propose any modifications or additional questions, to avoid any unfair prejudice to the State.

The defendant claims that there exists a reasonable likelihood that the defendant will not obtain a fair trial in Chippewa County. Whatever prejudice may exist is purely speculative at this point. The United States Supreme Court in ***Gentile v. State Bar of Nevada***, 501 U.S. 1030, 111 S.Ct. 2720 (1991), pointed out that:

Only the occasional case presents a danger of prejudice from pretrial publicity. Empirical research suggests that in the few instances when jurors have been exposed to extensive and prejudicial publicity, they are able to disregard it and base their verdict upon the evidence presented in court. [cites omitted]. Voir dire can play an important role in reminding jurors to set aside out-of-court information and to decide the case upon the evidence presented at trial.

501 U.S. at 1054-1055, 111 S.Ct. at 2734.

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While **Gentile** did not deal with a change of venue motion, this rationale would equally apply to a court's consideration of a motion for a change of venue. The State contends that a well-crafted jury questionnaire can be used to gather information about any bias or prejudice of any of the jurors. That jury questionnaire, if done well in advance of trial, will indicate if a change of venue is required.

Date Signed: 04/16/25

Electronically Signed By:

WADE C NEWELL

District Attorney

State Bar #: 1024247