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Butler denies claim he sides with criminals 60 percent of time

By SCOTT BAUER | The Associated Press

MADISON, Wis. Supreme Court Justice Louis Butler's campaign called on his challenger and others Tuesday to stop saying that Butler sides with criminals 60 percent of the time in cases before the high court.

Butler's campaign said the claim was "completely false" and challenged his opponent Burnett County Circuit Judge Michael Gableman to prove it.
Gableman's adviser Darrin Schmitz issued a statement that said the figure was obtained from the independent group the Coalition for America's Families which used it in a pair of television ads last week attacking Butler.

A spokesman for that group, R.J. Johnson, said he stood by the figure but would not release details of the analysis the group did until Butler shared how he came up with a different figure.

Butler's campaign spokeswoman Erin Celello said she was putting that information together and would make it available soon.

Johnson said the 60 percent figure came from a review of every case the Supreme Court classified as criminal where it either issued opinions or orders since Butler joined.

Butler's campaign released its own analysis that contradicted that finding.

Its analysis of cases since Butler was appointed by Democratic Gov. Jim Doyle in August 2004 showed that the Supreme Court took up 70 criminal cases in that period and Butler voted to overturn criminal convictions in less than 20 percent of the them. His campaign said he voted to deny appeals in about 75 percent of the cases.

When all cases are considered, including those the court denies without a hearing, Butler has voted to uphold criminal convictions 97 percent of the time, according to his campaign.

Johnson said he didn't believe those figures were correct.

Butler's campaign called on Gableman, the group running the ads, and anyone else using the figure to stop, remove the information from advertising and apologize to Butler.

"Butler and his allies are trying hard to distract voters from learning the truth about his record of tying the hands of law enforcement," said Gableman's adviser Schmitz. "Butler's decisions are a matter of public record, which an independent group studied and released the results to the public."

An independent judicial monitoring group called the 60 percent claim "highly questionable."

The Wisconsin Judicial Campaign Integrity Committee said the statistic has not been explained or substantiated and called on Gableman to produce evidence backing it up or stop using it.

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