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October 24, 2024

**DISTRICT ATTORNEY ERIC J. TONEY TESTIMONY TO THE HOUSE JUDICIARY
COMMITTEE**

Re: House Judiciary Committee field hearing on "The Biden-Harris Border Crisis: Wisconsin Perspectives"

Mr. Chairman and members of the committee:

I appreciate you holding this hearing in Milwaukee, Wisconsin to discuss critical immigration issues that are impacting public safety in Wisconsin as a consequence of the southern border crisis. My name is Eric Toney and I am in my 12th year as the Fond du Lac County District Attorney and I am the Past President of the Wisconsin District Attorneys' Association. My comments today are in my capacity as the Fond du Lac County District Attorney. Prior to being elected District Attorney, I spent a few years in private practice focused on juvenile, mental health, criminal, and bankruptcy law. I have seen the justice system from both sides and have had candid conversations with those charged and convicted of crimes, including some illegally in the United States.

Fond du Lac County has just over 100,000 residents and is approximately two hours north of Chicago, one hour north of Milwaukee, one hour south of Green Bay, and just over one hour east of Madison. We have Interstate 41, Highway 29, Highway 23, and Highway 26 running through the County, which makes Fond du Lac County a corridor for drug trafficking, but also a great community to raise a family based on our proximity to much of Wisconsin and Chicago. Drug overdose deaths, large quantities of fentanyl, methamphetamine, and cocaine are routinely seized off our streets and highways by the incredible law enforcement working in the community.

As a district attorney, I routinely meet with families that had a loved one stolen from them and have sat across from too many parents that have buried their child from a drug overdose death. Just last week Friday, we convicted another defendant of homicide from a fentanyl

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overdose death, a consequence of southern border crisis allowing drugs to stream into the United States and to Wisconsin.

We have seen significant increase in drug overdose deaths, with fentanyl being the leading cause of death, according to numbers provided by the Fond du Lac County Medical Examiner's Office.

YEAR	DEATHS
2019	9
2020	27
2021	20
2022	23
2023	32

We have also experienced significant crimes with illegal immigrants charged with attempted first degree intentional homicide, sexual assault, and human trafficking.

In 2024, Fond du Lac County has experienced two significant incidents leading to three illegal immigrants being charged with serious crimes. These defendants are presumed innocent unless or until proven guilty. In one circumstance, the charges allege an illegal immigrant attempted to murder his wife in a stabbing incident. Thankfully, she survived the assault and is recovering. In a separate alleged incident, a woman and her boyfriend, both illegally in the United States, were charged when allegations of child human trafficking and attempted sexual assault were uncovered involving a child being held against her will. Thankfully, the child was able to escape and is recovering from the trauma of those alleged crimes. I have submitted the criminal complaints for these cases along with my testimony for your review.

Sadly, we are hearing about tragic crimes and allegations like this all too often, from Prairie du Chien, to Laken Riely, Rachel Morin, Jocelyn Nungaray, and other victims. Families are having birthdays, holidays, weddings, and other special events where they no longer get to say, "I love you," to those they held most dear. These deaths are tragic, but they are also avoidable crimes. A secure border stops the flow of fentanyl, and other illegal drugs and prevents those defendants from being in America to commit crime.

Understandably, murder, violent crime, sexual assault, and drug deaths receive the greatest attention from crime stemming from the southern border crisis. We also experience other crimes that also have an impact on our communities and strain the resources of the justice system. Lower level crimes and traffic crimes committed by those illegally in the country tie up the resources of law enforcement, court clerks, prosecutors, public defenders, attorneys, and judges. This has a cost to tax payers and diverts those officials from other duties and more serious crimes.

Earlier this year judges in Fond du Lac County created an "interpreter" slot because of the amount of criminal and traffic cases needing an interpreter. That time slot was insufficient and

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a second slot had to be added to accommodate the volume of cases. These cases take more time because of the delay in translation from English to a second language and back to English. To some it may seem unwise to spend that time on these cases but the alternative is to take no action, which then treats someone differently than how we would treat United States citizens, simply because they are here illegally. It is unlikely that all these "interpreter" cases are all illegal immigrants, but we believe that has been the most significant factor in the need for this new scheduling.

I have personally experienced a minor consequence of illegal immigration last year. In April of 2023, I was coming back from dinner when I was rear-ended while driving on a city street in Fond du Lac. When I pulled over after being struck, the vehicle rear ended us again. I turned and saw the truck flee from the scene. Thankfully the license plate fell off the truck and that assisted in identifying the driver.

My vehicle was drivable but later totaled by the insurance company requiring me to purchase a new vehicle. I also needed to take my date to the emergency department to be evaluated and thankfully she was okay. As it turned out, the driver of the truck was illegally in the United States, had no vehicle insurance, and failed to show up for court when the special prosecutor filed the charges against him. He now has an arrest warrant out for his arrest. Like all defendants, he is presumed innocent unless or until proven guilty.

This is a small example of the day to day consequences affecting Americans day in and day out as other families continue to bury their children from drug deaths.

America is a nation of immigrants that offers hope for a better life and a safer future, as that shining city on a hill, for those seeking to come here. My family has experienced that with my great grandfather coming to America from Lebanon. My grandfather fought in World War 2, my dad was a police officer, and I have the honor of serving as a district attorney. We must honor our past and recognize immigrants have helped build the greatest nation on Earth but we must also protect those here from the dangers of illegal immigration, namely drugs and violence, by ensuring we encourage immigration but only legal immigration.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric J. Toney", with a stylized flourish at the end.

Eric J. Toney
District Attorney