

SUPREME COURT OF WISCONSIN
OFFICE OF LAWYER REGULATION

Public Reprimand With Consent

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Attorney at Law

Eugene J. Dietzler is a Wisconsin-licensed attorney, admitted to practice in 1997.

On October 4, 2013, Dietzler was charged with misdemeanor OWI (3rd). *State v. Dietzler*, Milwaukee County case no. 2013CT002295. The charge followed a traffic incident on September 26, 2013, during which Dietzler, while driving a motor vehicle, struck an occupied, parked car. A responding police officer believed Dietzler showed signs of intoxication, and had Dietzler perform field sobriety tests, which Dietzler failed. A preliminary breath test was taken with a result of 0.189. Dietzler was also cited for refusing to test for intoxication after arrest in violation of Wis. Stat. § 343.305(9)(a). *State v. Dietzler*, Milwaukee County case no. 2013TR023600.

On December 21, 2013, Dietzler was charged with misdemeanor OWI (3rd) and Operating with PAC (3rd). *State v. Dietzler*, Milwaukee County case no. 2013CT002794. The charges in this case stemmed from a November 6, 2012 motor vehicle accident in which Dietzler was involved. Dietzler showed signs of intoxication, refused to answer a responding police officer's questions, and failed field sobriety tests. A chemical analysis of Dietzler's blood, drawn within three hours of Dietzler's operation of the motor vehicle, showed that it contained 0.279% weight of alcohol.

On May 6, 2015, Dietzler pleaded guilty to the misdemeanor OWI (3rd) charge in Milwaukee County case no. 2013CT002295, and the amended charge of misdemeanor OWI (4th)

in Milwaukee County case no. 2013CT002794. The Operating with PAC (3rd) charge and the refusal to test for intoxication after arrest citation were dismissed, but read in for sentencing purposes.

Upon Dietzler's conviction of OWI (3rd) in Milwaukee County case no. 2013CT002295, the court stayed its sentence of nine months in the Milwaukee County House of Correction with Huber privileges, and placed Dietzler on probation for 24 months. Conditions of probation included 120 days in the House of Correction (with release for work, medical, and treatment), driver's license revocation for 36 months, and ignition interlock device (IID) installation for 24 months. Dietzler was also ordered to participate in AODA assessment and successfully complete recommended treatment, maintain absolute sobriety, submit to random urine screens and/or breathalyzer tests, and pay a fine and all costs, penalties, and surcharges.

Upon Dietzler's conviction of OWI (4th) in Milwaukee County case no. 2013CT002794, the court stayed its sentence of 11 months in the House of Correction with Huber privileges, and placed Dietzler on probation for 24 months. Conditions of probation included 120 days in the House of Correction (with release for work, medical, and treatment), driver's license revocation for 36 months, and IID installation for 36 months. Dietzler was also ordered to participate in AODA assessment and successfully complete recommended treatment, and pay a fine and all costs, penalties, and surcharges. Dietzler's prior OWI convictions occurred on November 9, 2005 and October 5, 2007, also in Milwaukee County.

By engaging in conduct leading to a misdemeanor conviction of OWI (3rd) in *State v. Dietzler*, Milwaukee County case no. 2013CT002295, Attorney Dietzler violated SCR 20:8.4(b), which states, "It is professional misconduct for a lawyer to...commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects."

