

**SUPREME COURT OF WISCONSIN**  
**OFFICE OF LAWYER REGULATION**

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Public Reprimand With Consent

2018-OLR - \_\_\_\_\_

Sharon Riek, Attorney at Law

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Sharon Riek is a Wisconsin attorney whose State Bar identification number is 1016429. Riek practices law in Racine, Wisconsin. Riek was first licensed to practice law in Wisconsin on May 16, 1986.

In October, 2015, Respondent served as the prosecutor in two related criminal matters. Law enforcement, relying on information provided by confidential informants, set up a drug interdiction effort to stop and search a particular vehicle believed to be transporting cocaine from Illinois into Wisconsin. Based on the information provided by the informants, police performed a traffic stop of the vehicle and ultimately searched the vehicle, locating 3 kilograms of cocaine. Both the driver and the passenger were charged with felony possession with intent to deliver cocaine. At the time of the defendants' arrests, Respondent was aware that confidential informants were used by police to identify the suspected vehicle and support the charges against the defendants.

Later, at the preliminary hearing, the lead investigator testified that both defendants knew that cocaine existed in the vehicle. In making this assertion, the investigator relied on a purported non-recorded statement by one of the co-defendants that implicated the other defendant. Respondent was aware of the non-recorded statement as she used it to argue in support of a finding by the court of probable cause and bind-over of both defendants.

Defense counsel for both co-defendants sent discovery to Respondent seeking, among other requests, information about the use of any informants or the existence of any oral statements made by any co-defendant. In responding to defense counsels' discovery requests, Respondent omitted any information regarding the use of confidential informants. In addition, Respondent did not provide any information about a non-recorded oral statement made by any defendant. In a later email exchange with one defense counsel, Respondent was asked specifically to produce the purported non-recorded statement made by the defendant that implicated her client. Respondent referred defense counsel to the police reports and discovery already made available to defense counsel.

None of the police reports, complaints, or prior discovery disclosed any information about the use of confidential informants or the existence of a non-recorded statement in which one defendant implicated the other. Fifteen months after the arrest and charging of the defendants, Respondent inadvertently disclosed that confidential informants had been used in the case. Respondent ultimately did not disclose to defense counsel the purported non-recorded statement by one codefendant implicating the other defendant.

By failing to respond to discovery requests by counsel for both defendants for information provided by confidential informants and for failing to respond to discovery requests for the second non-recorded statement by one defendant to the lead investigator, Riek violated SCR 20:3.4(d), which provides, "A lawyer shall not, in pretrial procedure, make a frivolous discovery request or fail to make reasonably diligent effort to comply with a legally proper discovery request by an opposing party."

In 1999, Riek was privately reprimanded for misconduct while acting as a prosecutor.

In accordance with SCR 22.09, Attorney Sharon Riek of Racine, Wisconsin is hereby publicly reprimanded.

Dated this 10 day of December, 2018.

SUPREME COURT OF WISCONSIN

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/s/  
James R. Erickson, Referee