

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

---

Public Reprimand with Consent

09-OLR-12

Holly Bunch  
Attorney at Law

---

Attorney Holly Bunch, age 43, is an attorney licensed in the State of Wisconsin since 1990. Respondent practices in Milwaukee, Wisconsin.

In June of 2005, Bunch, on behalf of the State of Wisconsin, prosecuted a criminal defendant for three counts of sexual assault of a child. During the police investigation of the alleged assault, the defendant prepared a written statement providing a brief statement of events, but did not expressly deny sexually assaulting the alleged victim. However, the defendant later specifically denied sexually assaulting the alleged victim to police investigators. The defendant's denials were incorporated in a written police report as well as a supplemental police report. Bunch provided both reports to counsel for the defendant prior to trial.

At trial, the two police reports were not admitted into evidence by either the State or the defense, but the defendant's handwritten statement was admitted into evidence. The defendant testified on his own behalf at the trial and specifically denied having any sexual contact with the alleged victim.

During her closing and rebuttal arguments, Bunch made several statements designed to attack the defendant's credibility, a key issue in the case because no witnesses observed the

alleged attack. Bunch argued, “And more to the point, you heard for the first time in the course of this trial, the only denial on the Defendant’s part of this crime.” Bunch was aware of both police reports which specifically memorialized the defendant’s prior pretrial denials.

In addition, Bunch argued that, “When [the investigating officer testified], there was no evidence before you that the Defendant had denied engaging in these acts.” Once again, Bunch was well aware of the two police reports in which the defendant specifically denied engaging in any wrongful conduct. While these reports were not a part of the record, Bunch knew of their existence.

Bunch continued to argue that the defendant, being accused of very serious crimes, failed to deny that he had committed them, saying, “if one is being accused of in fact very serious crimes, that if you have the opportunity to address your position, especially in the form of something that was going to be part of your permanent record, you sure as heck would deny the central accusation. He doesn’t do that. He doesn’t do that.” In fact, the defendant had specifically denied the “central accusation” that he had committed the crimes to the police, and that denial had been memorialized in the two police reports.

Bunch furthermore argued during Rebuttal, “Now he claims that he denied having done it [to the investigating officer] . . . but again does that ring true to you that if you had denied it verbally that you would fail to mention anything at all about it in your written statement? Your side of the story that was going to be part of an official police record? He never said he didn’t do it. Never said he didn’t do it. First time that we have heard a denial was when the Defendant took the stand.” Bunch knew that the defendant had denied doing the crime previously, and that the denial was memorialized in two police reports.

