
STATE OF WISCONSIN CLAIMS BOARD

CLAIM OF DAVID BINTZ
CLAIM NO. 2025-007-CONV

Notice of Appeal Rights

This is a final decision of the Wisconsin Claims Board.

Any person aggrieved by this decision has a right to petition for judicial review in circuit court as provided in Wis. Stat. §§ 227.52 and 227.53. Any petition must be filed in court and served on the Board within 30 days of service of the decision. The time to file and serve a petition runs from the date the final decision is mailed. The petition shall name the Wisconsin Claims Board as the respondent.

Any person aggrieved may also file a petition for rehearing with the Board under Wis. Stat. § 227.49(1); that petition must be received by the Board within 20 days of service of this decision.

This notice of appeal rights is provided pursuant to Wis. Stat. § 227.48.

DECISION

Background

Claimant, David Bintz, filed a claim seeking Innocent Convict Compensation pursuant to Wis. Stat. § 775.05. David claims that he was imprisoned for approximately 24 years for his 2000 conviction of first-degree murder. David further claims that he is innocent of the crime for which he was imprisoned, and seeks the maximum statutory compensation in the amount of \$25,000.00, as well as attorney fees in the amount of \$134,328.45. David also requests that the Claims Board recommend additional compensation to the Legislature in the amount of \$2,000,000.00, for a total claim of \$2,159,328.45.

Claimant's Facts and Argument

In support of his claim for compensation, David initially submitted a claim form and the following materials:

1. Statement in Support of David A. Bintz's Claim for Compensation Pursuant to Wisconsin Statutes Section 775.05, with the following exhibits:

- Exhibit A: Letter from Detective Winkler, 8/30/1995.
 - Exhibit B: Wisconsin State Crime Lab Report, 6/30/1998.
 - Exhibit C: Cellmark Laboratory Report, 1/30/1999.
 - Exhibit D: Wisconsin State Crime Lab Supplemental Report, 12/4/2006.
 - Exhibit E: Affidavit of Dr. Greg Hampikian, Ph.D., 12/3/07.
 - Exhibit F: Stipulation to Vacate Conviction and Discharge from Custody, State v. David Bintz, Case No. 99-CF-715, 9/25/24.
 - Exhibit G: Wisconsin State Crime Lab Supplemental Report, 8/14/2024.
 - Exhibit H: Order Vacating Conviction and Discharging Defendant, State v. David Bintz, Case No. 99-CF-715, 9/25/24.
 - Exhibit I: Key Provisions in State Wrongful Conviction Compensation Laws.
 - Exhibit J: Compensation Statutes – A National Overview.
 - Exhibit K: Life Care Plan Status Letter, 2/3/25.
2. Email from Attorney Adams' office indicating no formal reply will be filed, and requesting a hearing, 4/28/25.
 3. Letter from Attorney Adams requesting an expedited hearing, 6/3/25.

David requested a hearing, and testimony was presented at the July 11, 2025, meeting of the Claims Board. The Board deferred its decision in order to obtain additional information from the parties. Specifically, in a letter dated July 31, 2025, the Board requested a copy of David's signed confession (as referenced in David's Statement in Support of Claim for Compensation and verbally at the July 11th meeting) and any available transcripts from motion hearings regarding the confession. Pursuant to the Board's July 31st request, David provided the following:

1. Response to Request for Additional Information, Innocent Convict Compensation Claim of David Bintz, 2025-007-CONV, dated August 12, 2025, with the following exhibits:
 - Exhibit A: Printout from Eau Claire County Case Number 1991CF000159, State of Wisconsin vs. Gary L. Swenby Sr.
 - Exhibit B: Division of Criminal Investigation Interview of David Bintz, 4/18/98.
 - Exhibit C: Transcript excerpt.
 - Exhibit D: Case #14-49, Details of Inspector Taylor, 8/6/87.
 - Exhibit E: Case #14-49, Details of Sgt. Arendt, 8/3/87.
 - Exhibit F: Case #14-49, Details of Capt. Hinz, 8/9/97, 10:30 a.m.
 - Exhibit G: Sketch and description of alleged suspect, 9/2/87.
 - Exhibit H: Case #14-49, Details of Insp. Alexander, 8/29/87, 1:30 p.m.
 - Exhibit I: Narrative of Events (Graf, D.J.), 9/24/24.
 - Exhibit J: Law Enforcement Agency Case Report, Green Bay Police Department, Case Number 14-000049, 9/13/24.
 - Exhibit K: Judgment of Conviction, State v. Gary L. Swenby, Case Number 91CF159, 1/15/92.
 - Exhibit L: Judgment of Conviction and Sentence to the County Jail, State v. William Hendricks, File Number 31176, 10/8/80.

- Exhibit M: Case/Incident Report, Green Bay Police Department, Case Number 14-000049, Additional Information, 9/13/24.
- Exhibit N: Edmonds v. State, 234 So.3d 286 (2017).

David's claim was then considered in closed session at the September 8, 2025, meeting of the Claims Board.

David indicates he was convicted of first-degree murder in 2000, related to the August 1987, killing of Sandra Lison. David spent approximately 24 years in prison before his conviction was vacated on September 25, 2024. In his claim materials, David alleges to have maintained his innocence throughout his arrest, trial, and post-conviction proceedings. In support of his claim of actual innocence, David offered alleged facts as outlined below.

On August 3, 1987, Sandra Lison was reported missing when she did not return home after working a shift at Good Times bar in Green Bay, Wisconsin. The bar was found in disarray, money was unaccounted for, and Lison's car was still parked in the adjacent parking lot. On August 4, 1987, Lison's body was found in the Machickanee Forest in Oconto County, approximately 30 miles north of Green Bay. There was evidence that Lison had been sexually assaulted.

Good Times patrons were interviewed in relation to this incident. It was reported that an unidentified male was the last customer in the bar when others left just before 2:00 a.m.

Robert and David Bintz (brothers), and their friend Vincent Andrus, were among those interviewed by police. David reported to police that on August 2, 1987, Robert and Andrus left his house and went to Good Times to purchase a case of beer. Upon their return, David was allegedly angry and called the bar and yelled at Lison, as he was upset and believed the men were overcharged for the beer.

As part of the investigation, police collected and tested evidence from the crime scene. This testing eliminated both Robert and David (and Andrus) as contributors to the blood and semen found on Lison's clothing. The investigation yielded no suspects.

Later, in 1989, Lison's purse was found in a rural, wooded lot in Glenmore, Wisconsin – 40 miles south of where her body was found, and 10 miles south of Green Bay. Police believed the location of the body and purse required a suspect's knowledge or familiarity with the area. Police continued investigating the matter over the next few years as both a sexual assault and a homicide.

As science and technology developed, investigators re-tested evidence in an attempt to recover a DNA profile. As noted in a 1998 report, the State Crime Lab tested the semen found on Lison's body and clothing, which again excluded Robert and David as a source. The Crime Lab was unable to obtain a DNA profile from the bloodstain on Lison's dress, so it was sent to Cellmark Bode Laboratories for further analysis. Cellmark identified both male and female DNA in the bloodstain but did not make any comparisons with known samples at that time.

In April 1998, David was incarcerated for an unrelated crime. His then cellmate, Gary Swendby, reported to investigators that David spoke in his sleep about his and Robert's involvement in Lison's murder. David alleges he was then subjected to "over six hours of relentless interrogation." (David's Statement in Support of Claim for Compensation, page 5.) David contends he is intellectually disabled and was deprived of food, water, and restroom breaks. David alleges to have maintained his innocence but after several hours, he allegedly made confused and contradictory statements, some of which implicated him and Robert in Lison's murder. (David's Statement in Support of Claim for Compensation, page 5.)

David notes in his claim that he "eventually signed a false statement implicating both him and Robert in Lison's murder." (David's Statement in Support of Claim for Compensation, page 5.) However, upon the Claims Board's request to David and the District Attorney's Office, neither party was able to provide a written confession signed by David. In their submissions dated July 22nd and August 12th, both David and the District Attorney's Office indicate that it appears David never in fact signed a confession. Rather, David made statements to Special Agent Richard Luell and Detective Robert Haglund of the Green Bay Police Department on April 16, 1998, which were summarized in a report authored by Special Agent Luell. These statements served as a confession.

David and Robert contend that the "unlawfully obtained confession was unreliable from its inception and remained unsupported by any other credible evidence throughout David and Robert's trials." (David's Statement in Support of Claim for Compensation, page 5.)

At the July 11th Claims Board meeting, Attorney Adams further noted that information in the confession did not align with evidence uncovered during the investigation. David attempted to challenge the voluntariness of his confession in circuit court but was unsuccessful.

On July 30, 1999, the State charged Robert and David with Lison's murder. David alleges that although investigators believed Lison had been sexually assaulted, and there was evidence excluding Robert and David as contributors to the DNA recovered from Lison's body, the State proceeded on a murder-only theory. On May 12, 2000, a jury convicted David of first-degree murder and he was sentenced to life in prison. Robert was convicted on July 26, 2000, after a bench trial, and also sentenced to life in prison.

In May 2006, David was granted a post-conviction motion for further DNA testing. Thereafter, in December 2006, the Crime Lab concluded that the semen found on Lison's body came from the same male who bled on her dress. As a result, in 2008, David moved for a new trial on this newly discovered evidence, which reportedly compelled the conclusion that Lison's murderer sexually assaulted her. Robert and David contend that this evidence, combined with the State's previous testing of the bloodstained dress, demonstrated that they could not have murdered Lison. David alleges that the State maintained its trial argument that Lison had consensual sexual intercourse, her partner deposited semen and blood on her dress, and that it was unrelated to the murder. David's post-conviction motion was denied.

In September 2019, Robert filed a Motion for Post-Conviction Scientific Testing, seeking to test the genetic profiles detected on physical evidence – specifically blood and semen from Lison’s dress and possible semen from two different locations on Lison’s clothing, as well as hair. The State stipulated and an order was entered on November 1, 2019. The parties submitted a second stipulation for additional DNA testing of Lison’s shoes and blood splatter contained thereon. For the next three years, stipulations and orders permitting further testing followed.

In August 2023, Robert provided the State with a summary of post-conviction DNA forensic test results obtained since 2019, most notably the discovery of DNA from a third-party source, identified as “MFS 87.” It was noted that MFS 87 pertained to the genetic genealogy profile of a single unknown male who was the source of both the DNA on a blood stain and semen found at the crime scene. Robert’s team provided information to the State identifying three biologically-related brothers as the most likely sources of the MFS 87 genetic sample – Brother 1 (still living at the time), Brother 2 (deceased), and Brother 3, William Hendricks (deceased). Robert’s team alleged these three individuals were persons of interest, with information pointing most strongly to William Hendricks.

On August 19, 2024, at the conclusion of further testing and investigation, Robert filed a Motion to Vacate Conviction and Discharge the Defendant from Custody Under Wis. Stat. § 974.07(10)(a). On August 21, 2024, David filed a motion to adopt and join in Robert’s post-conviction motions, which was granted.

On September 25, 2024, the parties filed a Stipulation to Vacate Conviction and Discharge Defendant from Custody, in both Robert’s and David’s cases, which outlined the subsequent steps taken to investigate William Hendricks, and laid out both circumstantial and physical evidence tying Hendricks to Good Times on the evening of Lison’s murder:

- William Hendricks lived in Green Bay on or around the time the crime victim, Sandra Lison, went missing.
- Williams Hendricks was convicted and sentenced to prison in November 1981 for a forcible sexual assault that involved acts of violence similar to those sustained by crime victim, Sandra Lison. Hendricks was later released on parole from Wisconsin state prison on December 20, 1986.
- William Hendricks drove a vehicle matching the description of an unidentified small orange/red car observed at the Good Times bar the night that Lison went missing. A December 25, 1988 traffic report identified Hendricks as driving an orange Mazda two-door sedan, during a traffic stop for running a red light.
- On August 28, 2024, Green Bay Police sent evidence collected from the crime scene during the 1987 investigation to WSCL [Wisconsin State Crime Lab] for fingerprint comparison testing. On September 25, 2024, WSCL reported two latent prints developed from a cigar box used to store cash in the back area of the Good Times bar [footnote omitted] matched Hendricks’ latent fingerprints. No fingerprint matches were found for David and Robert Bintz on the tested items collected during the original investigation.
- Based on the foregoing, the parties hereby stipulate and agree as follows: DNA evidence linking William Hendricks to the crime scene constitutes ‘newly

discovered evidence’ under the statutory criteria for vacating criminal convictions. This DNA link that emerged after the Bintz brothers’ convictions, was previously unavailable due to technological limits, is material, and is not cumulative.

- Hendricks’ criminal history, particularly his similar sexual assault conviction, discovered during the DNA testing process, is also newly discovered evidence that was unknown to the prosecutor trying Mr. Bintz’s case, the defense attorney, David Bintz, and the Court during the Bintz trial, is highly material and contextualizes the DNA evidence. Evidence of Hendricks driving a vehicle similar to a vehicle described at the crime scene supports the newly discovered evidence claim and corroborates other new evidence linking Hendricks to the crime.
- Fingerprint evidence matching Hendricks to items collected from the crime scene is newly discovered, materials, and not cumulative. It physically places Hendricks at the scene, a fact not known during the trials of Robert and David Bintz.
- This newly discovered evidence suggests a strong probability that William J. Henricks (sic) was involved in the murder of Sandra Lison, which the parties agree creates a reasonable probability that a jury (or judge) would have had a reasonable doubt about the guilt of Robert and David Bintz had this evidence been known and presented at their respective trials.

(David’s Exhibit F, paragraphs 19a-i.)

On September 25, 2024, the court entered orders vacating Robert’s and David’s convictions and they were released from custody.

In support of the amount of compensation claimed, David contends he needs significant assistance to function in day-to-day life and will incur lifelong expenses to include provider visits/therapies, psychological counseling and reentry needs, neuropsychological evaluation, medications, diagnostic testing, facility care, legal-fiduciary services, and case management. David argues that he was incarcerated during prime earning years; he lost 24 years of income-earning and savings toward retirement. When released from custody, he had no permanent housing, no resources, and no plan for successful reintegration into society. He notes that now, given his age, education level, and health concerns, he is unable to work. His intellectual disabilities make it difficult to manage finances and adequately plan for overall survival. David does not have a permanent living situation or financial resources to manage his needs. Since release, David has struggled with mental and physical health challenges, which are outlined in his claim, and he has lost time to develop and maintain important relationships. David contends that: “[t]he State took twenty-four years of [his] life from him and stymied his ability to successfully function now. To date, the State has offered no job training, skill building, or meaningful financial assistance to support [his] attempts to rebuild his life. Nothing [he] did contributed to the State’s wrongdoing in pursuing and maintaining his conviction. He is, therefore, entitled to compensation.” (David’s Statement in Support of Compensation, page 2.)

DA's Response and Argument

In its April 24, 2025 written response to David's initial claim submission, the Brown County District Attorney's Office took no position as to David's claim for compensation and reiterated the same at the July 11th meeting.

Upon the Board's request for additional information related to David's alleged confession, the State provided a 70-page PDF constituting a portion of the Division of Criminal Investigation file and noted its belief that David had not in fact provided a signed, written statement of confession.

While the State concedes that most of the factual assertions in David's Statement in Support of Claim for Compensation are accurate, it takes issue with the suggestion that the incriminating statements made by David were "coerced by relentless pressure and unlawful tactics of the detectives." (District Attorney's Office April 24th Response, quoting David's Statement in Support of Claim for Compensation at page 5.) Further, the State notes that a jury and a judge, separately, convicted Robert and David, despite the presentation of evidence that both were excluded as contributors to the DNA found on Lison's body.

The State concedes that the newly discovered DNA evidence, which identifies Hendricks as the source of the DNA found on Lison and the fingerprints at Good Times, warranted an order vacating Robert's and David's convictions. (District Attorney's Office April 24th Response, page 1.) The State contends that the newly discovered evidence is highly probative and provided information not known at the time of either trial. (District Attorney's Office April 24th Response, page 1.) However, the State believes that the new evidence is difficult to reconcile with the inculpatory statements made by David, and the other evidence that supported convictions at trial. (District Attorney's Office April 24th Response, pages 1-2.) The State believes that if the matter were to be re-tried, it would be unable to meet its burden of proof at trial. (District Attorney's Office April 24th Response, page 1.) The State contends that its inability to meet its burden of proof, however, does not necessarily equate to innocence, and the State cannot support any affirmative statement that William Hendricks was the perpetrator, or that Robert and David are actually innocent. (District Attorney's Office April 24th Response, page 2; District Attorney's Office argument at the July 11th meeting.) Hendricks was not investigated by law enforcement and his name did not appear in the discovery materials. (District Attorney's Office argument at the July 11th meeting.) For those reasons, the State takes no position regarding David's claim for compensation.

Discussion and Conclusion

Pursuant to Wis. Stat. § 775.05(3), the Claims Board must review the evidence presented on the petition and determine whether the evidence is clear and convincing that David was innocent of the crime for which he was imprisoned.

In its decision, the Board relies heavily on the parties' Stipulation to Vacate Conviction (David's Exhibit F), which outlined post-conviction DNA testing and investigation, leading to David's conviction being vacated. The Board is compelled by the extensive

post-conviction testing and related results of that testing, as well as the results from the follow-up investigation conducted in this matter, all of which support David's innocence.

David's and Robert's DNA and fingerprints were not present on any evidence collected from the crime scenes. William Hendrick's DNA and fingerprints were. The Board relies on the parties' stipulation that "[t]his newly discovered evidence suggests a strong probability that William J. Hendricks was involved in the murder of Sandra Lison, which the parties agree creates a reasonable probability that a jury (or judge) would have had a reasonable doubt about the guilt of Robert and David Bintz had this evidence been known and presented at their respective trials." (David's Exhibit F, paragraph 19i.)

The Green Bay Police Department's follow-up investigation revealed additional information supporting David's innocence. This information includes Hendricks' criminal history and similar sexual assault conviction, which contextualizes the DNA evidence, and the evidence of Hendricks driving a vehicle similar to a vehicle described at the crime scene, which corroborates other new evidence linking Hendricks to the crime.

For these reasons and based on the written submissions and testimony at the July 11th meeting, as well as the additional submissions considered at the September 8th meeting, the Board concludes and finds that the evidence is clear and convincing that David Bintz was innocent of the crime for which he was imprisoned.

The Board is next tasked with analyzing David's claim under Wis. Stat. § 775.05(4), which states:

If the claims board finds that the petitioner was innocent and that he or she did not by his or her act or failure to act contribute to bring about the conviction and imprisonment for which he or she seeks compensation, the claims board shall find the amount which will equitably compensate the petitioner, not to exceed \$25,000 and at a rate of compensation not greater than \$5,000 per year for the imprisonment. Compensation awarded by the claims board shall include any amount to which the board finds the petitioner is entitled for attorney fees, costs and disbursements. If the claims board finds that the amount it is able to award is not an adequate compensation it shall submit a report specifying an amount which it considers adequate to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172(2).

Regarding the question of whether David's statements to Special Agent Luell and Detective Haglund on April 16, 1998, contributed to bring about his conviction and imprisonment, the parties' submissions indicate that David did not physically sign or write a confession. After reviewing all of the parties' submissions, a three-member majority of the Board finds that David, through act or omission, did not "contribute to bring about the conviction and imprisonment for which he [] seeks compensation." Wis. Stat. § 775.05(4). Some statements David made on April 16, 1998, appear to implicate him in the crime. However, in response to direct questions, David maintained his innocence. Any contradictory statements were made during the course of approximately six and a half hours of questioning. Notwithstanding any contradictory

statements, David maintained his innocence and was willing to go to trial to defend his innocence.

For these reasons, compensation in the amount of \$159,328.45 (\$25,000.00 statutory compensation plus \$134,328.45 in attorney fees) shall be awarded from the Claims Board appropriation, Wis. Stat. § 20.505(4)(d). The Board does not find that amount to represent equitable compensation and further concludes and recommends to the Legislature an additional payment of \$1,000,000.00. *(Members Wimberger and Dallman dissenting.)*

Dated at Madison, Wisconsin this 15th day of October, 2025.

Signed by:

Lara Sutherlin

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Lara Sutherlin, Board Chair
Wisconsin Dept. of Justice

Signed by:

Jennifer Vandermeuse

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Jennifer Vandermeuse, Board Secretary
Wisconsin Dept. of Administration

Signed by:

Eric Wimberger

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Eric Wimberger
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