
STATE OF WISCONSIN CLAIMS BOARD

CLAIM OF ROBERT BINTZ
CLAIM NO. 2025-008-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, Robert Bintz, filed a claim seeking Innocent Convict Compensation pursuant to Wis. Stat. § 775.05. Robert claims that he was imprisoned for approximately 24 years for his 2000 conviction of first-degree murder. Robert 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 \$128,698.20. Robert 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 \$2,153,698.20.

Claimant's Facts and Argument

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

1. Statement in Support of Robert 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; and
 - 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.

Robert requested a hearing, and testimony was presented at the July 11, 2025, meeting of the Claims Board.

Robert indicates he was convicted of first-degree murder in 2000, related to the August 1987, killing of Sandra Lison. Robert spent approximately 24 years in prison before his conviction was vacated on September 25, 2024. Robert notes that he maintained his innocence throughout his arrest, trial, and post-conviction proceedings. In support of his claim of actual innocence, Robert 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. It is alleged that David was then subjected to "over six hours of relentless interrogation." (Robert's Statement in Support of Claim for Compensation, page 5.) It is alleged in Robert's claim that David, who was intellectually disabled, was deprived of food, water, and restroom breaks. It is further alleged that David 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. (Robert's Statement in Support of Claim for Compensation, page 5.)

Robert and David 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." (Robert's Statement in Support of Claim for Compensation, page 5.)

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

On July 30, 1999, the State charged Robert and David with Lison's murder. Robert 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. Robert 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, material, 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. Hendricks (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.

(Robert'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, Robert contends he needs significant assistance to function in day-to-day life and will incur lifelong expenses including provider visits/therapies, psychological counseling and reentry needs, neuropsychological evaluation, medications, diagnostic testing, facility care, legal-fiduciary services, and case management. Robert argues that he was incarcerated during prime earning years. When released from custody, he had no home, no resources, and no plan in place for successful reintegration into society. Since release, Robert faces daily health issues, requires around-the-clock care, and takes about 20 daily medications to treat physical and mental health conditions. He struggles with an array of specific diagnoses as outlined in his claim, in addition to lack of enjoyment of life's simple pleasures, difficulty sleeping, memory issues, nervousness, and fear. Robert notes that his health challenges and unstable living situation make it nearly impossible to secure and maintain employment. Given his age, Robert contends he has virtually no opportunities for employment, and he lacks the skills and training necessary to compete for jobs in today's society. Robert contends that "[t]he State, having wrongfully taken twenty-four years of [his] life, has offered no job training, skill building, or meaningful financial assistance to support [his] attempts to rebuild it. Nothing [he] did contributed to the State's wrongdoing in pursuing and maintaining his

conviction. He is, therefore, entitled to compensation.” (Robert’s Statement in Support of Compensation, page 2.)

DA’s Response and Argument

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

While the State concedes that most of the factual assertions 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.” 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. The State contends that the newly discovered evidence is highly probative and provided information not known at the time of either trial. 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. The State believes that if the matter were to be re-tried, it would be unable to meet its burden of proof at trial. 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. Hendricks was not investigated by law enforcement and his name did not appear in the discovery materials. For those reasons, the State takes no position regarding Robert’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 Robert was innocent of the crime for which he was imprisoned.

In its decision, the Board relies heavily on the parties’ Stipulation to Vacate Conviction (Robert’s Exhibit F), which outlined post-conviction DNA testing and investigation, leading to Robert’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 Robert’s innocence.

Robert’s and David’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 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.” (Robert’s Exhibit F, paragraph 19i.)

The Green Bay Police Department’s follow-up investigation revealed additional information supporting Robert’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.

All evidence before the Board shows that Robert consistently maintained his innocence. Robert was cooperative and provided investigators with blood and DNA samples. There is no evidence before the Board to suggest that Robert did anything to obstruct or mislead law enforcement. There is also no evidence to indicate that Robert had any interaction with Lison on August 2, 1987, but for the brief visit to purchase beer that evening.

For these reasons and based on the written submissions and testimony at the meeting, the Board concludes and finds that the evidence is clear and convincing that Robert Bintz was innocent of the crime for which he was imprisoned. Further, Robert did not “contribute to bring about the conviction and imprisonment for which he [] seeks compensation.” Wis. Stat. § 775.05(4). Accordingly, the Board concludes that compensation in the amount of \$153,698.20 (\$25,000.00 statutory compensation plus \$128,698.20 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.

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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