

[Free Republic](#)
[Browse](#) · [Search](#)

[News/Activism](#)
[Topics](#) · [Post Article](#)

[Skip to comments.](#)

Accused Burglar Sues Homeowner Who Shot Him

[The Milwaukee Journal](#) ^ | 10/01/06

Posted on **Monday, October 02, 2006 12:28:04 AM** by [baldeagle390](#)

MILWAUKEE -- A Janesville man who admitted breaking into a home is suing the homeowner who shot him.

Kurt Prochaska, 39, was on probation last fall when he admitted he broke in to a home and was shot by the homeowner, but that's not stopping him from going after cash through the courts.

Late last year, the Rainiero family awoke to find Prochaska in their home. Michael Rainiero, a doctor, ordered Prochaska to leave. He didn't and was shot in the back.

Nearly a year later, Rainiero's attorney said it's far from over because Prochaska is suing him from behind bars, saying the doctor didn't need to shoot him.

"What the doctor wants is this whole ordeal to be ended and done with," Rainiero's attorney said.

The Milwaukee County suit claims Rainiero used excessive force to deal with the intruding plaintiff and alleges severe and permanent injuries, relentless pain, and loss of earning capacity. The suit doesn't specify a damage amount.

Rainiero claims he shot Prochaska in self-defense.

"The doctor was asleep in his bed when an intruder came into his home and put his life, his wife's life, and his two kids' lives in jeopardy," Rainiero's lawyer said.

The lawyer added that Rainiero showed restraint, not excessive force, in dealing with Prochaska. Although, he had an entire magazine of bullets, Rainiero fired only once.

The Rock County district attorney agreed, long ago ruling the shooting was justified. Still, Prochaska is able to move ahead with the suit.

"Judges like to give everyone their day in court. No matter how absurd it might seem, this gentleman has a right to have a day in court. And so, my job is to make sure that that day in court is a very short day in court," Rainiero's attorney told 12 News reporter Nick Bohr.

A hearing on the suit is set for next month. Prochaska's attorney did not wish to comment on the case.

If the case is thrown out, Prochaska can be forced to pay up to \$500 of the legal expenses.

TOPICS: [Crime/Corruption](#); [US: Wisconsin](#)

KEYWORDS: [2manylawyers](#); [banglist](#); [crime](#); [criminal](#); [disgusting](#); [firemoreshotsdoc](#); [lawsuits](#); [milwaukee](#); [rkba](#); [tortreformnow](#); [waaahhh](#)
