

State of Wisconsin

Circuit Court

Brown County

STATE OF WISCONSIN

-vs-

Plaintiff,

DA Case No.: 2013BR003917
Assigned DA/ADA: David L. Lasee
Agency Case No.: 13-007187
Court Case No.: 13CM

811
B8

David D. Stevens
1570 Park Dr.
Green Bay, WI 54313
DOB: 05/16/1985
Sex/Race: M/I
Eye Color: Brown
Hair Color: Brown
Height: 5 ft 8 in
Weight: 220 lbs

CRIMINAL COMPLAINT

Defendant,

Complainant, David L. Lasee, District Attorney, being first duly sworn on oath, deposes and says that:

Count 1: BATTERY, DOMESTIC ABUSE

The above-named defendant, on or about Sunday, May 26, 2013, in the Village of Ashwaubenon, Brown County, Wisconsin, did cause bodily harm to Heather A. Thyssen, by an act done with intent to cause bodily harm to that person, without that person's consent and with the knowledge that the person so harmed did not consent, contrary to sec. 940.19(1), 968.075(1)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

Count 2: DISORDERLY CONDUCT, DOMESTIC ABUSE

The above-named defendant, on or about Sunday, May 26, 2013, in the Village of Ashwaubenon, Brown County, Wisconsin, while in a public or private place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke a

STATE OF WISCONSIN - VS - David D Stevens

disturbance, contrary to sec. 947.01(1), 968.075(1)(a) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

Complainant is the District Attorney with the Brown County District Attorney's Office and knows of the above offenses on information and belief based upon:

PROBABLE CAUSE

The complainant, being duly sworn on oath, swears that he has had the opportunity to review the attached police reports from Officers Aaron Dufek and Jeffrey Lade of the Ashwaubenon Department of Public Safety, and other documents supporting this complaint, attached and incorporated herein, which are the types of reports and documents kept in the ordinary course of business, which complainant believes to be truthful and reliable because they have proven to be truthful and reliable on numerous occasions in the past.

The complainant further asserts that based upon his review of the attached reports and/or supporting documents, the incidents alleged occurred in Brown County, Wisconsin.

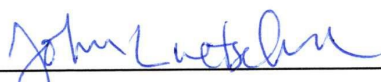
Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me,
and approved for filing on:

This 11th day of June, 2013.



Complainant



(Assistant) District Attorney

Ashwaubenon Public Safety Department		Continuation	
Incident Report Number 13-007187	Incident Location: 2231 Fox Heights LN,105, Ashwaubenon, WI, 54304	Incident Date: 05/26/2013	
<p>NARRATIVE</p> <p><u>INITIAL RESPONSE & INVESTIGATION:</u></p> <p>On Sunday, May 26, 2013, I, Officer A Dufek, was dispatched along with Officer J Lade (Lade) to 2231 Fox Heights Lane for a report of a male/female physical disturbance. Dispatch advised that they received two 911 calls. The first was from a female who said she was "fighting with father..." and the line then disconnected. The second call was from Mark Verhagen who reported two people physically fighting outside his apartment. He also provided names of "Dan" and "Heather". Just prior to our arrival dispatched updated that the male "Dan" was leaving the apartment in a grey Olds vehicle. Both Lade and I arrived at the same time coming from opposite directions. Neither of us observed the vehicle in the area.</p> <p>Lade and I approached the complex. Next door to the common area entrance of the building, a male, identified as the caller Mark Verhagen, spoke with us through his apartment window. He told us the suspect had already left. Just after this, a female exited the common entrance door.</p> <p>We met the female, identified as Heather Thyssen. She was visibly upset, crying and shaking. She gave information that she was involved in the incident and the male, David Daniel Stevens, left on foot. She told us he was wearing a red shirt and pointed north to the direction he left walking.</p> <p>Lade left the apartments in an effort to locate David. I stayed with Heather to obtain more information about the incident. I immediately noticed marks on her left arm, near her wrist. It appeared swollen. I asked Heather if the arm injury was from the disturbance. She said it was. I asked to look at it closer and she allowed me to.</p> <p>I observed two areas of injury. First to her left wrist area and just above on her forearm. There was a scrape mark along with some visible swelling. The second mark was by the joint area of her left thumb. I could see clear and distinct "bite" marks, where it appeared someone had bitten her. I could also see blood near these marks. I asked Heather if this was the case and she said David had bit her.</p> <p>Lade asked me by radio if David was wearing blue jeans. I asked Heather if he was and she told me "yes". I passed on the information to Lade. Lade then called out with David near Aubinger Park, located on Marvelle Lane and Barberry Lane. I left the apartment to assist Lade.</p> <p>I went over to Lade and properly identified David and he confirmed he was part of the incident we were investigation. Lade and I detained David and he was transported back to our station for interviewing by Lade. I returned back to the apartment.</p> <p><u>INTERVIEW WITH VICTIM HEATHER A. THYSSEN:</u></p>			
Reporting Officer(s): Dufek, A F.	ID Number 729AD	ID Number	Pages: 3 Of 6

Ashwaubenon Public Safety Department

Continuation

Incident Report Number

13-007187

Incident Location:

2231 Fox Heights LN,105, Ashwaubenon, WI, 54304

Incident Date:

05/26/2013

I met with Heather again, this time inside her apartment. She was still visibly upset and shaking. I asked her to explain what happened.

Heather began saying that she has a six year old son, Aydin Stevens, in common with David. Heather said she calls David "Daniel", as this is what he goes by. (for the purpose of this report, I will be referring to "Daniel" as his legal name David).

She and David had been speaking the past few days about her moving, along with Aydin, to the Lake Geneva area to be by her family. Heather said David kept telling her to go ahead and he approves it, as they both share 50/50 custody with Aydin. Heather told me she did not feel comfortable with just leaving without anything down on paper first.

David was there at her apartment this morning carrying this discussion. Heather said she drafted an agreement on paper about her moving. During this time, David was lying on the couch using an iPhone owned by Heather. Heather explained further she had two iPhones. One was an active phone she used. The second and the one David was using was a replacement phone after she reported the first was lost but was later found. Heather used this phone for her son to play games on. David was using it at the time to check his email.

Heather brought up the courts with the proposed move. After a discussion, David changed his mind about the move. This made Heather unhappy and she decided to leave. Before she left, Heather said she took the iPhone, sitting on David's chest, with her. David followed her out the door. Heather told David she wanted nothing to do with him, just to sign the papers on the kitchen table.

Heather came back about five minutes later after gathering her thoughts. She went back inside to find David had packed up a Wii U game system in Aydin's backpack. Heather said the game system was owned by her and told David he could not take it. David then demanded his "phone" back. He was referring to the iPhone used for Aydin. Heather said she told David it was her phone and he could not have it. Heather walked out the apartment door with Aydin by her side. Heather said she walked Aydin out to her vehicle because she did not want Aydin to hear them arguing. David followed her out in to the common hallway.

With Aydin in the vehicle (along with the second iPhone), she returned to the common hallway. She saw that David was wearing Aydin's backpack with the game system. Heather asked David to leave several times. Heather said she tried to get the backpack off of him, but couldn't. She then got her active phone out to call the police. David saw this phone and tried grabbing it, thinking it was the other phone. During the process, he grabbed Heather's hand and arm trying to free the phone. Heather said he was holding on very tight and hurt her arm, but she did not let go of the phone. David then bit Heather in the thumb. She said he bit "very hard" and that also hurt. Heather said she then let go of the phone and fell to

Reporting Officer(s):

Dufek, A F.

ID Number

729AD

ID Number

Pages:

4 Of 6

Ashwaubenon Public Safety Department

Continuation

Incident Report Number

13-007187

Incident Location:

2231 Fox Heights LN,105, Ashwaubenon, WI, 54304

Incident Date:

05/26/2013

the floor after David pushed her.

Heather yelled to her neighbor Mark to call the police. David began yelling to Mark saying not to call the police. Mark called anyway. David gave the phone back to Heather after realizing it was not the phone he thought it was. She also called 911. David kept pleading not to call saying "no don't do this, I'll sign those papers, just don't do this to me".

David then left. After leaving he sent several additional text messages saying not "to do this".

EVIDENCE COLLECTED:

A three page statement was obtained from Heather. It was reviewed by Heather and signed certifying it was true and accurate.

I also obtained digital images of Heather's hand and arm to capture the injury as it appeared when I arrived. Unfortunately, the camera did a poor job of capturing the images clearly. The images are attached to this incident report and give a true representation of the injuries I observed.

Lade obtained a written statement from David. Lade informed me that during his interview with David, he did state he bit Heather. Lade prepared a supplemental report with his investigation and interview of Lade.

DISPOSITION:

Probable cause was established that David committed Battery and Disorderly Conduct during this disturbance. Lade placed David under arrest and transported him to the Brown County Jail.

On 05/26/13 at about 1500 hrs, I contacted the Family Violence Center in Green Bay, WI to report the domestic violence arrest.

SUMMARY:

Based on the evidence collected in this investigation, probable cause has been established that David Daniel Stevens did violate Wisconsin State Statute 940.19(1) - Battery. The evidence reveals that on 05/26/13, David Daniel Stevens was involved in a disturbance with the victim Heather A. Thyssen. David Daniel Stevens caused physical pain and injury to Heather by biting her left thumb and grabbing her left wrist. The act was intentional and Heather did not give permission for David Daniel Stevens to knowingly commit this act against her.

Based on the evidence collected in this investigation, probable cause has been established that David Daniel Stevens did violate Wisconsin State Statute 947.01 - Disorderly Conduct. The evidence reveals that on 05/26/13, David Daniel Stevens was involved in a disturbance with the victim Heather A. Thyssen. David Daniel Stevens engaged in violent and abusive conduct during this incident by biting

Reporting Officer(s):

Dufek, A F.

ID Number

729AD

ID Number

Pages:

5 Of 6

Ashwaubenon Public Safety Department		Supplementary Report	
Incident Report Number 13-007187	Incident Location: 2231 Fox Heights LN, 105, Ashwaubenon, WI, 54304	Incident Date: 05/26/2013	
New Incident: Simple Assault	Original CFS Code - 1: 1313	New CFS Code - 1: 1313	New CFS Code - 2: 5311A
NARRATIVE			
<p>On 05-26-13 Officer Dufek and I were dispatched to 2231 Fox Heights Lane, Apartment 105, Village of Ashwaubenon, Brown County, WI for a report of a physical male/female disturbance. Just prior to our arrival on scene, dispatch advised the suspect had possibly left northbound in a gray Oldsmobile car. I came from Marvelle Lane to Fox Heights and did not see any vehicles matching that description.</p> <p>Officer Dufek and I then approached the common entry way for 2231 Fox Heights Lane. As we approached a white male told us, through a window, that the suspect had left. A white female then exited the common entry. She was identified as Heather Thyssen. I observed an abrasion to Thyssen's left forearm. After we were informed of a bite to her left hand, I also noticed that. Thyssen then informed us the male, DAVID STEVENS, had left on foot. She said he was wearing a red shirt and was a darker complexion Native American male. Officer Dufek stayed to speak with Thyssen and I checked the area.</p> <p>When I approached the corner of Barberry and Marvelle I observed a male matching the description. The male was also wearing blue jeans, which was confirmed through Officer Dufek. When I turned the corner the male was a cell phone. He looked at me and I heard him say he had to go because the police were pulling up. He then commented to me that he knew we were going to be called. I asked if he was DAVID STEVENS, and he said he was. I then did a pat down for weapons, none were located. I had advised dispatch I was out with STEVENS. Officer Dufek then came to assist in taking STEVENS into custody. STEVENS commented that Thyssen did the first act. He said she jumped on his back and he bit her hand to get her off him. I asked STEVENS if he would be willing to go to the station to talk. He said he would. I then informed him he would be placed into handcuffs. I explained based on the little information we had, they could be arrested for disorderly conduct. I then placed STEVENS into handcuffs, checked for fit, and safety locked them. STEVENS was placed into the back seat and seat belted in. The in squad camera was activated and STEVENS was transported to the station.</p> <p>During transport, STEVENS again said Thyssen came after him first. He said she was upset due to him getting 50/50 custody. He said he bit her because she had her arm around his neck.</p> <p>Once at the station I brought STEVENS to interview room number 1. I removed the handcuffs from STEVENS. I then activated the recording devices for that room. I returned to the room and filled out a Brown County Information Sheet/Booking Form. STEVENS was identified by a picture WI Driver's License. At approximately 1134 hours I read STEVENS his Miranda Rights. STEVENS stated he would answer questions and make a statement without an attorney present. STEVENS then signed and initialed the Miranda Rights form.</p> <p>During the interview STEVENS had made a comment about Thyssen putting her arm around STEVENS's neck. I looked at his neck and did not see any marks</p>			
Reporting Officer(s): Lade, J M.	Payroll Number: 700JL	Payroll Number:	Report Date: 05/26/2013
Reviewed by: Graul, W C.	Payroll Number: 705WG	Copy To:	1 Of 2

Ashwaubenon Public Safety Department

Continuation

Incident Report Number 13-007187	Incident Location: 2231 Fox Heights LN,105, Ashwaubenon, WI, 54304	Incident Date: 05/26/2013
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consistent with an arm being put across his neck. There were a couple of very small red marks on his neck that looked like he had touched his neck. No other marks in that area were seen. I then proceeded with the statement. STEVENS's statement said the following in summary.

STEVENS had been with Thyssen for the previous few days. They were discussing the custody of the child they had in common. STEVENS had just got 50/50 custody of their child and Thyssen was upset about it. Thyssen told STEVENS she wanted to take their son to the Lake Geneva area. STEVENS told her he would take care of it on Tuesday. Thyssen wrote up a letter in regards to STEVENS giving her permission to take their son to the Lake Geneva area. STEVENS told her he wouldn't sign it. She took his phone and left the apartment. STEVENS tore the letter up and when Thyssen returned told her he would take care of it Tuesday. Thyssen got upset and started yelling at him. STEVENS went to leave the apartment and once in the hallway, Thyssen jumped on his back. When she did so, her arm went across his neck. He then bit her and started to turn to get her off his back. She then fell and hit a door when doing so. Thyssen was yelling at that time. A neighbor, Mark, was told by Thyssen to call the police. STEVENS told Mark not to call the police and everything was all right. STEVENS then left and was eventually approached by me.

STEVENS review the statement and stated it was correct. He then signed and dated the statement. He then made a comment he found a scratch and bruise on his left arm. He believed the marks were caused by Thyssen. I took photographs of the marks on STEVENS's left arm. See photographs.

I spoke with Officer Dufek and it was determined STEVENS would be placed in jail for DVO Disorderly Conduct and DVO Battery. I informed STEVENS of the charges. He asked if he could make a phone call to try and get the money to bond out. I then handcuffed STEVENS, checked for fit, and safety locked the handcuffs. I then brought STEVENS to a phone, dialed the number he wanted, and held the handset to his ear for him.

STEVENS was very cooperative during the entire process. He asked numerous times if Thyssen was going to be charged with anything. I told him I did not know at that time.

STEVENS was transported to Brown County Jail and booked in for DVO DC and DVO Battery.

Recording devices were used in car 8 during transport to the station and to the Brown County Jail. At the station the recording devices were activated for interview room number 1.

No further information at time of report.

Reporting Officer(s): Lade, J M.	ID Number 700JL	ID Number	Pages: 2 Of 2
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