

Original

State of Wisconsin

Circuit Court Branch IV

Brown County

STATE OF WISCONSIN

-vs-

Plaintiff,

David Daniel Stevens
1219 Chief Hill Drive
Green Bay, WI 54313
DOB: 05/16/1985
Sex/Race: M/W
Eye Color: Brown
Hair Color: Brown
Height: 5 ft 7 in
Weight: 220 lbs

DA Case No.: 2017BR000045
Assigned DDA: Mary M Kerrigan-Mares
Agency Case No.: 17-000011
Court Case No.: 2016CF 40
ATN: 17 CF

CRIMINAL COMPLAINT

FILED
JAN 10 2017

CLERK OF COURTS
BROWN COUNTY, WI

Defendant,

Complainant, Mary M. Kerrigan-Mares, Deputy District Attorney, being first duly sworn on oath, deposes and says that:

Count 1: SUBSTANTIAL BATTERY, DOMESTIC ABUSE, DOMESTIC ABUSE REPEATER

The above-named defendant on or about Sunday, January 01, 2017, in the City of Green Bay, Brown County, Wisconsin, did cause substantial bodily harm to Sarah Vissers, by an act done with intent to cause bodily harm to that person, contrary to sec. 940.19(2), 968.075(1)(a), 939.621(1)(b)&(2) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) 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.

And further, invoking the provisions of sec. 939.621(1)(b)&(2) Wis. Stats., because the defendant is a domestic abuse repeater, having been convicted on 2 separate occasions of a felony or a misdemeanor for which a court imposed a domestic abuse surcharge under sec. 973.055(1) Wis. Stats. or waived a domestic abuse surcharge pursuant to sec. 973.055(4) Wis. Stats., during the ten year period immediately preceding the commission of this offense, which convictions remain of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than two (2) years, and the penalty increase changes the status of a misdemeanor to a felony.

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Count 2: DISORDERLY CONDUCT, DOMESTIC ABUSE, DOMESTIC ABUSE REPEATER

The above-named defendant on or about Sunday, January 01, 2017, in the City of Green Bay, 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 disturbance, contrary to sec. 947.01(1), 968.075(1)(a), 939.621(1)(b)&(2) 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.

And further, invoking the provisions of sec. 939.621(1)(b)&(2) Wis. Stats., because the defendant is a domestic abuse repeater, having been convicted on 2 separate occasions of a felony or a misdemeanor for which a court imposed a domestic abuse surcharge under sec. 973.055(1) Wis. Stats. or waived a domestic abuse surcharge pursuant to sec. 973.055(4) Wis. Stats., during the ten year period immediately preceding the commission of this offense, which convictions remain of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than two (2) years, and the penalty increase changes the status of a misdemeanor to a felony.

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

PROBABLE CAUSE

The complainant, being duly sworn on oath, swears that she has had the opportunity to review the attached police reports from Officer Ralph Powless and Officer William Cone of the Oneida Police Department, 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 her review of the attached reports and/or supporting documents, the incidents alleged occurred in Brown County, Wisconsin.

Your complainant has reviewed the records of the Wisconsin Circuit Court Access Program (CCAP) website, which records are believed to be truthful and reliable as they are records kept in the ordinary course of departmental business. Said records indicate that on 11/6/14, the defendant was convicted of Battery and Disorderly Conduct , both as domestic abuse offenses in Brown County Case 14CF1138. Said conviction(s) remain(s) of record and unreversed.


STATE OF WISCONSIN - VS - David Daniel Stevens

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 9 day of January, 2017.


Complainant


(Assistant) District Attorney

ONEIDA POLICE DEPARTMENT

NARRATIVE REPORT INCIDENT #: LOB#17-00011

REPORTING OFFICER: Officer R. Powless #1847

ASSISTING OFFICER(S): Officer B. Vande Hei #1835

INCIDENT TYPE: Domestic Battery

LOCATION: 1219 Chief Hill, City of Green Bay, Brown County

DATE/TIME: January 1, 2017 at approximately 9:37 AM

ARRESTS: David D Stevens (DOB 05-16-85)(Charges Referred)

NARRATIVE:

On Sunday, January 1, 2017 at approximately 9:37 AM, I, Officer Ralph Powless #847, along with Officer Brandon Vande Hei #835, were dispatched to St. Mary's Hospital, 1726 Shawano Ave, City of Green Bay, Brown County for a Battery complaint. Officer Vande Hei and I were informed a, Sarah E. Vissers (D.O.B. 07-14-1990), was in the Emergency Room being treated for injuries as the result of a battery allegedly committed by, David D. Stevens (D.O.B. 05-16-1985).

Upon our arrival to St. Mary's Hospital, Officer Vande Hei and I made contact with Sarah. We introduced ourselves as officers from the Oneida Police Department, and asked her what had happened. Sarah appeared distraught. She was visibly shaking and appeared to have been crying. Upon initial contact with Sarah, I was able to see purple coloring around her right eye and nose area. I was also able to see multiple red marks on her right hand and missing fingernails on her left hand.

Sarah stated on January 1, 2017 at approximately 12:30 AM, she and her boyfriend, David, were Downtown In Green Bay walking down the street near KoKo's Sushi Restaurant. Sarah said while they were walking she made a comment to David. She did not specify what comment was said. Sarah stated David responded to her comment by taking a lit cigarette he was smoking, and intentionally placing the lit end of the cigarette on her left eye. I was able to see a red circular mark on the white of Sarah's left eye at that point. Sarah said she fell to the ground because of the pain it caused, and asked him why he would do that. Sarah stated David did not respond. When she looked up to David, David was no longer there. Sarah then informed us an unknown couple saw her crying and offered to drive her to St. Vincent Hospital in Green Bay, which she agreed to. Sarah informed us that she was treated for her injured eye. Sarah informed us she did not report to the hospital that David caused her eye injury.

Sarah stated she was discharged at approximately 3:00 AM. At that point, she tried calling David multiple times but was unable to make contact. At approximately 5:00 AM, Sarah said she had called for a taxi to drive her to 1219 Chief Hill Dr, City of Green Bay, Brown County. Officer Vande Hei asked her if she resided at that residence and she stated she did. She specified she had been staying there for a few months.

Upon her arrival to her residence, she found all of the doors were locked. She realized her purse, which contained her keys, was in the back seat of David's car. At that point, Sarah said she walked to the McDonald's located at 2625 W Mason St, City of Green Bay, Brown County. While waiting at McDonalds, Sarah was able to get into contact David via telephone. Sarah asked for David to pick her up at McDonald's, which he agreed to do.

Sarah stated she believed David picked her up from the McDonald's location at approximately 6:00 AM. Sarah stated at some point during the drive back to the house, David had removed some beads hanging from his review mirror and used them to strike Sarah in the right side of her face. Sarah also said David, at some point during the drive, struck her in the face with a closed fist. Sarah said while David was striking her he was telling her, "This is your fault you dumb bitch" and, "You are a dumb cunt".

Sarah said once they arrived at their residence, they began to argue. Sarah asked David multiple times why he put the lit cigarette in her eye, and why he left her downtown. Sarah stated David then struck her in the face with a closed fist. Sarah said, "He kept punching me and punching me, at one point I was knocked out". When asked how often she was struck, Sarah said, "a lot". Sarah said David knocked her to the ground four times. Sarah also said David kicked her in the chest, ribs, multiple times while she was on the ground. Sarah also stated at one point when she was on the ground, David physically separated her legs and kicked her in her vaginal area. Sarah said David physically assaulted her for an hour "off and on". When asked how many times she was hit or kicked, she replied she did not know. When asked to estimate, she stated, "At least 20".

Sarah also stated during the end of the incident with David, he struck her in the face with a closed right fist. Sarah said David was on the right side of her body and used his hand to strike her in the jaw area on the right side of her face. Sarah stated she lost consciousness at that time for approximately 4 seconds.

Sarah said she eventually was able to leave the residence and walked back to the McDonald's on West Mason and Packerland Drive. When she arrived to McDonald's she called her friend, James J. Jadin (D.O.B. 06/13/1944), to pick her up. He did and drove her to St. Mary's Hospital in Green Bay.

Officer Vande Hei also asked Sarah during that time if David had sent her any text messages regarding the incident. She stated he sent her multiple messages which were still on her phone. Sarah was asked if Officers would be able to view the messages and possible take photographs of them. Sarah stated her phone was currently dead and not with her.

I then began to complete an Oneida Police Department Domestic Violence Packet with Sarah. She confirmed she did not give David permission to strike her and she was caused to suffer pain. While completing the packet, Sarah circled where she was struck by David and what type of contact was made (closed fist, kick, ect.). Sarah was then removed from the room and taken for a hospital procedure.

When Sarah returned, I asked if she was willing to complete a voluntary written statement. She said she did not want to at that point. She asked if she could set up a time another day. Sarah agreed to have police contact her the following day to set up a time to meet to view the text messages she stated David sent her, for follow up photographs, and to complete her written statement.

Sarah was then asked if she was willing to sign off on medical release forms for her visits to St Vincent's Hospital and St Mary's Hospital. Sarah agreed and signed the forms. I also

issued her a Victims Information sheet. Sarah was visibly shaking and crying throughout the interview.

I then took photographs of the marks on Sarah. I observed two nails missing on her left hand, a red mark on her left eyeball, a purple coloration above her nose, a red and purple area around her right eye, red marks on her left wrist, and a purple colored area on the outside of her right hand. I took photos of her marks on her face and hands. Sarah also told me she had bruising on her ribs and thighs, but informed us that she would like to take those pictures at a different time. Sarah informed us she would not be going back to the residence on Chief Hill Dr, and instead would be staying with her mother in Oconto.

Upon completing our conversation with Sarah, we made contact with James , who was standing outside the hospital room when I exited. I asked him if he picked Sarah up at McDonald's and if he would tell me what he witnessed. James informed me when Sarah called him and asked for him to pick her up, she told him David had "beaten her up". James stated when he arrived at McDonald's, Sarah was sitting at a booth crying. James said he noticed her left eye was bruised, there was a red mark on her right eye, and she had two missing nails from her hand. James stated she looked to be in "bad shape". James asked her if she wanted to go to the hospital, Sarah said she wanted to go. James drove Sarah to St. Mary's. The contact with Sarah and James was recorded on Officer Vande Hei's and my VieVu Body camera and later placed into evidence at the Oneida Police Department along with the photographs of Sarah's marks.

After speaking with Sarah and James at the hospital, I attempted to contact David at his residence at 1219 Chief Hill Dr. I did not make contact with anyone at the residence at that point. My attempted contact was recorded on my VieVu Body Camera and later placed into evidence at the Oneida Police Department.

I returned to the Oneida Police Department and contacted the Golden House to inform them of the incident between David and Sarah.

On Monday, January 02, 2017 at approximately 10:40 AM, I attempted to contact David via telephone. I was unable to contact him. I left a voice mail requesting he call me back.

On Monday, January 02, 2017 at approximately 10:50 AM, I was able to make contact with Sarah via telephone in an attempt to set up a time to complete her statement and take follow up photographs. Sarah stated she had been diagnosed with a fractured jaw. Sarah said she did not want to complete her statement at that time and would contact us at a later time to complete it.

I was able to make contact with David on Monday, January 02, 2017 at approximately 1:00 PM. I informed David that I was interested in talking to him in regards to a complaint we received from Sarah, and I had a few questions to ask. I asked him to come down to the Police Department so he could tell me what happened. David agreed to come down to the Police Department on Tuesday, January 03, 2017 at 3:00 PM.

On Tuesday, January 03, 2017 at approximately 8:30 AM, David's Probationary Agent was informed of the ongoing investigation.

Due to the information I gathered from interviewing Sarah, and the visible marks, David was determined to be the predominant aggressor. Due to Sarah confirming she lived with David, her not giving him permission to strike her, her statement of losing consciousness and receiving a fractured jaw, I am referring David for Domestic Substantial Battery 940.19(2)/968.075. David's alleged actions with Sarah, which included yelling at her and calling her "Bitch" and "Cunt" tend to provoke a disturbance and caused her to seek treatment and contact law enforcement. I will also be referring David for a charge of Domestic Disorderly Conduct 947.01/968.075. I was also informed by Oneida Dispatch that David was convicted of two Domestic Abuse related charges in the last ten years. Therefore, this incident with David is eligible for a Domestic Abuse Enhancer 939.621(1)(b).

THE ONEIDA POLICE DEPARTMENT



OFFICER RALPH POWLESS #1847

ONEIDA POLICE DEPARTMENT

Incident #: 17-0011
Incident: Battery, Disorderly Conduct (DVO)
Suspect: David D Stevens (DOB 05-16-85)

1219 Chief Hill Dr Green Bay, WI 54301 (920)530-3877

On Tuesday January 3 2017 at 12:53 p.m. I Officer William Cone #819 was on duty in the City of Green Bay, County of Brown. I was dispatched to the Oneida Police Department at 2783 Freedom Rd in Brown County to interview a Battery suspect, David D. Stevens (DOB 05-16-85). I arrived and read David his Miranda rights. David signed the waiver of his right to counsel and agreed to explain what happened.

David said he has been dating Sara Vissers for about a year and she was diagnosed with some sort of mental disease. David said Sara has been living with him at 1219 Chief Hill Dr in the City of Green Bay. David said they don't have any children together. David said on the night all this happened him and Sara was at a restaurant and Sara started acting odd and was becoming more and more mad at nothing at all. David said he got mad at her and told her to get out of the car and he left her by the restaurant. David said he didn't speak to her or anyone else until the next day when he was called by the Oneida Police Department. David said he did not touch Sara and hadn't spoken with or seen her until the afternoon of the 1st when he picked up some clothes. David asked me if he was going to be arrested. I told David he was and the charges. David showed me some pictures on his phone and the damage done to his car by Sara.

I told David he was under arrest for Battery, Disorderly Conduct, and Subsequent offender for Domestic and Probation Hold. Officer Stacy Prevost #838 transported David to the Brown County Jail for those charges. The (20) pictures / took from David's phone along with the Vie Vu camera recording was turned into evidence.

WJC