

CIRCUIT COURT
STATE OF WISCONSIN CRIMINAL DIVISION MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff

CRIMINAL COMPLAINT

vs.

John Doe #12, Unknown
Male with Matching
Deoxyribonucleic Acid (DNA)
Profile as Genetic Locations
D3S1358, vWA, FGA,
D8S1179, D21S11, D18S51,
D5S818, D13S317, D7S820,
D16S539, THO1, TPOX,
CSF1PO

Complaining Witness:

Detective Lori Gaglione

DA Case Number: 00XF8921

Circuit Court Case Number:

Defendant(s)

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE NAMED DEFENDANT(S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

COUNT 01: KIDNAPPING (CARRIES FORCIBLY)

On December 7, 1994, beginning in the 4300 block of North 60th Street and continuing to two locations in between North 60th Street and the corner of 91st Street and Appleton Avenue, City of Milwaukee, by threat of imminent force did carry the victim from one place to another without consent and with intent to cause her to be held to service against her will contrary to Wisconsin Statutes section 940.31(1)(a).

COUNT 02: SEXUAL ASSAULT, FIRST DEGREE (ARMED)

On December 7, 1994, beginning in the 4300 block of North 60th Street and continuing to two locations in between North 60th Street and the corner of 91st Street and Appleton Avenue, City of Milwaukee, did have sexual contact (hand to breast) with the victim without consent by threat of use of a dangerous weapon contrary to Wisconsin Statutes Section 940.225(1)(b).

COUNT 03: SEXUAL ASSAULT, FIRST DEGREE (ARMED)

On December 7, 1994, beginning in the 4300 block of North 60th Street and continuing to two locations in between North 60th Street and 91st and Appleton Avenue, City of Milwaukee, did have sexual intercourse (penis to mouth) with the victim without consent by threat of use of a dangerous weapon contrary to Wisconsin Statutes Section 940.225(1)(b).

COUNT 04: SEXUAL ASSAULT, FIRST DEGREE (ARMED)

On December 7, 1994, beginning in the 4300 block of North 60th Street and continuing to two locations in between North 60th Street and the corner of 91st Street and Appleton Avenue, City of Milwaukee, did have sexual contact (hand to breast) with the victim without consent by threat of use of a dangerous weapon contrary to Wisconsin Statutes Section 940.225(1)(b).

COUNT 05: SEXUAL ASSAULT, FIRST DEGREE (ARMED)

On December 7, 1994, beginning in the 4300 North 60th Street and continuing to two locations in between North 60th Street and the corner of 91st Street and Appleton Avenue, City of Milwaukee, did have sexual intercourse (penis to mouth) with the victim without consent by threat of use of a dangerous weapon contrary to Wisconsin Statutes Section 940.225(1)(b).

AS TO COUNT 01:

Upon conviction of this charge, a Class B Felony, the maximum possible penalty is imprisonment for not more than 40 years

AS TO COUNT 02:

Upon conviction of this charge, a Class B Felony, the maximum possible penalty is imprisonment for not more than 40 years

AS TO COUNT 03:

Upon conviction of this charge, a Class B Felony, the maximum possible penalty is imprisonment for not more than 40 years

AS TO COUNT 04:

Upon conviction of this charge, a Class B Felony, the maximum possible penalty is imprisonment for not more than 40 years

AS TO COUNT 05:

Upon conviction of this charge, a Class B Felony, the maximum possible penalty is imprisonment for not more than 40 years

Complainant states that she is a City of Milwaukee Police Detective and bases this complaint upon various reports from fellow City of Milwaukee Police Officers and Detectives, from her own investigation, from medical records from the Women's Assessment Center at Mount Sinai-Samaritan Hospital, and reports from the Wisconsin State Crime Laboratory, all of which she has used in the past and found them to be truthful and reliable.

Your complainant states that victim reported that in the early morning hours of December 7, 1994, she was waiting for a bus in the shelter on the corner of 60th Street and Congress Street, city and county of Milwaukee, Wisconsin, when an unknown male individual approached her and engaged her in small talk. At some point, this unknown male individual asked her "Did you ever see a.38 before?" The victim stated that this unknown male individual then pulled a black revolver out of his right jacket pocket and showed it to her. The victim stated that this unknown male individual also asked her if she had ever been robbed before. The victim stated that all of a sudden, this unknown male individual came up from behind her, put the gun in her lower back area, told her not to turn around, told her not to say anything, and

grabbed her arm and then hit her with his fist in her head and told her to "shut up." The victim stated that this unknown male individual then walked her westbound on Congress Street to a car lot at 4357 North 60th Street, whereupon this unknown male individual took off her scarf and proceeded to tie her hands behind her back with her scarf. The victim stated that this individual also took her ear warmers and placed them over her eyes and then pulled down her knit cap over the ear warmers. The victim stated that this unknown male individual then guided her down an alley to a car and that she was pushed into the car, told to slide over whereupon the unknown male individual also got in the car and started it up. The victim stated that this unknown male individual told her "Don't put your hat up or your head 'cause I'll shoot you." The victim stated that the car began moving and that she believed they drove around for approximately 5-10 minutes when the car stopped. The victim states that this unknown male individual untied her hands and took off her coat and then began unbuttoning her dress. The victim stated that this unknown male individual did take off her dress and then reached under her shirt and bra and began fondling her breasts telling her that she had a pretty body and chest. The victim stated that this unknown male individual then pulled his pants down and pulled out his penis and then took one of his hands and pushed her head down onto his penis and forced his penis into her mouth and made her suck it. The victim stated that he kept his hand on her head and directed her head up and down and told her that if she "did that good", that he would take her home and would not kill her. The victim stated that this unknown male individual ejaculated in her mouth. The victim stated that the unknown male then pulled his pants up, told her to get dressed, and then started to drive the car again. The victim stated that he kept asking her questions about her life and after driving around for approximately 5 minutes, this unknown male pulled the car over and again turned off the car. The victim stated that this unknown male individual told her that if she wanted to get home alive, that she would have to make him "cum" again. The victim stated that he again pulled his pants down and pushed her head down with his hand and forced his penis into her mouth. The victim stated that he also fondled her breasts while he was doing this and that he again ejaculated in her mouth. The victim stated that he then dropped her off at the corner of 91st Street and Appleton Avenue, city and county of Milwaukee, Wisconsin, whereupon she ran to the Sentry store where she saw her mother. The victim stated that she was 15 years old at the time of the assaults and that she had a date of birth of April 14, 1979. The victim further stated that she did not give this unknown male individual permission to touch her breasts or put his penis into her mouth. The victim stated that once she got to the Sentry store, she told her mother what happened and that the police were summoned to the scene.

Your complainant states that the victim was subsequently transported to the Women's Assessment Center for examination and for the gathering of evidence. Your complainant further bases this complaint upon the reports of Nurse Lorie Marshall from the Sexual Assault Treatment Center at Sinai-Samaritan Medical Center who reported that she examined the victim on December 7, 1994, and that she took oral swabs and saliva samples from the victim and secured these samples as evidence. Marshall also reported that she took a blood standard from the victim and also secured that blood standard as evidence. Your complainant further states that on February 9, 1995, City of Milwaukee Police Officer Loree Rapp retrieved the evidence taken by Nurse Marshall and placed the oral swabs and saliva sample and blood standard from the victim on Milwaukee Police Property Inventory number 1511683. Your complainant further states that on February 9, 1995, City of Milwaukee Police Officer Jack

Champion transported the oral swabs and saliva sample and blood standard from the victim to the Wisconsin State Crime Laboratory and turned those items over to Dirk Janssen, serologist at the Wisconsin State Crime Laboratory.

Your complainant further base this complaint upon the reports of Sharon Tagg, serologist with the Wisconsin State Crime Laboratory, who reported on March 30, 1995, that she examined the oral swabs and saliva standard which were taken from the victim at the Sexual Assault Treatment Center and reported that she detected semen on the saliva standard. Your complainant further bases this complaint on the report of Laura Kwart, serology/DNA analyst, dated November 17, 2000 in which Kwart reported that the saliva standard which was taken by Nurse Marshall from the victim which contained semen was analyzed for Deoxyribonucleic Acid using the Polymerase Chain Reaction (PCR) Technique as well as a blood standard from the victim. Kwart reported that she developed a DNA profile that was foreign to the victim for the genetic locations D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, THO1, TPOX, CDF1PO from the semen on the saliva standard which was taken by Nurse Marshall from the victim. Kwart reported that this foreign DNA profile would be maintained in the Wisconsin DNA databank for searching against other databank profiles. Your complainant further bases this complaint upon the further statements of Laura Kwart who reported that using the FBI Population database, the probability of randomly selecting an unrelated individual who would have a DNA profile that matches these 13 genetic locations is approximately 1 in 750 million in the Caucasian population, 1 in 630 million in the Black population, and 1 in 1.5 billion in the Hispanic population.

Your complainant further bases this complaint upon the statements of Dirk Janssen, forensic science supervisor, Wisconsin State Crime Laboratory, in which he stated that the Wisconsin State Crime Laboratory in Milwaukee operates and maintains a DNA database case index. That this index is comprised of DNA profiles from unsolved sexual assault cases. Janssen stated that the case index of the Wisconsin DNA databank is used for searching for matching profiles from unsolved or nonsuspect sexual assault cases that have genetic profiles foreign to the victim. Janssen further stated that the case index of the Wisconsin DNA databank is used for searching against the convicted offender index of the Wisconsin DNA databank to determine whether any convicted felons who have submitted DNA samples could match any of the unsolved or nonsuspect cases in the casework index. Janssen stated that the foreign DNA profile from the semen from the saliva standard of the victim was run against the convicted offender index of the Wisconsin DNA databank and that no matches to the profile from the known offenders were obtained. Janssen stated that this unknown person involved in the sexual assault of the victim can be expected to have a profile that matches the foreign DNA profile from the semen recovered from the saliva standard of the victim. Janssen further stated that he intends to run this foreign DNA profile against the Wisconsin convicted offender databank on a monthly basis and further states that this DNA profile has

been uploaded into the National Indexing System, operated by the FBI, and that routine searches of convicted offender databanks nationally are run every month.

******End of Complaint******

**Subscribed and sworn to before me
and approved for filing on this
_____ day of _____,
2000**

**DEPUTY / ASSISTANT DISTRICT
ATTORNEY**

Complaining Witness

Norman A. Gahn\CMASK

-- FELONY COMPLAINT --

CIRCUIT COURT
STATE OF WISCONSIN CRIMINAL DIVISION MILWAUKEE COUNTY

STATE OF WISCONSIN	Plaintiff	INFORMATION
	Vs.	
John Doe #12, Unknown Male with Matching Deoxyribonucleic Acid (DNA) Profile as Genetic Locations D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, D16S539, THO1, TPOX, CSF1PO		Complaining Witness: Detective Lori Gaglione DA Case Number 00XF8921 Circuit Court Number
	Defendant(s)	

I, E. MICHAEL MC CANN, DISTRICT ATTORNEY FOR MILWAUKEE COUNTY, WISCONSIN, HEREBY INFORM THE COURT THAT THE ABOVE NAMED DEFENDANT (S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

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DATED:

**E. Michael McCann
District Attorney**

**DEPUTY / ASSISTANT DISTRICT
ATTORNEY**

CMASK