

4. INCIDENT *Sexual Assault*

5. INCIDENT LOCATION *12928 Avery Rd*

6. NAME - LAST - FIRST - MI *DNS Cindy Chambers* 7. D.O.B.

8. ADDRESS 9. TX-HOME

11. CITY STATE ZIP 10. TX-BUSINESS

12. DETAILS
*rec'd req. to assist re:
 S92-05239 possible
 sexual assault/abuse.*

MANITOWOC COUNTY SHERIFF INCIDENT CARD

18. ASSIGNED *Conrad* 2318
21010

19. REC. BY *PC* 20. DIS. BY

21. HOW REC'D.
 1. 911
 2. POLICE RADIO
 3. PHONE
 4. TTY
 5. IN PERSON
 6. ON VIEW
 7. OFF. OFF DUTY
 8. C.B. RADIO
 9. OTHER

22. TYPE OF REPORT
 INCIDENT
 ACCIDENT
 CITATION
 NONE

23. STATUS
 UNFOUNDED
 PNL
 OTHER
 CLEARED
 EXCEPT CLEARED

24. DATE CLEARED *1082792*

25. OFFENSE TYPE
 1. ADULT NA
 2. JUVENILE
 3. UNKNOWN

ACTIVE

14. RECD 15. DISP 16. 10-23 17. 10-24

13. DAY
 SUN 1 THU 5
 MON 2 **FRI 6**
 TUE 3 SAT 7
 WED 4

39. (CODE S-SUSPECT W-WITNESS V-VICTIM O-OTHER)	40. NAME-LAST	FIRST	MI	41. D.O.B.	42. ADDRESS	43. TELEPHONE
V	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Reedsville	[REDACTED]
S	AVERY	Charles	E	07/13/54	12928 Avery Rd. Two Rivers	60755-2848 755-2737
W	BLASHKA	Kathie	Rae	06/01/59	528 Mill St. Reedsville	754-4009

06-26-92 @ 0930 hrs.: The Manitowoc County Human Services Dept. (HSD) rec'd a report that CHARLES EARL AVERY sexually assaulted his 9 yr. old daughter, [REDACTED]. The sexual assault apparently took place during the early part of June, 1992 while [REDACTED] was visiting w/CHARLES at his 12928 Avery Rd. address.

Det. Conrad met w/CINDY CHAMBERS of HSD, and together we went to interview [REDACTED] at her home in Reedsville. Prior to our arrival, I was informed by CINDY CHAMBERS (and earlier by Det. Jadowski) that [REDACTED] is a very shy young lady who has difficulty meeting strangers. It was decided that because CINDY had contact w/[REDACTED] earlier, that she would begin the interview. After a brief introduction, CINDY CHAMBERS & [REDACTED] KALLIES went outside, sat on the outside steps, and talked. Det. Conrad remained in the res., talking with [REDACTED] KATHIE (KALLIES) BLASHKA. [REDACTED]

KATHIE was asked how the info. ref. the alleged sexual assault was brought to light. KATHIE stated [REDACTED], Green Bay ([REDACTED]) told KATHIE (also [REDACTED] that [REDACTED] had been sexually assaulted. [REDACTED] apparently told [REDACTED] that while she was staying at her dad's home for visitation during the early part of June, CHARLES AVERY rubbed [REDACTED] vaginal area. KATHIE BLASHKA further stated that [REDACTED] is her daughter as a result of the relationship KATHIE had w/ROSS DEGRAND many years ago. [REDACTED] is now 16 yrs. old and staying at a foster home in Green Bay, as custody was taken away from KATHIE BLASHKA. KATHIE also informed Det. Conrad that this incident reportedly took place during the early part of June. [REDACTED] was picked up from her Reedsville address later Fri. afternoon, 06/05/92, and was returned home 06/07/92 sometime after 6pm. KATHIE stated she attempted to talk to [REDACTED] about this, but was unable to extract any info. from [REDACTED]. KATHIE stated that since the early part of June, [REDACTED] has been very withdrawn from her normal activities and on many occasions is found cowering underneath the kitchen table or just stays in her room w/o interacting w/family members.

JUVENILE INFO REDACTED

After approx. 15 min. of conversation w/KATHIE BLASHKA, Det. Conrad exited the res. and joined CINDY CHAMBERS & [REDACTED]. Initially upon joining in the conversation,

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S92 No 05416

DAI

45. IF COMPLAINANT DIFFERENT THEN CALLER, ENTER NAME, ADDRESS, D.O.B., TELEPHONE.

46. IF CODE O (OTHER) IS USED IN FIELD #39, EXPLAIN.

INCIDENT REPORT: NOTE: IF SECTION 22 ABOVE HAS NUMBER 4 CHECKED, DO NOT GO BEYOND THIS LINE WITHOUT RECORDS SECTION BEING ADVISED, OR NO RECORD ENTRIES WILL BE MADE BELOW THIS LINE.

PROPERTY VALUE	26. PROPERTY	A. CURRENCY	B. JEWELRY	C. FURS CLOTHING	D. VEHICLE (LOCAL)	E. OFFICE EQUIPMENT	F. RADIO, TV CAMERAS	G. FIREARMS	H. HOUSE-HOLD GOODS
	STOLEN	\$	\$	\$	\$	\$	\$	\$	\$
	RECOVERED	\$	\$	\$	\$	\$	\$	\$	\$
	26. PROPERTY	I. CONSUM-ABLES	J. LIVESTOCK	K. DRUGS	L. MARINE ITEMS	M. CONSTRUCTION ITEMS	N. LAWN AND GARDEN	O. SPORTING GOODS	P. MISC BICYCLE
STOLEN	\$	\$	\$	\$	\$	\$	\$	\$	
RECOVERED	\$	\$	\$	\$	\$	\$	\$	\$	

27. PROPERTY RECOVERED: LOCALLY _____ OTHER JURISDICTION _____ (INSERT O OR L)

PROPERTY ITEMIZATION	PROPERTY STOLEN/RECOVERED ITEMIZATION, USE THE FOLLOWING FORMAT				
	28. QUANTITY	29. ARTICLE NAME	30. BRAND NAME	31. SERIAL NUMBER	32. CODE
					S <input type="checkbox"/> R <input type="checkbox"/>
					S <input type="checkbox"/> R <input type="checkbox"/>
					S <input type="checkbox"/> R <input type="checkbox"/>
					S <input type="checkbox"/> R <input type="checkbox"/>
					S <input type="checkbox"/> R <input type="checkbox"/>

33. PROPERTY DAMAGE AMOUNT \$ _____ 34. INSURANCE COMPANY _____

35. OFFICER ASSAULTED Y N 36. ARSON Y N 37. STRUCTURE CODE _____ 38. DAMAGE \$ _____

47. CIB <input type="checkbox"/>	ENTERED <input type="checkbox"/>	CANCELLED <input type="checkbox"/>	48. TOTAL AMOUNT PROPERTY STOLEN \$ _____
NCIC <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
OTHER BROADCAST <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	49. TOTAL AMOUNT PROPERTY RECOVERED \$ _____

50. IS REPORT CONTINUED? YES NO

51. CAUTION INDICATORS, ATLS ETC.

52. DATA PROCESS INFORMATION:

COMPUTER ENTERED DATE 8/28/92
 MICROFILM INDEXED INITIAL DS

53. FILE APPROVAL

IS CASE CLASSIFICATION CORRECT?
 IF N HAS CORRECTION BEEN MADE?

BY DS DATE 8/27/92

MCSO 028 1/91
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_____ became very quiet and did not wish to talk or even look at Det. Conrad. After a short time & offering some comments about the general surrounding area & other subjects (i.e. Melissa's pet), _____ became considerably more comfortable with the presence of Det. Conrad and again began talking w/CINDY CHAMBERS. CINDY cont'd asking _____ questions, and at no time did _____ indicate that sexual intercourse took place between herself & CHARLES AVERY. _____ did hint that possibly through her interpretation CHARLES AVERY did touch her vaginal area, but she was very unclear about those statements made in the presence of Det. Conrad.

After leaving the res. in Reedsville, CINDY CHAMBERS stated that _____ told her CHARLES AVERY did touch her vaginal area on one occasion. The time frame would be the weekend of 06/05 thru 06/07/92, when _____ visited w/CHARLES the entire weekend. _____ did visit CHARLES AVERY on 06/14/92, but there was no accusation of any sexual activity at that time. Since 06/14/92, _____ has not been w/CHARLES AVERY because of other problems (i.e. custodial situation) which are addressed in Comp. #S92-05239 (copy attached).

CINDY CHAMBERS did make telephonic contact w/CHARLES AVERY on 06/26/92 at 1400 hrs., discussing the matter of CHARLES not being allowed to see _____ until this matter is resolved. CINDY stated that CHARLES AVERY has agreed to refrain from any type of contact by phone or in person _____, until this matter is resolved.

07-01-92 @ 1444 hrs.: CHARLES AVERY had telephonically contacted Det. Conrad, stating he wished to talk about this matter. CHARLES AVERY did then come to MTSO.

Prior to interview, CHARLES AVERY was informed of his Miranda Rights by Det. Conrad. After being read & reviewing each warning & waiver, CHARLES AVERY freely & voluntarily waived his right to self-incrimination, signing the Miranda Warning & Waiver in the presence of Det. Conrad on 07/01/92 at 1049 hrs. (see attached)

CHARLES AVERY stated he is presently married to DONNA AVERY and has been married to her for approx. 10 years. Also residing w/CHARLES & DONNA at their home on Avery Rd. is _____ (age 7) & _____ (age 10). CHARLES stated that _____ is his daughter; and that determination was made as the result of a blood test after _____ was born. CHARLES stated he works for his father, AL AVERY, at the family salvage yard. He stated his wife, DONNA, works at the Kwik Trip gas station in Manitowoc. CHARLES AVERY stated he feels his relationship _____ is very close - that she does not call him by his first name. CHARLES stated as far as he can remember, _____ always refers to him as "Dad." CHARLES stated that on the weekend of 06/05/92 he, DONNA, and the two boys picked up _____ at her house in Reedsville at approx. 1800 hrs. (6pm). He stated that as they usually do on extended weekends, they went out to eat (either at McDonald's or the Ponderosa in Manitowoc). He stated they usually go shopping and do general family stuff on Friday nights, which includes going to the Kwik Trip where DONNA works and renting several videos. CHARLES stated that because DONNA is an employee of the Kwik Trip, they are not required to pay for the videos. _____ they are rented free of charge as part of the job. CHARLES stated the videos rented are always children-type or, at worst, rated PG. CHARLES stated he recalls that on 06/06/92 he worked _____ about Noon. During that weekend

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DAI

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DONNA was home the entire weekend. He recalls cutting the grass that afternoon, and then having a fryout at the res. CHARLES stated that on 06/07/92 they went to the park in Wayside and had a picnic. After generally just spending time together as a family (CHARLES, DONNA, [REDACTED], [REDACTED] was returned to her home in Reedsville at approx. 1800 hrs. that date.

CHARLES AVERY stated that [REDACTED] has her own private bedroom at his res. He stated there is a lock on the inside of her bedroom door, and there are locks on every bedroom door in the res. This is not specifically by design, but is just the manufacture of the doors in their res. CHARLES stated that he & DONNA have always told [REDACTED] that whenever she is in her bedroom to change clothes, she must keep the door closed.

CHARLES was asked if he is ever involved in bathing or any other situation wherein [REDACTED] body would have to be checked for one reason or another (i.e. injury). CHARLES stated he never bathes [REDACTED]. He stated any type of personal contact of that nature is always handled by DONNA. CHARLES stated he feels those types of duties should be handled by DONNA -not because he does not trust himself, but because those are responsibilities better handled by a female. CHARLES did recall during the month of May, 1992 having to discipline [REDACTED] by placing her over his knee and spanking her. CHARLES stated [REDACTED] had been quite disobedient that weekend, although he could not specifically recall an exact date. He stated [REDACTED] had put toothpaste inside the baseball cap that he usually wears, had filled a shampoo bottle w/water, and had put soap on everyone's toothbrush except that of CHARLES. He stated this is not the first time she has pulled such pranks, and he has warned her many times not to do so. Apparently [REDACTED] did not heed his warning, and CHARLES felt that discipline was in order. He stated this discipline was not a beating, but was simply parental discipline.

CHARLES AVERY also stated he feels [REDACTED] has a problem w/stealing. He clarified "stealing" as being the taking of items he & DONNA provide to [REDACTED] when she comes to their res., such as earrings, socks & underwear. He stated [REDACTED] KATHIE BLASHKA, does not provide these items; or if she does, they are not in very good condition. He stated [REDACTED] will take these items from the AVERY home back to her home in Reedsville, and then will bring the old items from Reedsville back to the AVERY home in exchange. CHARLES feels [REDACTED] probably is doing this because she spends more of her time in Reedsville than at the AVERY home, and she wants the newer items there. He stated he has told [REDACTED] not to do this, but she does it anyway.

CHARLES also discussed the situation wherein he was alleged to have sexually assaulted his daughter in 1988 or 1989. Info. had been rec'd (source unk.) that CHARLES AVERY had been willing to plead guilty to a reduced charge of sexual assault. CHARLES AVERY stated that this was totally untrue - that he had also heard this story and had his lawyer, Public Defender GARRETT CAVANAUGH, address same. CHARLES stated he can produce a letter from 1989 which Atty. CAVANAUGH wrote to Judge Deehr, requesting clarification of that potential incorrect info. CHARLES AVERY stated he would provide Det. Conrad with a copy of that letter for this investigative file.

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It was also pointed out by CHARLES AVERY that he had heard through the grapevine that on the weekend this assault supposedly took place, 06/05 -06/07/92, that DONNA AVERY was working at the Kwik Trip. CHARLES stated he would have DONNA drop off a copy of her schedule from the Kwik Trip office in Manitowoc to prove this was not true.

CHARLES AVERY then stated that he would like to take a polygraph test to clear his name in this matter. He stated he will be attempting to gain custody of [REDACTED] in the future; and he realizes he must totally clear his name before any court would even consider giving him custody. CHARLES stated he has nothing to hide and virtually insisted that a polygraph be given to him. I told CHARLES AVERY that I would consider his request and would discuss it w/HSD.

CHARLES AVERY stated he would have his wife drop off a copy of the letter from the Public Defender addressed to Judge Deehr, along with a copy of her work schedule.

07-01-92 @ 1330 hrs.: DONNA AVERY stopped at MTSO and dropped off a copy of a letter dated 03/03/92, addressed to Judge ALLAN J. DEEHR from ERIC CAVANAUGH, Public Defender. In summary, the letter indicates that apparent info. provided by Human Services dealt with the fact that CHARLES AVERY wished to plead guilty to a sexual assault offense, but on a lesser charge, and this was totally in error. Also provided by DONNA was a copy of her work schedule for the month of June, 1992. In reviewing this work schedule, DONNA did work on 06/05/92, but completed work at 1500 hrs (3pm) and did not work on June 6th or 7th

This case was further discussed in detail w/CINDY CHAMBERS; and it was decided a request will be made to have a polygraph test set up for CHARLES AVERY. Contact will be made w/Det. GEORGE KLOPPENBERG of SBSO to arrange a time to have CHARLES AVERY take the polygraph test. Det. LNConrad/ dmm

07-08-92 @ 1430 hrs.: Det. Conrad was requested to return to MTSO. Upon doing so, Det. Conrad learned that KATHIE BLASHKA [REDACTED], were at HQ. KATHIE stated that her [REDACTED] wished to talk w/Det. Conrad.

[REDACTED] & Det. Conrad then spoke privately for some time. During the beginning stages of the interview, [REDACTED] was extremely shy. Whenever the subject of sexual assault or being touched came up, [REDACTED] would make an effort to walk out of the view of Det. Conrad, usually turning her back towards him. After [REDACTED] became more acquainted w/Det. Conrad, she began to respond more positively to questions. Questions & answers during the interview were as follows:

LNC - What do you call CHARLES AVERY?

[REDACTED] He tells me I have to call him Dad, but I don't really wanna call him anything other than Chuck because he isn't my dad.

LNC - Do you believe CHARLES AVERY is your father?

[REDACTED] No.

LNC - Why don't you believe that?

[REDACTED] Because he says he is, and my mom says he isn't.

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JUVENILE INFO REDACTED

DATE: 10/15/68

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

JUVENILE INFO REDACTED

DATE:

BY:

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[REDACTED] was then asked if she recalled any time when CHARLES AVERY touched her on any part of her body when she did not want him to. At this point [REDACTED] again became very shy or embarrassed, turning her back to Det. Conrad & stating "I don't want to talk about it." I then asked [REDACTED] if she would be willing to write down on a piece of paper what her answer to that question would be. She stated she would like to do that.

I asked [REDACTED] if she could tell me about how long ago this incident took place - when CHARLES AVERY touched her. [REDACTED] replied, "I don't know. I guess it was two or three weeks ago, but I'm not real sure." [REDACTED] then asked for the piece of paper, which she was given by Det. Conrad. On this piece of paper [REDACTED] wrote:

On Friday 6:00 I got there on Friday. I watch TV I go to bed. I wake up in the morning, eat breakfast, go play, come in, eat lunch, go play again, come in, eat supper, take a bath, watch TV, and go to bed for a short time. He touches my private.

[REDACTED] did sign the above statement in the presence of Det. Conrad on 07/08/92 at 1450 hrs.

I then asked [REDACTED] what she meant by "private" (relating to her body). Again she became very embarrassed, turned her back, and very quietly said "Where I go potty." I asked her what part of her body she went potty from that CHARLES touched her; and she said "Where I tinkle." [REDACTED] then asked if we could stop talking about this, because it was beginning to really bother her.

Prior to the interview [REDACTED] had been provided with an MTSO Care stuffed animal. These animals are given to alleged victims of abuse, etc. [REDACTED] was asked if she would like a picture taken with other dept. Care animals or puppets. She stated she would. Deputy Kinzel then provided one of his puppets (a frog), which [REDACTED] had her picture taken with. That photograph is attached to this investigative file.

[REDACTED] was asked if it would be okay if Det. Conrad stopped back in a few days or a week to discuss this matter further. [REDACTED] stated that would be fine, but she just didn't want to talk about it anymore today.

Arrangements will be made to further interview [REDACTED] during the week of 07/12/92. Det. LNConrad/ 72 dmm

07-16-92 @ 1300 hrs.: Det. Conrad & CINDY CHAMBERS (HSD) went to the res. of [REDACTED] to see how she was doing. [REDACTED] was in very good humor and seemed to be enjoying the summer as any average 10 yr. old. She was asked by Det. Conrad if the statement she had given regarding CHARLES AVERY was still true; [REDACTED] shook her head to indicate yes. [REDACTED] then stated she did not want to talk about CHARLES any more. We made small conversation, then terminated our contact with her.

Contact was made w/Asst. DA PROST. The polygraph was discussed w/Asst. DA PROST, who stated she does not want MTSO to enter into any type of agreement w/CHARLES AVERY ref. a polygraph test. Asst. DA PROST stated that if CHARLES AVERY wants a polygraph test, he will have to make his own arrangements with a polygraph operator; and that expense &

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responsibility would solely be his.

We also discussed the fact that [REDACTED] is extremely shy and has tremendous difficulty expressing details relating to the assault against her. Asst. DA PROST stated she would like to meet w/ [REDACTED] and attempt to make a determination as to whether [REDACTED] would be a good witness in court.

08-12-92: Det. Conrad rec'd a phone call from CINDY CHAMBERS. CINDY stated she has been informed by the CHARLES AVERY family that CHARLES took a polygraph test and (according to the Avery family) passed the test. CINDY also stated that a medical examination has been completed, under the direction of Manitowoc County HSD; and apparently during that interview [REDACTED] volunteered statements to the doctor, indicating that CHARLES AVERY had sexually assaulted her. Those statements will be included in this investigative report to be forwarded to the DA's Office.

Upon receipt of HSD's report regarding statements made by [REDACTED] to the examining physician, this case file will be forwarded to the DA's Office.

An Arrest Data Sheet has been prepared, referring CHARLES AVERY to the Manitowoc County District Atty. on charge of 1st Degree Sexual Assault. If an appointment between Asst. DA PROST & [REDACTED] is necessary, such appointment can be arranged through scheduling with the DA's Office. Det. LNConrad/ dmm

08-14-92: Left at the front counter of MTSO was a letter from the law office of OLSON, WINTER & FOX addressed to Det. Larry Conrad. Contents of this envelope include a polygraph report submitted to Atty. J. Steve Winter from Patrick F. Dwyer, who conducted the polygraph of CHARLES AVERY. In summary, Patrick Dwyer concludes, after careful analysis of two polygrams & interrogation of CHARLES AVERY, that CHARLES AVERY did tell the truth during his examination. From the basis of the questions asked, specifically about sexual misconduct between CHUCK AVERY and [REDACTED], the examination shows he was being truthful in his responses to Patrick Dwyer.

In reviewing this investigation w/CINDY CHAMBERS of HSD, CINDY noted that during her conversation [REDACTED] she asked [REDACTED] if she would be willing to take a polygraph test. CINDY stated that [REDACTED] stated she would not do so; and [REDACTED] then turned her back to CINDY, refusing to discuss the matter. Det. Conrad & CINDY CHAMBERS are both of the opinion that this case should be reviewed by Asst. D.A. PROST, who has been briefed on this matter.

This case has been forwarded to the District Attorney's office for Asst. DA PROST's review. Det. LNConrad/ dmm

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