

S99 No 00337

061034

4. INCIDENT: Sexual Assault

5. INCIDENT LOCATION: 12928 AVERY RD

6. NAME - LAST - FIRST - MI: ANONYMOUS

7. D.O.B.:

8. ADDRESS:

9. TX-HOME:

10. TX-BUSINESS:

11. CITY STATE ZIP:

1629  
1629  
1744  
1840

1-12-99

REC'D 14. 15. 16. 17.  
DISP 10-23 10-24

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

18. ASSIGNED

JOST 4149

Sgt SEIM 41817

19. REC. BY: 932

20. DIS. BY: 932

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  
1. INCIDENT  
2. ACCIDENT  
3. CITATION  
4. NONE

23. STATUS  
1. UNFOUNDED  
2. PNL  
3. OTHER  
4. CLEARED  
5. EXCEPT CLEARED

24. DATE CLEARED: 011999

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

12. DETAILS

C/O [REDACTED] AVERY WHO WAS Raped & choked by husband CHARLES E AVERY, DOB 7-13-54, WITH A TELEPHONE CORD & HELD AGAINST HER WILL OVERNIGHT.

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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]	[REDACTED]	[REDACTED]
O	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
O	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
O	ELFNER	LORI	L	06/29/68	1811 Monroe St, Two Rivers	793-5226
S	AVERY	CHARLES	E	07/13/54	12928 Avery Rd, Two Rivers	755-2737
O	AVERY	ALLAN	K	05/03/37	12930 Avery Rd, Two Rivers	755-2848
O	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

01/12/99 @ 1629 Hrs.: I, Deputy Jost, along with Sgt. Seim were dispatched to 12928 Avery Rd, Two Rivers, reference a check welfare complaint from an anonymous complainant. It was reported by the anonymous person that we were to check on [REDACTED]'s welfare as she had apparently been raped and choked by her husband, CHARLES AVERY, early in the morning. It was reported she was choked with a telephone cord and held against her will overnight.

01/12/99 @ 1744 Hrs.: Upon arrival at the residence, we found [REDACTED] was home <sup>with her mother</sup>. She invited us in to talk. Initially when we talked to [REDACTED], she told me her and [REDACTED] CHARLES, have gotten into verbal arguments; however, nothing has turned physical. I asked her about the night prior to this. She told me they had gotten into a verbal argument as they had problems with the sewer (the sewer was blocked up, and they were unable to use the toilet or washer/dryer, etc.). I asked [REDACTED] several times whether anything had turned physical in the argument. She told me during this time that nothing happened.

[REDACTED] informed me she is concerned, however, [REDACTED] as CHARLES has been doing some things to [REDACTED] and with [REDACTED] that are questionable. I asked [REDACTED] what she meant by this. I was told CHARLES apparently crawled in bed with [REDACTED] on Sunday. [REDACTED] stated she was gone during this time for training for work. I questioned her further about it. According to [REDACTED] she did not believe anything happened in regard to any touching or sexual contact; however, this is not something a father would normally do in her opinion. [REDACTED] also told me CHARLES had apparently gave [REDACTED] a hug, and she would not describe the hug as a [REDACTED] hug but more like a boyfriend-girlfriend hug. [REDACTED] also stated to me, at one point and time (unknown date), she had observed CHARLES looking through the bathroom door while [REDACTED] was taking a shower. [REDACTED] told me she confronted CHARLES on this and CHARLES apparently told her he was picking something up that he had dropped. [REDACTED] told me she knew this was not true, indicating the door had apparently been broken and could be opened from the outside and not locked.

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JUVENILE INFO REDACTED

Victim information redacted. DM

S99 No 00337

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 VALUATION	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. CONSUMABLES	J. LIVESTOCK	K. BOATS	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 R <input type="checkbox"/> <input type="checkbox"/>
					S R <input type="checkbox"/> <input type="checkbox"/>
					S R <input type="checkbox"/> <input type="checkbox"/>
					S R <input type="checkbox"/> <input type="checkbox"/>
					S R <input type="checkbox"/> <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 NCIC OTHER BROADCAST	ENTERED	CANCELLED	48. TOTAL AMOUNT PROPERTY STOLEN \$ _____
	<input type="checkbox"/>	<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 01/15/99  
MICROFILM INDEXED  INITIAL JS

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

53. FILE APPROVAL  
BY [Signature] DATE 01/19/99

MCSO 028 1/91

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REPORT CONTINUED:

I, Deputy Jost, called [REDACTED] over to talk about the incident. She told me verbally and completed a written Statement later on indicating that on Sunday morning, [REDACTED] (CHARLES) crawled into bed with her. He had his shirt off. According to her Statement, he was laying on his side facing her. She stated he got out of bed. Later on, he came in by her and pulled her by her feet to get her out of bed. She also stated in her written Statement that a second incident took place in which CHARLES came into the bedroom and asked her for a hug. [REDACTED] stated she gave him a hug; however, she also described it as more like a girlfriend-boyfriend-type hug and not a [REDACTED] [REDACTED] went on to advise that CHARLES had crawled in the bed with her a second time, but he had his clothes on. [REDACTED] stated she <sup>is</sup> afraid all the stuff that is going on might lead <sup>into</sup> something else, and she does not know what might happen. <sub>JMS</sub>

In talking to [REDACTED] she told me that there was no inappropriate touching by CHARLES and there was no type of sexual contact between them. [REDACTED] advised she would describe the hug also in that he got very close to her with his whole body, including his groin area.

Due to the fact I did not have enough at this point to charge CHARLES, we questioned DONNA if she felt it would be a good idea for her to leave the house with the children for the night so that she knew they would be safe. [REDACTED] told me this was a good idea, and she began gathering some clothing items together so that they could spend the night at a friend's house, that being LORI ELFNER'S house in Two Rivers.

As she was gathering things together, we observed a vehicle drive into the driveway, and this was in fact CHARLES. CHARLES came into the house and asked us several times what was going on. I explained to him that I would talk to him after DONNA left. After DONNA left the residence, I then talked to CHARLES about what happened on the night prior or early this morning.

CHARLES told me nothing happened and indicated that they had not gotten into a verbal argument for a long time. I asked CHARLES if anything happened with [REDACTED] on Sunday. He told me nothing happened. I asked CHARLES these questions several times, however, he continually stated nothing happened and he had no idea what was going on.

Due to the fact I did not have enough information at this time to charge CHARLES, he was allowed to stay at the residence. We contacted his Probation Officer to inform him of this information. I informed DICK SWADE, CHARLES' Probation Officer, of the information I had up to this point. DICK advised he was not going to place a Hold on CHARLES unless I would find out some additional information regarding this incident.

I advised CHARLES of this and told him that if I would return, we would need to talk to him further about the incident.

At this point and time, we left. After leaving the residence, I was able to contact DONNA on the phone when she was at LORI'S residence. I told DONNA I would be coming over to have her complete a written Statement.

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I, Deputy Jost, arrived at 1811 Monroe St, Two Rivers, where I talked to LORI and [REDACTED] further about the incident. Upon arrival at the residence, I collected the written Statement completed by MELISSA, and I also received a written Statement from [REDACTED]

In [REDACTED] written Statement, she began by stating that on Christmas Day, CHARLES had been drinking, and he started to throw things around. Apparently, he threw the silverware drawer in the garbage. [REDACTED] said something to him, so CHARLES took his hand and slapped [REDACTED] on the face, leaving a hand print on his face. CHARLES then apparently told [REDACTED] to get in his room. When [REDACTED] said no, he started to push and shove him around, yelling at all of them. [REDACTED] said she stood up to defend [REDACTED]. CHARLES told her to sit down or else "she would be next." CHARLES then grabbed [REDACTED] by the hair. [REDACTED] indicated CHARLES then started on [REDACTED] and said, "You can take the stuff out of the garbage because you made me do it."

[REDACTED] continued in her Statement by stating, last night, CHARLES forced her to have sex with him. [REDACTED] stated he held her down. [REDACTED] stated she asked him what he was doing. CHARLES stated he apparently did not know. He then said some awful things to her, indicating that she was fat and ugly. He then got off of her and went back in the bed as if nothing happened. [REDACTED] continued by telling me the information she had told me earlier about CHARLES and [REDACTED]

Due to the new information I had just learned from [REDACTED] about the sexual assault, I continued to ask her questions about it. I had her complete an O23 form, stating she did not give permission for CHARLES to have sex with her. She stated the sex was against her will.

Due to the information that [REDACTED] put in her Statement about CHARLES hitting [REDACTED], I asked [REDACTED] if he would be willing to fill out a Statement. [REDACTED]'S written Statement indicated, "On Christmas, [REDACTED] hit me in the face."

At this point, I went down into the basement of LORI'S residence with [REDACTED] to further talk with her about the sexual assault as she wished to talk to me alone about it. [REDACTED] told me she was lying in bed and CHARLES also crawled into bed later on in the night. [REDACTED] stated CHARLES started to poke on her rather hard. She tried to get away from him by crawling out of bed. [REDACTED] stated she fell out of bed. At that point, CHARLES climbed on top of her back and put his knees in the lower part of her back. [REDACTED] went on to advise this caused her some [REDACTED] when he was doing this. She asked him why he was doing this, telling him to stop. [REDACTED] told me she told CHARLES several times to stop; however, he continued. [REDACTED] stated CHARLES then forced himself on her and had sex with her (she stated it was vaginal intercourse). She advised, after CHARLES was finished, he then climbed back into bed as if nothing happened. I explained to [REDACTED] that this was a very serious situation. I asked her if there was anything further that she needed to tell me. She told me there was nothing further, and this is all she would put in her Statement.

After explaining the situation further to [REDACTED] and reading the 72-Hour No-Contact form to her, [REDACTED] selected to have the 72-Hour No-Contact Prohibition enforced if I was able to make

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contact with CHARLES. [redacted] also complete the Domestic Abuse Victim Worksheet, and she was given the Victim Information sheet provided by MTSO. [redacted] was given a copy of the DVC pamphlet with the information she would need.

One thing that was not mentioned above that I (Deputy Jost) checked on while we were still at the AVERY residence was when I was talking to [redacted], due to the fact I was told CHARLES had raped [redacted] I asked her if she had any marks on her body that would indicate a struggle took place. [redacted] told me nothing like that happened, and she showed me her upper arms as well as her neck area. At that time, I did not observe any distinct marks.

After I talked to [redacted] and warned her about the dangers of the incident and going back home to CHARLES, based on the complaint that was now on file, [redacted] told me she understood and indicated to me several times that she was more concerned about [redacted], than she was about herself. [redacted] told me, basically, the only reason she was reporting the incident is again because she is concerned about her daughter's welfare and what CHARLES might do to [redacted]. [redacted] stated she could take care of herself.

Again, after talking to [redacted], I went out to my squad car where I re-contacted DICK SWADE and advised him of the new information. DICK told me I should contact the Madison Dept. of Probation & Parole, and they would place a Hold on him based on the charge I had.

I contacted the Probation & Parole Office in Madison. The subject I talked to did in fact put a Hold on CHARLES.

Knowing that a Hold was placed on CHARLES and a teletype was sent to MTSO regarding this, I went to the AVERY residence where I attempted to make contact with CHARLES again. Deputy Novak and I went to the location and knocked on the door; however, CHARLES would not answer the door. I had Dispatch attempt to contact CHARLES by phone; however, the first time they attempted, the phone was busy. The second time they attempted, they received an answer; however, no one would talk on the phone, and the phone was just left off the hook for several minutes before it was hung up again.

I contacted DICK SWADE at this point and told him of the information that I had in that CHARLES was not willing to answer the door. Due to the fact [redacted] and the children were not in any danger at this point, we allowed CHARLES to remain at home. It was decided we would attempt contact with him the next day.

While we were attempting to make contact with CHARLES, ALLAN AVERY came out to the residence and told us that he did not like us sneaking around his property. When I explained the situation to ALLAN and told him that I was concerned CHARLES might decide to harm himself or maybe officers at the scene due to the fact he had guns in the house, ALLAN told me CHARLES would not do that to himself or us; however, ALLAN stated he might do that to officers. In talking to ALLAN further, I advised him we were not there to harass anybody; however, we were there to do our job as CHARLES had a Probation Hold placed on him.

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01/13/99: I, Deputy Jost, attempted contact again with CHARLES at his residence; however, again, we were unable to make contact with him. ALLAN told me he did not see CHARLES all day and he did not know where he was. In talking to ALLAN again, ALLAN also expressed his disgust with MTSO, stating he wished somebody would put a bullet in the Sheriff.

DICK SWADE was again advised that we were unable to pick up CHARLES. He indicated he would put an Apprehension Request out for CHARLES on 01/14/99.

01/14/99: I was advised CHARLES would be turning himself in to the Jail between 1200-1300 hours on today's date. CHARLES did turn himself into the Jail, and I went up to that location to interview him about the incident.

01/14/99 @ 1329 Hrs.: I responded to the Jail where I made contact with CHARLES. I took him in to one of the Interview Rooms. While in the Interview Room, I explained to CHARLES that due to the fact he was in custody for a Probation Hold, I would read him his Miranda warning and waiver. At this time, I read his Miranda warning which CHARLES signed, indicating he understood his rights and was willing to answer questions. CHARLES told me he did not write very well and did not spell very well, so he asked that I complete a Statement for him.

In the Statement, CHARLES basically stated, on Monday night (01/11/99), he went to bed between 2100-2300 hours. CHARLES stated the next thing he remembered was waking up in the morning at approximately 0630-0645 hours. He told me he did not remember anything happening that night (Monday night or early Tuesday morning). CHARLES told me he and [REDACTED] have not had an argument in a long time. CHARLES also told me he does holler or yell at the kids a lot as he has to break up fights between them and other things. CHARLES told me he talked to [REDACTED] on 01/13/99. After asking her what the police wanted him for or what he did, [REDACTED] apparently told CHARLES that at about 0100 hours on Tuesday, he threw her on the floor and they had rough sex. He then got back up, went to bed, and went to sleep as if nothing had happened. CHARLES stated to me and I wrote down for him that he did not believe this happened. He stated he has never blacked out before, or at least not that he knows of. He stated he did not remember this happening unless it was stuck in his back conscious. He stated he did not know. He stated if it did happen, he was sorry, and he never treated her that way. He also told me it could be possible it happened, but he cannot admit to being guilty if he does not remember it happening.

I also questioned CHARLES about Sunday (01/10/99) on which he supposedly went into [REDACTED] room. At first, CHARLES denied doing this; however, later, he stated he went into [REDACTED]'S bedroom and told her she should get up so that they could clean the house for [REDACTED]. Apparently, [REDACTED] rolled over to the far side of the bed, and CHARLES made the comment that the bed felt comfortable, so he lightly fell on the bed on top of the blankets. CHARLES stated [REDACTED] was covered up during this time. He told [REDACTED] he was going to stay there because it was so comfortable. According to CHARLES, he then told her no, that he had to go back to work. CHARLES stated, later on that day, [REDACTED] gave him a hug as they had apparently gotten into a disagreement over Christmas. CHARLES stated he apologized for what he said to her about her gift the [REDACTED] and told her [REDACTED]

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she could put it under the Christmas tree, and he would take it.

01/14/99 @ 1432 Hrs.: CHARLES signed this Statement.

After the Statement was completed, I (Deputy Jost) basically explained to him what was going to happen, and I took him back to the Receiving Cell that they had placed him in. I explained to CHARLES the 72-Hour No-Contact, indicating he should not have any type of contact with DONNA for the next 72 hours. CHARLES told me he understood this.

After CHARLES signed both of his Statements and I was completed with the interview, I then attempted to contact DICK SWADE to advise him of this information.

I also contacted ADA Mike Griesbach. He requested I forward this entire report and its contents to him for review due to the fact I had been working with him for the past couple of days on this complaint.

At this point and time, an Arrest Data Sheet has been completed charging CHARLES AVERY with 2nd Degree Sexual Assault, violation of 940.225(2)(a), based on the Statement the original anonymous complainant gave. The Data Sheet will be referred to the DA's Office (ADA Griesbach) for review.

I then contacted LORI ELFNER and advised her that I was going to need her to fill out a Statement regarding what ██████ told her. LORI told me she would do so even though ██████ requested her not to. I was not able to get to LORI to give her a Statement form at this time, so I contacted her by phone about the incident to have her give me a Statement over the phone.

LORI stated, on Tuesday (01/12/99), ██████ came into work at approximately 0615 hours. LORI stated ██████ was 15 minutes late as she was supposed to have been there at 0600 hours to start. According to LORI, she described ██████ as being a "basket case" that morning. LORI stated ██████ looked terrible, and her voice was very scratchy. LORI stated she asked ██████ what the problem was, and ██████ stated her throat hurt really bad. ██████ also stated to LORI that it was a really bad night last night and as she stated this, ██████ began to become teary-eyed.

LORI started questioning ██████ about what happened. ██████ continued with what happened. ██████ apparently pulled her turtleneck down, and LORI saw a very noticeable red mark on the right side of her neck. LORI described it as running from approximately her throat and back past the earlobe. LORI stated ██████ went on and stated that CHARLES tried to strangle her with a phone cord last night. LORI stated she asked ██████ to repeat what she said. ██████ then stated, "He raped me and tried to strangle me with a phone cord last night." LORI stated ██████ then told her about the incident. She stated ██████ had been in bed and at approximately 0045-0050 hours on 01/12/99, CHARLES came to bed. ██████ told LORI that CHARLES was very verbally abusive and made several suggestions that he wanted to have sex; however, ██████ told CHARLES she did not want to. LORI stated ██████ said to CHARLES numerous times she did not want to have sex with him.

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LORI told me, Deputy Jost, that [REDACTED] told her CHARLES got on top of her back, placing his knees in her back and pulled her arms behind her. [REDACTED] told LORI she was screaming for her son, COREY, to help. At this point, CHARLES pushed [REDACTED] head down. [REDACTED] told LORI she was also struggling during this time. CHARLES, after pushing her head down, stated something to the effect, "If you scream him for him one more time, he'll be lying here dead next to you." [REDACTED] stated he said something to this effect about [REDACTED] would be lying there dead next to her.

LORI continued by stating [REDACTED] told her CHARLES then grabbed the phone cord, put it around her neck, and started to choke her. [REDACTED] told LORI the section of phone cord he used would have been the section that runs from the main section of the phone to the receiver. CHARLES then placed the phone cord around her neck and again started to choke her, stating to her that this would not be so bad if she would stop struggling. [REDACTED] told LORI, as he had the phone cord around her neck, he also stated, "You're making me do this. It's your fault." She then also told LORI, right before she was going to black out, as she was seeing stars or spots, she stopped struggling to let him finish what he was doing so that he would not kill her. According to LORI, [REDACTED] told her CHARLES pulled out before climax so as not to leave any evidence so she could not get a sexual assault kit.

[REDACTED] then told LORI they went out in the kitchen as this is what CHARLES told her to do. He told [REDACTED] to sit down on the chair in the kitchen. They sat there until approximately 0500 hours. At this point, CHARLES told [REDACTED] to go over by his mother and father's house to take a shower and get ready for work and that she had 25 minutes to do this. According to [REDACTED], she told LORI she went and got ready for work and came back and again sat in the kitchen until approximately 0550 hours at which time he left her leave for work.

LORI assured me this is everything [REDACTED] told her. LORI stated she was very concerned for DONNA'S safety based on this information.

01/14/99: Based on all the information I had from LORI, I contacted [REDACTED] again to speak with her one more time to see if she would be willing to add any information to her Statement. It should be noted CHARLES apparently called and talked to [REDACTED] on Wednesday (01/13/99) and apologized for anything he had done. He also talked with to her. [REDACTED] talked to [REDACTED]; and apparently, [REDACTED] stated he was not coming home because of what she was doing to the family. After CHARLES talked to [REDACTED] she was not willing to give me any more information about this incident and what happened.

In talking to [REDACTED] on today's date, I asked her a couple more questions, specifically about any evidence that might be left at the scene. I asked her if CHARLES said anything while he was having sex with her. She stated, basically, he was just saying, "Shut up." I asked her if she had yelled for [REDACTED]. She stated she did yell for [REDACTED], but it must not have been loud enough. I asked her whether or not she was wearing any clothing to bed. She told me yes, she always does. She informed me she was wearing some type of a nightgown. I also questioned her if she was wearing any underclothing. She told me she was wearing underwear. I asked her if any of these clothing items had been ripped or torn during the assault. She told me both her underwear and gown had been torn. I informed her

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FOLLOW-UP REPORT**

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INCIDENT: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

**REPORT CONTINUED:**

I (Deputy Jost) would like her to place these items in a bag and take them into evidence; however, she told me she was so upset about what happened, she tossed the gown and underwear in the wood stove. I asked [redacted] if she knew if CHARLES had reached climax and ejaculated. She told me he did; however, she had apparently washed all the clothing and bedding in the bedroom. I asked [redacted] if it occurred on the floor and if there might be a chance there might be any semen samples on the floor in the bedroom. She told me probably not as this is a well-traveled area and that she has also vacuumed in the room.

It was apparent to me at this time that [redacted] was not going to volunteer any more information, and she told me again that she just wanted to let the incident go, and she did not wish to add any more to her Statement. I advised her to be very careful when CHARLES returns home as it is unknown what he might do, especially now that he found out [redacted] has been seeing another man during this time.

It should be noted, on Tuesday evening, I contacted the DVC and informed them about this incident. I talked to worker #110 that evening and informed her of all the information. She told me I could recontact them when CHARLES was arrested.

01/14/99 @ 1515 Hrs.: I made contact with worker #126 at the DVC. They were again notified of the information as well as the fact that CHARLES was now in custody.

At this time, I do not believe I have any further information to add other than I, when time permits, will be getting a Statement form to LORI to have her complete. This report should be labeled "CONFIDENTIAL" due to the content of [redacted] information. A copy of this report should be sent to HSD reference [redacted] information. Again, a copy should also be sent to ADA Mike Griesbach for review of the incident and paperwork.  
JMJost *[Signature]* /bjc

01/15/99: Sent a copy of this incident report to HSD per Deputy Jost. BJChristianson *[Signature]*  
DAI

01/15/99 @ 1230 Hrs.: I, Deputy Jost, made contact again with CHARLES AVERY in one of the Interview Rooms in MTSO Jail. I explained to CHARLES the information I had received from the anonymous complainant and from his wife. I informed him that I wished to ask him some further questions about the incident. At this time, I advised CHARLES his Miranda warning and waiver still applied. I asked him if he understood or if he wanted me to read everything to him again. I briefly told CHARLES he could stop any questioning while I was asking questions and that anything he said could be used against him in court and that he could contact an attorney if he wanted one. CHARLES told me he did not want me to read it to him again, that he understood everything I read to him the day prior.

I asked CHARLES if he remembered anything about what happened now that he had a day to think about it. CHARLES told me he still did not remember anything. Today, he stated it was possible, due to the fact they were having sewer and gas problems at the house, gas may have caused him to not remember anything. I asked him if he had the problem fixed. He told me the LP gas apparently was not fixed completely, but the sewer problem was fixed. I advised him if [redacted] knew of the problem with the LP gas, and he told me he thought so;

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SHERIFF DANIEL L. HARTWIG

**JUVENILE INFO REDACTED**

DAZ

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however, he was not sure.

I, Deputy Jost, later contacted [REDACTED] by phone and informed her of what CHARLES told me about the LP gas problem. She told me she did not think there was any problem as she did not smell any type of gas around the trailer area. I told her, if she wished, it might be a good idea to contact WI FUEL & LIGHT CO. to have them come and check. She told me she did not know if she was going to do this as she did not think there was a problem.

In continuing conversation with CHARLES, I informed him, based on the information I had at this time, I was going to be forwarding charges of 2nd Degree Sexual Assault over to the DA's Office. I informed him, if there was any information he could give me regarding what happened that night, it would be beneficial to him so that I would have his version of what happened and not just a one-sided complaint. CHARLES told me he still did not remember anything. CHARLES told me he does not remember having sex, does not remember throwing [REDACTED] out of bed, and does not remember crawling back into bed. CHARLES told me he has never done anything like this before and does not believe this happened.

At this point and time, again, please mark this section of the report "CONFIDENTIAL." Please forward this entire report over to the DA's Office for review. JM Jost [Signature] /bjc [Signature] OAZ

01/22/99: LORI ELFNER dropped off her Statements regarding the incident with TRPD. I dropped the Statement forms off at her residence and she continued her Statement on 2 pieces of notebook paper which were initialed on page 3 and signed on page 4 of the Statement reference this incident. The contents of LORI'S Statement were already indicated on this report above.

01/27/99: I, Deputy Jost, made phone contact with [REDACTED] at her place of employment reference some incidents which have been taking place since CHARLES AVERY has been let out of Jail. [REDACTED] told me she wished to fill out the rest of the information regarding the sexual assault on a Statement form, stating she now realizes hiding the information is not going to help her. [REDACTED] told me she is very concerned for her and her children's welfare, and this is why she wants to continue or finish the Statement.

[REDACTED] indicated in the additional Statement that on the night CHARLES raped her, he wrapped a phone cord around her neck and said if she did not "shut up," he would end it all. [REDACTED] indicated she was calling for her son to come and help her. CHARLES told her if she did not "shut up," her son would be lying next to her on the floor. [REDACTED] indicated she then was quiet and did not struggle any longer. [REDACTED] stated he let go of the phone cord and apparently went to bed. [REDACTED] stated, after CHARLES crawled back into bed, she went into the kitchen to get away from him. She stated, about 15 minutes later, he came in to the living room and made her sit at the table until it was time for her to go to work. DONNA indicated, at the end of the Statement, the reason she did not fill this Statement out before was because she believed CHARLES would have hurt her more, and she was afraid for her and her children.

Please forward a copy of LORI'S Statement along with [REDACTED] Statement to ADA Griesbach for

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his review as he is currently working on this case. JMJost

/bjc

DA3

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