

STATE OF WISCONSIN

CIRCUIT COURT

LA CROSSE COUNTY

STATE OF WISCONSIN,

CRIMINAL COMPLAINT

Plaintiff

vs.

Joseph D Cavanaugh, DOB: [REDACTED]
[REDACTED]
La Crosse, WI 54601

\$100,000.00

CASE NO. 02CF246
La Crosse County, Wis.

FILE

APR 05 2002

Defendant.

PAMELA RAJ

SEX: Male RACE: W HT: 5'9 WT: 200 HAIR: Bro EYES: Blu

CLERK OF COURT

OFFICER ANDREW GAVRILOS, CITY OF LA CROSSE POLICE DEPARTMENT
being first duly sworn on oath says that on information and belief:

COUNT I: KIDNAPPING: On April 4, 2002 at [REDACTED] City and County of La Crosse, Wisconsin, the defendant did, by force and threat of imminent force confine another without consent and with intent to cause her to be held to service against her will contrary to Wis. Stat. Sec. 940.31(1)(b), a Class "B" Felony, punishable by imprisonment for a term not to exceed 60 years;

COUNT II: BURGLARY: On April 4, 2002 at [REDACTED] City and County of La Crosse, Wisconsin, the defendant did, intentionally enter the dwelling of another without the consent of the person in lawful possession and with intent to commit a felony, to wit: sexual assault, and while in the burglarized enclosure did commit a battery upon a person lawfully therein, contrary to Wis. Stat. Sec. 943.10(1)(a)(2)(d), a Class "B" Felony, punishable by imprisonment for a term not to exceed 60 years;

COUNT III: SECOND DEGREE SEXUAL ASSAULT: On April 4, 2002 at [REDACTED] City and County of La Crosse, Wisconsin, the defendant did, intentionally have sexual intercourse, to wit: vaginal intercourse with another person without consent and by use and threat of force and violence, contrary to Wis. Stat. Sec. 940.225(2)(a), a Class "BC" Felony, punishable by a fine not to exceed \$10,000 or imprisonment for not more than 30 years, or both;

COUNT IV: SECOND DEGREE SEXUAL ASSAULT: On April 4, 2002 at [REDACTED] City and County of La Crosse, Wisconsin, the defendant did, intentionally have sexual intercourse, to wit: fellatio, with another person without consent and by use and threat of force and violence, contrary to Wis. Stat. Sec. 940.225(2)(a), a Class "BC" Felony, punishable by a fine not to exceed \$10,000 or imprisonment for not more than 30 years, or both;

COUNT V: SECOND DEGREE SEXUAL ASSAULT: On April 4, 2002 at [REDACTED] City and County of La Crosse, Wisconsin, the defendant did, intentionally have sexual

intercourse, to wit: anal intercourse, with another person without consent and by use and threat of force and violence, contrary to Wis. Stat. Sec. 940.225(2)(a), a Class "BC" Felony, punishable by a fine not to exceed \$10,000 or imprisonment for not more than 30 years, or both;

COUNT VI: ROBBERY: On April 4, 2002 at [REDACTED], City and County of La Crosse, Wisconsin, the defendant did, with intent to steal, take property from the presence of the owner by use and force against the person of the owner with intent to overcome physical resistance to the taking and carrying away of the property, contrary to Wis. Stat. Sec. 943.32(1)(a), a Class "C" Felony, punishable by a fine not to exceed \$10,000 or imprisonment for not more than 15 years, or both;

COUNT VII: FLEEING AN OFFICER: On April 4, 2002 commencing at [REDACTED] and continuing to the [REDACTED], City and County of La Crosse, Wisconsin, the defendant did, being the operator of a vehicle, after having received a visual or audible signal from a marked police vehicle, did knowingly flee by willful and wanted disregard of said signal so as to interfere and endanger the operation of the police vehicle and other vehicles or pedestrians and did increase the speed of the operator's vehicle in an attempt to flee, contrary to Wis. Stat. Sec. 346.04(3), a Felony, punishable by a fine of not less than \$600 nor more than \$10,000 and imprisonment for not more than three years, or both;

and prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is:

Officer Holinka, La Crosse Police Department, states in an official report that on April 4, 2002, at approximately 1:03 p.m. he was dispatched to [REDACTED], City and County of La Crosse, Wisconsin. He spoke with J.R., an adult female. J.R. was wearing a red robe and was subsequently interviewed by Holinka. She stated that she and Joseph Cavanaugh had been going out since September, 2001. On the evening of April 3 they got into an argument and terminated their relationship. Cavanaugh had accused her of having another boyfriend. On the morning of April 4 at approximately 7:15 a.m., Cavanaugh entered the residence uninvited through the garage door. He knew the number to the keyless entry. She told him to leave and he refused. They got into an argument and J.R. told him she had to take her children to school. Cavanaugh left and she took her children to school. When she arrived home at approximately 7:30 a.m. she disarmed the keyless entry for security reasons. At approximately 7:35 a.m. she saw Cavanaugh returning to the residence. He was carrying some of her property and, moments later, he was in her residence. He apparently entered by using a key he had for a small garage door.

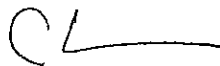
She indicates that again they got into an argument about the break up and Cavanaugh grabbed her by both arms and pushed her into the bedroom. He said if they were going to break up they were going to make love one more time. J.R. said no and reports that during the next several hours she was tied up on the bed and raped several times. The ordeal took place over approximately a 5 1/2 hour time frame during which she was raped vaginally, anally and orally. He also placed his fist in her vagina. She states that Cavanaugh choked her to the point of passing out and she stated Cavanaugh placed his hand over her mouth/nose. She had to peel his

finger away in order to breath and complained of neck pain. [REDACTED] reports the left side of her face and upper lip were swollen. J.R. indicated she had been struck by Cavanaugh to the rear of her left ear and [REDACTED] observed a large lump.

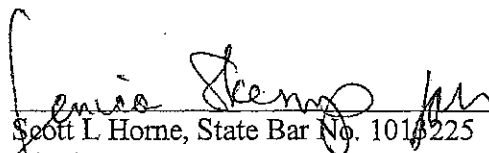
She indicates during the attack she was bitten on both nipples which caused pain. Cavanaugh made threats to kill her and her children. Prior to leaving, Cavanaugh stated he had to leave town and needed money. He started to look for her wallet/purse. He could not locate it and J.R. would not tell him its location. Finally he located \$160 in cash that was in a teapot in the living room cabinet. He took the three \$20 bills and one \$100 bill.

Officer Smith, La Crosse Police Department, states in an official report that he and Officer Rank were asked to attempt contact with Joseph Cavanaugh at his residence at [REDACTED] La Crosse. This was in regards to the sexual assault allegation and they were advised that Cavanaugh had a red Mustang. Upon arrival, Officer Rank located a red Mustang to the rear of the apartment building. Officer Rank subsequently observed Cavanaugh in the red Mustang and reported that Cavanaugh ran from him. Rank said he was southbound on 32nd Street. Officer Smith got into his squad and gave chase with red and blue lights, wig wags and siren activated. He observed Cavanaugh turn left from 32nd to Ward Avenue and failed to stop for the stop sign. He then turned off of Ward Avenue onto 33rd Street and drove southbound on 33rd at a high rate of speed. He observed the vehicle traveling at a high rate of speed through the Serpentine Road in front of the apartments of 3000 South 33rd Street. He estimated the speed of Cavanaugh's vehicle at 60-70 mph from Ward Avenue to the 3000 block of South 33rd Street. This is a residential/apartment area. He observed the vehicle turn eastbound off of 33rd Street onto Meadow Lane and then turn northbound onto 34th Street into the apartment cul-de-sac. The driver stopped the vehicle and fled on foot eastbound through a yard. Officer Smith jumped the curb and cut in front of the suspect and gave chase. He drew his firearm and shouted, "stop police" several times. The suspect looked back several times and, as Smith closed the distance, he again told the suspect to stop. He was finally apprehended in the cul-de-sac at 3170 South 35th Street. A pocket/folding knife was recovered from the right front pocket and, after being taken to the police department, \$160 in cash - three \$20 bills and one \$100 bill were found in the left front trouser pocket.

Subscribed and sworn to before me and approved
for filing. Dated this 5th day of April, 2002



Officer Andrew Gavrilos, City of La
Crosse Police Department
COMPLAINANT


Scott L. Horne, State Bar No. 1014225
District Attorney
La Crosse County, Wisconsin

STATE OF WISCONSIN,

Plaintiff,

vs.

PRELIMINARY HEARING
QUESTIONNAIRE & WAIVER

Joseph D. Cavanaugh

Defendant.

Case # 02CF 246

I, Joseph D. Cavanaugh, the above-named defendant in this criminal action, wish to waive the preliminary hearing in this case. I declare that:

1. I am 43 years old.
2. I have completed the 16 ^{YES} grade in school.
3. I have ~~never~~ been committed to a mental institution as mentally ill or incompetent. in 1984.
Not currently taking any psychotropic meds.
4. I understand that at a preliminary hearing, the State would produce witnesses and perhaps other evidence to show that I probably committed a felony or felonies.
5. I understand that by waiving the preliminary hearing, I am conceding that the State can establish probable cause, and that I will be bound over for trial.
6. I understand that by waiving the preliminary hearing, I am not giving up my trial.
7. After carefully discussing this with my attorney, I wish to waive my preliminary hearing.
8. No one has made any threats against me to get me to give up this hearing.
9. No one has made any promises to me to get me to give up this hearing.
10. I have discussed this case and all the matters mentioned in this questionnaire with my attorney, Michael J. Colgan, and I am satisfied with the representation I have received from my attorney.
11. I have read (or have had read to me) this entire questionnaire and I understand its contents.

La Crosse County Wis.
FILED

APR 15 2002

PAYE R. PATRICK
CLERK OF COURTS

Dated at La Crosse, Wisconsin this 15 day of April 2002

Joseph D. Cavanaugh, Jr.
Defendant

Witnessed by Attorney:
Michael J. Colgan

00 1140
02-17025

Required No Yes 1 Date: _____ C974954-1
PLACE: CIRCUIT MUNICIPAL Time: _____ am pm See back for court/pooint information

4 For Court Use Only
2 DEPOSIT BAIL 3 ESTIMATED Points for This Citation
CASH CARD
\$ FELONY 6

Defendant
5 Non-Individual Name (Last, First, MI) **CAVANAUGH, JOSEPH D.**
6 Street Address [REDACTED] Post Office **LACROSSE, WI. 54601** State Zip
7 Driver License Number/Identification Card Number (DL#ID #) [REDACTED] State Exp. Yr. 8 Haz/Met No. 9 US DOT No.
13 Birth Date [REDACTED] 14 Sex **M** Race **W** HT **5'9"** WT **180** Hair **BRN** Eyes **BLU** 15 Holds CDL 16 Operating as Class Yes No A B C D M O F H N P S T
19 Vehicle/ License Plate or VIN [REDACTED] 20 Plate Type **WI** State **WI** Exp. Yr. **09** 23 Vehicle Year Make Type Color **98 FORD MUST RED** 24 Waker FAR FIR REC
11 State of WI 12 County **LACROSSE** 13 City **LACROSSE** 14 Village 15 Town 27 Defendant Violated Ord. No. 28 Adopting State Statute No. **316.04(3)**

25 Plaintiff **LACROSSE** 29 Description of Violation **KNOWINGLY FLEE AN OFFICER** 30 Overweight 31 Actual Legal Over 32 Violation Zone: CONST. RAILROAD SCHOOL UTILITY
34 Week Day **THURS** 35 Month - Day - Year **4-4-02** 36 Time **1:03 PM** 37 County Name **LACROSSE** 38 CVT Code **34**
39 On Hwy **32ND ST.** 40 Estimated Ft W N E S 41 From/At Hwy **2500 BLK** Street Name

43 Print Officer Name **J.D. JAKE SMITH** 44 Dept **L.C.P.D.** 45 Officer ID No. **2100** 46 Date Citation Served **4-4-02** 47 Accident Doc. No.
Wisconsin Uniform Citation MV4016 2/2001 (1) s.345.11, Wis. Stats. 49 Passenger Under 18: YES Method By MAIL SEVERITY **PERSON** FATAL PI PD

43 Print Officer Name **J.D. JAKE SMITH**
Wisconsin Uniform Citation MV4016 2/2001 (1) s.345.11, Wis. Stats.