

**Committee Name:**  
**Senate Committee –**  
**Judiciary, Corrections and Privacy**  
**(SC–JCP)**

**Appointments**

03hr\_SC–JCP\_Appt\_pt00

**Committee Hearings**

03hr\_SC–JCP\_CH\_pt00

**Committee Reports**

03hr\_SC–JCP\_CR\_pt00

**Clearinghouse Rules**

03hr\_SC–JCP\_CRule\_03–

**Executive Sessions**

03hr\_SC–JCP\_ES\_pt00

# Hearing Records

## 03hr\_ab0738

03hr\_sb0000

**Misc.**

03hr\_SC–JCP\_Misc\_pt00

**Record of Committee Proceedings**

03hr\_SC–JCP\_RCP\_pt00

1/14/04

Chris and Sherry Hardie  
West Salem, Wisconsin

Please accept this letter as testimony concerning AB 738. We are unable to testify in person today, but would like the committee to consider our views.

We support this bill because it finally closes a loophole in the current stalking law. Under that law, it is perfectly legal in Wisconsin to stalk someone – providing that the victim remains unaware they are being pursued. A law that protects a criminal and does not protect a victim has a serious flaw. The current law states that stalking can only be pursued as a charge if the victim was aware they were being stalked and that knowledge of being stalked caused them to fear for their safety. It is impossible to fear for one's safety without the knowledge that you are in danger, which puts them in even greater jeopardy of bodily harm.

The behavior and actions of the perpetrator – regardless of whether the victim is aware they are being pursued – should be punishable as stalking.

Two years ago, a 25-year-old man -- who had attempted to befriend her with lies, manipulation and flattery -- stalked our 16-year-old daughter. We told her to have no further contact with the man once we found out who he was and discovered he had a criminal record. This is apparently when the stalking began – unknown to our daughter or to us.

Several months later, an observant police officer patrolling our neighborhood caught the stalker with a video camera, trying to film through our windows.

A videotape showed the man had been following our daughter for several months. He had filmed our daughter and her boyfriend while on a date, tried to film through a bathroom window at our house and particularly disturbing, he was waiting in the dark at midnight filming our daughter leaving work and walking to her car.

We feel there is a strong possibility some harm could have come to our daughter had not the officer caught him when he did. But because our daughter did not know she was being stalked, the man was not charged with stalking and pleaded only to disorderly conduct, a misdemeanor.

Our daughter's stalker comes off two years probation at the end of February. We have no way of keeping tabs on his whereabouts after that. We pray that he does not decide to resume what he once began.

In closing, consider the illogical nature of the stalking law. If knowledge would be a requirement for illegal acts, it would not be illegal for someone to secretly embezzle money from an employer unless the employer knew about it. The employee could be caught red-handed by police, but could walk away because the employer had no knowledge. It makes no sense.

Please consider passage of this bill. Don't continue to let it be legal for unaware victims to be stalked.

My name is Carla Beyerl. I have a story that spans 33 years and is still continuing. I would prefer to address you in person, but my work schedule will not allow. I appreciate the chance to tell you a portion of my story.

Over ten years ago, a dozen roses were left at my parent's house anonymously. The card attached had a poem in it I wrote for my senior annual. There were more anonymous gifts for various holidays, many hang up phone calls, a turquoise car following me, the same car sitting across from my house, and even being followed at my Mother's house. The neighbors were concerned for their daughter's safety, since the man in the turquoise car never identified himself. The police became involved and arrested him the first time in June of 2001. That was first time I realized the stalker was a man I dated once in high school; 30 years earlier. He had kept his identity a mystery, which made me more afraid. He had been going through my garbage collecting envelopes with family member's addresses, my jury duty notice, and even my hair. He admitted to the police that he was watching me and went through my garbage to get my new unlisted phone number. Since the stalking laws are hard to prove, the DA offered to let him sign an agreement to leave me alone. That did not stop him! He once again was caught following me home from work and by my mother's house. He was arrested again in August 2003. A jury did find him guilty of stalking and is currently out on bail until the sentencing hearing on March 29<sup>th</sup>.

I know I am one of the lucky ones. He was arrested prior to him hurting me physically, but for years he has had an effect on my life. I carry pepper spray in my purse, try not to leave the house after dark, find myself watching for cars like his, have gotten counseling, and avoid dates with other men to keep them from becoming involved in the situation. The fact that he kept his identity a secret made me more afraid since I did not know his intentions. I keep telling my friends that I just want a normal life. Something that many people take for granted.

The stalking law as written is hard to prove. After opening arguments for the trial, the DA said he did not think we could win. That he was going to offer a plea bargain, but the defense attorney did not accept. Even with his admission on many acts, the neighbors testifying, a friend testifying to seeing him, and my descriptions of incidences over the years, the DA did not think we could win.

I encourage you to vote in favor of changing the law to allow dangerous stalkers to be arrested before others are injured. My life has already been disrupted, but I hope my stories can convenience you to help others. Hopefully some good can come out of this terrible experience.

Thank you for your time and I hope you support the woman on the state.  
Carla M. Beyerl  
Victim

why not  
agree?

**Vote Record**  
**Committee on Judiciary, Corrections and Privacy**

Date: 2-10-4

Moved by: Stepp

Seconded by: Coggs

AB 738 SB \_\_\_\_\_ Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_ SJR \_\_\_\_\_ Appointment \_\_\_\_\_  
 AR \_\_\_\_\_ SR \_\_\_\_\_ Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

- Be recommended for:
- Passage       Adoption       Confirmation       Concurrence       Indefinite Postponement
  - Introduction       Rejection       Tabling       Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator David Zien, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Scott Fitzgerald</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Cathy Stepp</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Tim Carpenter</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator G. Spencer Coggs</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Totals:**      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

STATE OF WISCONSIN

**CRIMINAL COMPLAINT**

Plaintiff,

-vs-

DA Case #: 2002KN006536

Paul A. Seidler  
 Homeless  
 Kenosha, WI  
 DOB: 05/03/1960  
 Sex/Race: M/W  
 Eye Color: Blue  
 Hair Color: Brown  
 Height: 5 ft 10 in  
 Weight: 245 lbs  
 Alias:

**FILED**

DEC 30 2002

GAIL GENTZ  
 CLERK OF CIRCUIT COURT

kpd02167744

File No.

02CF1446  
S. MICHAEL WILK

Hon.

Circuit Judge Branch 7

Defendant,

Thomas Blaziewske, being first duly sworn, states that:

**Count 1: STALKING**

The above-named defendant on or about and between October 25, 2002 and December 26, 2002 in the City of Kenosha, Kenosha County, Wisconsin, did intentionally engage in a course of conduct directed at a specific person to wit: Connie R. Adams that causes that person to fear and that would cause a reasonable person to fear bodily injury or death to herself and where the actor knows or reasonably should know that the conduct placed the person in reasonable fear of bodily injury or death to herself, contrary to sec. 940.32(2), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

**Count 2: BURGLARY OF A BUILDING OR DWELLING**

The above-named defendant on or about December 1 2002, in the City of Kenosha, Kenosha County, Wisconsin, did intentionally enter a dwelling, an apartment belonging to Connie R. Adams, without the consent of the person in lawful possession of the place, and with intent to steal, contrary to sec. 943.10(1)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than fifteen (15) years, or both.

**Count 3: SECOND DEGREE RECKLESS ENDANGERMENT**

The above-named defendant on or about December 13, 2002, in the City of Kenosha, Kenosha County, Wisconsin, did recklessly endanger the safety of Connie R. Adams, contrary to sec. 941.30(2), 939.50(3)(e) Wis. Stats., a Class E Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than five (5) years, or both.

**Count 4: DISORDERLY CONDUCT**

The above-named defendant on or about December 10, 2002, in the City of Kenosha, Kenosha County, Wisconsin, while in a public place, did engage in violent, abusive, profane, boisterous and or otherwise disorderly conduct, under circumstances in which such conduct tended to cause a disturbance, contrary to sec. 947.01, 939.51(3)(b) 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.

#### PROBABLE CAUSE:

On December 26, 2002 Officers Hansche and Rivera of the Kenosha Police Department were dispatched to the residence located at 4042 Washington Rd. in reference to a suspicious subject sitting in his vehicle. Connie Adams, the complainant met the officers and explained that the defendant Paul A. Seidler was her ex-boyfriend and had been following her and harassing her since she made him move out of her apartment on October 25, 2002. Connie Adams gave a statement to officer Hansche detailing the past two months of stalking behavior by the defendant. Connie stated that she had a three year relationship with the defendant which ended in October of 2002. She said the defendant is a very jealous and possessive and controlling. In the past when she has had the defendant move out, Connie said she allowed him back in because he would make threats against her family and she did not want them to be hurt. As soon as the defendant moved out of her apartment on October 25, 2002, he began following Connie to work, after work, leaving her notes, phoning her at least a dozen times a day, and sending her numerous emails (over 100 ). During the past two months the defendant has been waiting for Connie outside her home and car almost every day, would leave notes on her vehicle and her apartment door, even though her building is security locked. The defendant has been constantly following Connie around in his vehicle while she was doing errands, going to work, etc. There were several times when she would pull up at an intersection and the defendant would get out of his truck and pound on her vehicle window, yelling for her to pull over to talk to him. This type of activity has been occurring daily since the defendant moved out.

One day in November, the defendant followed Connie as she was trying to meet a date. She could not "lose him" so cancelled her date rather than face problems with the defendant. The next morning, the defendant was standing outside Connies car telling her that "the car looked nice but that she wasn't going anywhere in it" as she had a flat tire. On December 1, 2002 Connie returned to her apartment at the above address in Kenosha and found the defendant in her apartment rummaging through pockets in her coat. The defendant, who had no legal right to be in the apartment, said he was looking for a belt. Connie told him to leave and the defendant then followed Connie outside and prevented her from closing her car door as she was trying to leave. The defendant was yelling and screaming at Connie. Connies' 4 year old niece was in the car at the time and was so scared by the defendant that she wet her pants.

On December 10<sup>th</sup>, 2002 the defendant followed Connie to Quik Trip at 39<sup>th</sup> ave and Washington Rd in Kenosha. There he blocked her car in with his car so she couldn't move the vehicle. He "created a big scene" and would not let her leave until she agreed to help him install software on his computer. The defendant told Connie that day that "he knows where I go and what I do and that he was always around."

On December 12, 2002 Connie states that she was at Peg and Lou's Junction Inn in Racine on a date. The defendant entered the bar, having followed her there. The defendant began confronting Connie about dating someone else. The argument continued outside and the defendant pulled his fist back as if to hit Connie. The defendant stated that it hurt him to see her with someone else and that "it wasn't over yet." He also said that he was going to kill Connie and then himself. The police arrived and made the defendant leave.

The next day, on December 13, 2002, Connie states that she was driving on Hwy 31 between Washington Road and 52<sup>nd</sup> st. when the defendant tried to run her off the road. He pulled up next to Connie's vehicle and was swerving his vehicle toward her vehicle. The defendant called Connie on the phone later and told her that he was parked outside her date's home the entire night.

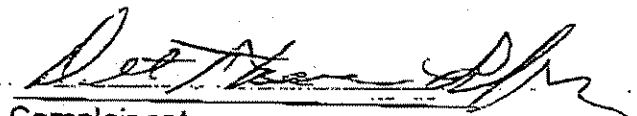
Connie stated that she could not understand how the defendant always knew where she was in her vehicle at all times. She did find a program in the defendant's laptop that was a program for a tracking device. It was entitled Smart Track. Officer Hansche opened the hood of Connie's vehicle and found a small black box that was mounted in the area between the radiator and the grill of the vehicle. He recognized the box as being pictured in the Smart Track literature. When the defendant was arrested outside Connie's apartment, his truck was searched. Inside the truck were a Nokia cell phone and two notebooks. One of the notebooks contained email accounts that appeared to belong to Connie Adams. There were also passwords for the accounts so once could gain access to the account information. There were phone numbers with the title "hidden camera" and "wireless" written after them. Also in the truck was a piece of paper with all of the identifying information for Connie's date who the defendant confronted in Racine.

Connie Adams states that she did not consent to the defendant following her, inducing fear in her through the defendant's voice, and actions on a repeated basis, no did she consent to the defendant entering her home or vehicle.

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 30 day of Dec, 2002

  
Complainant

  
Assistant District Attorney

I find that probable cause (exists) (~~does not exist~~) that the crime was committed by the defendant in order that he be (held to answer thereto) (~~released forthwith~~).

Date: Dec 30, 2002



  
(Judge) (Court Commissioner)

(CC072297.FRM)  
RJK/wns

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

CRIMINAL COMPLAINT

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STATE OF WISCONSIN, PLAINTIFF

VS.

90069400

**MICHAEL A SVEUM**

**DOB: 08/04/1967**

**Sex/Race:** M/W

**Height/Weight:** 5'09/130

**Hair/Eyes:** BRO/BRO

6685 HWY K

BLUE MOUNDS, WI 53517

**OFFENSE(S):** Stalking - Previous Conviction; Party to a Crime

**STATUTE(S):** 940.32(3)(B); 939.05

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93126924

**RENEE M SVEUM**

**DOB: 07/12/1978**

**Sex/Race:** F/W

**Height/Weight:** 5'4/ 110

**Hair/Eyes:** BRO/BRO

2426 VALLEY ST

CROSS PLAINS, WI 53528

**OFFENSE(S):** Stalking - Previous Conviction; Party to a Crime

**STATUTE(S):** 940.32(3)(B); 939.05

**DEFENDANTS**

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**AGENCY & CASE NO:** MAPD/03-32994

**Court Case No:** 2003CF\_\_\_\_\_

**DA CASE NO:** 03DA010268 (MICHAEL)

03DA010269 (RENEE)

**COMPLAINING WITNESS**  
**Detective Mary Ricksecker**

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## COUNT 1

**THE ABOVE-NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE-NAMED DEFENDANTS IN DANE COUNTY, WISCONSIN DID, on or about from September 22, 1999 until May 27, 2003, at the CITY OF MADISON, intentionally, as parties to the crime, engaged in a course of conduct directed at a specific person, Jamie Johnson, that would cause a reasonable person under the same circumstances to fear bodily injury or death to herself, and the defendant intended that at least one of the acts that constitute the course of conduct will place Jamie Johnson in reasonable fear of bodily injury or death to herself and the defendant's acts induced fear in Jamie Johnson of bodily injury or death to her; and the defendant MICHAEL SVEUM has a previous conviction under this section for stalking within the previous seven (7) years, and that the victim of the previous conviction for stalking was Jamie Johnson contrary to Sections 940.32(3)(b) and 939.05 of the Wisconsin Statutes; a Class F felony; and upon conviction may be fined not more than \$25,000 or imprisoned not more than twelve (12) years and six (6) months, or both.**

**FACTS:** Your complainant has reviewed records made and kept in the regular course of the business of the Dane County Circuit Court in Dane County Circuit Court Case No. 96-CF-891, State of Wisconsin v. Michael A. Sveum, DOB: 08/04/1967, the defendant Michael Sveum herein, wherein he was charged on May 7, 1996 with Felony Stalking, contrary to Section 940.32(2), (2m) of the Wisconsin Statutes, as a habitual criminal. That case went to trial on October 8 and 9, 1996, and on October 9, 1996, the defendant Michael Sveum was convicted of Stalking, contrary to Section 940.32(2), (2m) of the Wisconsin Statutes. On October 8, 1996, Jamie Johnson, the victim herein, testified in the case against the defendant Michael Sveum, while the defendant was present in court, that she came home in the early morning hours of October 16, 1994 and saw the defendant, Michael A. Sveum, her former boyfriend, at the front door of her home after hearing the buzzer ring. Approximately 15 minutes later, after not responding to the door, she received a call and let her answering machine pick it up. Michael Sveum left a message on her answering machine: "He said if I didn't pick up the phone and talk to him I would be sorry." Later on in that same testimony, Jamie Johnson testified, in the presence of the defendant Michael Sveum in open court, that on October 16, 1994, at approximately 11:00 a.m., Michael Sveum confronted her in the front entrance of her apartment building in Madison, Dane County, Wisconsin, grabbed her and took her keys and told her, "he would ruin all of my future relationships. He also said that he would be hiding in the bushes and blow my head off." She was asked whether or not she believed him and feared that someday he might blow her head off, based on what he had said to her, and she said, "Yes. I still remember the look in his eyes."

On November 5, 1996, on Case No. 96-CF-891, the defendant Michael Sveum was sentenced to nine (9) years in the Wisconsin state prison system on charges of Harassment of Jamie Johnson, Violation of an Injunction obtained by Jamie Johnson, and Criminal Damage to Property, all as a repeat offender. He was also given eleven (11) years probation on the stalking conviction for violation of this section. In July of 2002, the defendant was mandatorily released on parole from the Wisconsin state prison system and was released to the community on parole and probation. On March 28, 2003, Madison Police Officer Matthew C. Nordquist reports that he was dispatched to 2709 Post Road, where Jamie L. Johnson was living, in Madison, Dane County, Wisconsin. Jamie stated that she had been receiving annoying telephone calls and that she was aware that the

defendant herein, Michael A. Sveum, her long-time ex-boyfriend, had recently been released from prison after having been convicted of stalking her. She stated to Officer Nordquist that she knew that he had been released in July and had spent 90 days in a halfway house and that subsequently he had been released into the community to his family and had been on electronic monitoring until February 11, 2003. She was also aware that someone claiming to be a long-lost friend of hers named Tiffany, of which there was none, called Johnson's mother claiming to need to get in contact with her or wishing to get in contact with her, at which point Jamie Johnson's mother did give her telephone number to this person claiming to be Tiffany, a female person. On March 20, 2003, at 10:25 a.m., Jamie Johnson received a telephone call at her residence which indicated on her caller ID to be "private," that is, no phone number showed, and when the phone was answered, the caller immediately hung up. This happened again on March 23, 2003 at 12:08 a.m. On March 25, 2003, Jamie walked into the door of her home, and immediately the telephone rang. This was at 3:58 p.m. She stated that at 4:00 p.m. another phone call was placed to her residence. She answered the telephone at that time, and when she answered the phone, the phone was immediately hung up again. She felt like someone was watching her home and knew that she was there, so they called back a second time, waiting for her to pick up the telephone.

Detective Vicki Anderson of the Madison Police Department reports that on Wednesday, May 28, 2003, she assisted other detectives in the execution of a search warrant at 2426 Valley Street, Cross Plains, Wisconsin. Detective Anderson reports that in the basement of 2426 Valley Street in Cross Plains, Wisconsin, was found one white cardboard box identified with the name "Michael Sveum, No. 234540," which your complainant knows to be the defendant's inmate number in the Wisconsin Department of Corrections, containing two greeting cards addressed to Jamie Johnson and a business section from the Wisconsin State Journal from July 10, 2000 depicting a photograph of Jamie Johnson at her new job. Also inside the box was one MG&E business window-style envelope postmarked 10/02/93, containing one color wallet-size photo of Jamie Johnson with "I love you Jamie" written on the back. Also there was 1-1/2 inch by 1-inch black and white high school yearbook photo of Jamie Johnson with four classmates names displayed on the reverse side.

On May 29, 2003, your complainant displayed the two photos of Jamie Johnson to her. She identified the wallet-size photo of her as one that she had probably given Michael sometime during the relationship that they had in the early 1990's, and the writing on the back as hers. She identified the other photograph as one that appeared to be cut out of her high school yearbook, probably taken during her sophomore or junior year. She graduated from Oregon High School in 1991. She stated that her senior photo would have been the same as the wallet-size photo which she had already identified as being one which she probably gave Michael Sveum during their relationship.

During the execution of that search warrant, a sealed envelope from Social Security Administration addressed to Michael A. Sveum at 2426 Valley Street, Cross Plains, Wisconsin, was located on a pillow in the single bed in the southwest corner of the bedroom. The envelope contained a letter dated May 7, 2003. The bedroom contained a multitude of other documents identified as belonging to Michael Sveum including but not limited to the criminal complaint and all subsequently generated documents in Dane County Circuit Court Case No. 96-CF-891, State of Wisconsin v. Michael A. Sveum. Detective Anderson reports that during the execution of the search warrant, which was for the entirety of the home, another bedroom door was opened, which bedroom was identified by other personal items in the room as belonging to the defendant's sister, Renee Sveum,

the defendant herein. In that bedroom was located a red University of Wisconsin Foundation folder containing miscellaneous handwritten and typed papers with names, addresses, newspaper articles, a photo copy of an obituary for James L. Johnson, the father of Jamie Johnson, a sheet listing internet addresses regarding search information and background checks, and a one-page chronological log hand printed on both sides regarding sightings of Jamie Johnson and Troy Kramer (T), the person with whom Jamie was living at 2709 Post Road at the afore-described residence from March 19 through May 22, 2003. This log has been examined by your complainant, who has been involved in investigations of stalking and other crimes committed by the defendant, Michael A. Sveum, since 1995 and finds that the handwriting on this log to be consistent with handwriting of the defendant, a large quantity of which she has reviewed over the past several years. The first entry on the log is "3/19 found her." The next entry on the log is "3/22 car in garage." There are entries for almost every day between March 27 and May 4, 2003 regarding the activities of Jamie Johnson. Your complainant has received from Jamie Johnson a log or journal of her activities, which she has kept since March of 2003 and your complainant finds that the log of Jamie's activities to be consistent with the journal being kept by the defendant of Jamie's activities during that month's time period. In addition, one of the notations for April 7, 2003 indicates, "Still RJY-733."

Records made and kept in the regular course of the business of the Wisconsin Department of Transportation indicate that this license, RJY-733, does in fact belong to Jamie Johnson and was issued to her, and transferred to a new vehicle in 2002, and the fact that the defendant uses the word "still" would indicate that he, on April 7, 2003, was relying on some previously obtained information.

Detective Anderson reports that during the search of the home that she was a part of on May 28, 2003, a large quantity of material identified as belonging to the defendant, including one white business-size envelope addressed to the defendant at Oshkosh Correctional Institution, including one business-size envelope addressed to the defendant at Powers Correctional Center and other items of the defendants were located on a carpeted floor area in the southeast corner of the basement. Amongst the documents here were four handwritten letters on loose-leaf notebook paper addressed to "Mike" dated March 19, 1999, September 22, 1999, March 12, 1999, and July 14, 2000 signed "Renee." In these letters the defendant herein, Renee Sveum, wrote to the defendant herein, Michael Sveum, that she will keep investigating and working on the rest of the stuff that he asked her to do. She wrote him that she found out a few things for him, that someone she knows called the Branch Street Retreat, a place where your complainant is aware that Jamie worked in the past. Renee wrote to Michael that Jamie doesn't work there anymore, which your complainant is aware was accurate. She also wrote to him that Jamie still has the same car.

On September 22, 1999, Renee Sveum writes and indicates an address for "Paul ... 3717 High Road, Middleton, WI 53562. ... I think it's a house. It's past the Northside school on the opposite side of the street. It's light blue with a garage. There is a big fenced area in the back. ... There wasn't any cars there so I'll have to go late night and look. ... I'll go sometime soon and get back to you to let you know what I find out."

Jamie Johnson reported to the Middleton Police Department in February of 2000 that she received a dozen roses on 02/14/2000 and a card. Johnson reports that the flowers were supposedly paid for by her sister Lynn Johnson. She spoke with her sister who stated that she did not purchase the flowers or have them sent to her at her place of business at 8309 Greenway Blvd. in Middleton. On February 8, 2000, Johnson reported to Detective Faga of the Middleton Police Department that she received a card addressed to her at an old address forwarded to her current post office box. The card had a return address on the envelope of Paul Gudel, 3717 High Road, Middleton, Wisconsin 53562. The card had printing inside that stated, "My ex may be a nuisance but she isn't an immature, whining, jealous, baby-killing bitch like you. Now I know why you were single when we met. You can bet if I ever see you with people they will hear all about your past and how big of a bitch you truly are." Detective Faga of the Middleton Police Department reports to your complainant that he spoke with Gudel, who said he did not write or send the card or envelope or flowers to Jamie Johnson. Jamie reported to your complainant that when she was dating Paul Gudel, around 1999 to 2000, he resided at 3717 High Road and it was a house down from a school, blue in color, with a fenced-in back yard.

During the search at 2426 Valley Street, Cross Plains, Wisconsin, Detective Anderson reports that in a room identified as Renee Sveum's room, there were 12 white business-size envelopes addressed to Renee Sveum, 2426 Valley Street, Cross Plains, Wisconsin, from Michael Sveum with his inmate number at the Powers Correctional Institution and also at the Oshkosh Correctional Institution. These were hand-printed letters from Michael Sveum containing newspaper clippings as well as information and directions. Your complainant has viewed those letters, and it appears to be in the same hand-printing that your complainant has seen from the defendant Michael Sveum throughout the years that your complainant has reviewed letters, documents, journals, and calendars kept by Michael Sveum. In the letter of November 11, 2001, the defendant Michael Sveum wrote to the defendant Renee Sveum, "So have you seen her lately or found out any more information? I still believe she's living with Beth again because she had her car for sale last spring in the newspaper and the phone number listed matches Beth's. I'm sure she never expected me to figure that out. Have you figured out what she's driving? Or if she's still working at the same place? .... Have you driven by or called there lately? .... Did you ever go to the Middleton Good Neighbor Festival? See her?"

In the same letter, defendant also wrote to Renee describing how to go about going to the Department of Transportation to obtain a copy of Jamie's driving record and vehicle registration, believing it would have her most current address on it. He said, "Now we'll know her address!"

Michael Sveum also wrote on July 2, 2000 that he had heard that there was a court-ordered wire tape and, "... The police had a picture of you (Renee) at a flower shop purchasing flowers for me to send to Jamie. ... No court would issue such an order even if they knew you bought flowers for me to send to Jamie. Where's the crime?"

On February 17, 2002, the defendant Michael Sveum wrote to defendant Renee Sveum that if she was able to obtain the vehicle identification number of the silver Monte Carlo that Jamie was driving that they could then use that information to find out a current address. He also wrote to her that she would be able to get the vehicle identification number of Jamie's car if she could find the car while Jamie was at work and look inside of it. He wrote her where the VIN number is located in

the vehicle and that she can see it by simply looking through the windshield to the dashboard. On December 21, 2001, Michael Sveum wrote to Renee Sveum reminding her that in his last letter he had asked her if she knew whether Jamie still had the same license plate number -- RJY-733 -- "Let me know." On January 14, 2002, the defendant Michael Sveum wrote to defendant Renee Sveum, "Good work on the car and plate number. You said you saw it at their new job but you didn't say where the job was located. In an earlier letter you said the web site listed a Beltline address. Where exactly is it located? ... Let me know in your next letter. No real hurry on the next letter since you answered almost every question that I asked you in the letter you got from me yesterday."

The records made and kept in the regular course of the business of the Wisconsin Department of Corrections indicate that the defendant was released from prison on mandatory release on July 2, 2002. Subsequent to that, your complainant is aware the defendant began working as an auto mechanic at the Meinke Car Care Center at 414 Commerce in Madison, Dane County, Wisconsin. On March 20, 2003, according to records made and kept in the regular course of the business of the Meinke Car Care Center, the defendant was working on March 19, 2003 until 5:22 p.m. and had March 20, 2003 as a day off.

Further, your complainant has obtained records made and kept in the regular course of business of TDS Metrocom regarding incoming and outgoing numbers to the telephone at the home where Jamie Johnson was residing in March and April of 2003 and learned that the telephone call to Jamie's home on March 20, 2003, at 10:25 a.m., was made from a pay phone at the Raymond Road Madison Public Library. On March 23, 2003, a call Jamie came from a pay phone at 223 Junction Road in Madison outside of Party City, a location your complainant is aware is approximately two city blocks from the Meinke Car Care Center where the defendant is employed. Telephone calls on March 25, 2003 came from a pay phone at American TV on the Beltline, both at 3:58 and at 4:00 p.m.; on April 5, 2003, at 7:27 p.m., a call came from a Speedway Super America pay phone on Fish Hatchery Road; on April 5, 2003, at 7:40 p.m., a call came from Kohl's Food Store on Cahill Road; on April 11, 2003, at 9:15 p.m. and again at 9:28 p.m., calls came from the pay phone outside of Party City at 223 Junction Road; and on April 12, 2003, a call came from Kitts Korner Sports Bar and Grill at 3738 County Rd. P in Cross Plains. Three more calls came on April 25, 2003 and two on April 30, 2003 at 8:51 p.m. and 9:07 p.m. from the phone at 223 Junction Road, Party City, Madison, Dane County, Wisconsin. The defendant's work records show that on April 25 and April 30, 2003, he was on the clock at the Meinke Car Care Center until no later than 6:00 p.m.

Your complainant has reviewed reports of Wisconsin Department of Justice Division of Criminal Investigation Special Agent Gary C. Martine, who reports that on April 23, 2003, he and Agent Edward F. Wall installed a Global Positioning System (GPS) vehicle tracking unit on the 1990 Chevrolet Baretta, Wisconsin registration number 754-ELL, the car belonging to the defendant herein, according to records made and kept in the regular course of the business of the Wisconsin Department of Transportation. The installation was done pursuant to a court order obtained by your complainant and was done for the purposes of tracking by satellite and computer the movement of the defendant's car. Your complainant is aware from talking to Agents Martine and Wall that the GPS device is a device for electronic tracking of criminal activity, which is utilized in the regular habit and practice of the Wisconsin Department of Justice Division of Criminal Investigation and the results therein are regularly relied upon by law enforcement officers throughout the state of Wisconsin. The defendant's vehicle was tracked on April 25, 2003 from Cross Plains, Wisconsin,

the location of the execution of the search warrant previously described, to his work place at Meinke on the west side of Madison. The GPS then tracked the defendant on April 25, 2003, to the West Beltline frontage road to Coventry Trail to Knollwood Way to the vicinity of Irvington Way and the Chicago & Northwestern railroad tracks to Todd Drive between just before 8:15 p.m. til just after 9:08 p.m. From approximately 8:17 p.m. until approximately 9:07 p.m., the defendant was within a half a block, with no roads or other obstructions between him and the home at which Jamie Johnson resided. After 9:08 p.m., the GPS device tracked the defendant's vehicle back on the Beltline to Mineral Point Road to Junction Way to the vicinity of Party City from 9:17 to 9:18, where the above phone records show that at 9:18 p.m. that night a hang-up call was made to the home of Jamie Johnson. In the defendant's log recovered during the search of Renee's room, the entry for April 25, 2003 says, "4/25 not home @ 8:15, T car home. Came home @ 9:00 w/T." As to April 26, 2003, the defendant, on his log recovered during the execution of the search warrant, writes, "4/26 home @ 8:30, T wrecker parked on side street -- nothing til 9:30 new window."

Jamie Johnson reports to your complainant that on April 25, 2003 she came home to her home at about 9:05 p.m. and that it was shortly after that that she received a hang-up phone call. Jamie Johnson further reports to your complainant that on April 26, 2003 she was home and after 6:00 p.m. was outside playing with the dogs and that her home was getting new windows installed on or about during that time. The defendant Michael Sveum's work records show that he logged out of work at 3:09 p.m. on April 26, 2003. The GPS records show the defendant using the Beretta was at Meineke on Commerce Drive from 8:12 p.m. to 8:17 p.m. and went down the Beltline to the vicinity of Todd Drive and arriving in the vicinity of Knollwood Way at 8:28 p.m. and then was literally yards from Jamie's home from 8:28 p.m. until 9:43 p.m. The GPS shows that the defendant was then back at Meineke on Commerce Drive from 9:53 p.m. to 11:48 p.m.

On April 30, 2003 the defendant, according to work records, was at work at Meinke Car Care Center until 5:48 p.m. The defendant's log, located during the execution of the search warrant, indicates, "4/30 not home @ 8:20, No T car. Came home in T's car at 8:30." Jamie Johnson tells your complainant that on April 30, 2003 she returned home at approximately 8:30 p.m.

On May 27, 2003 Michael Sveum was taken into custody by his probation and parole agent, Doug Timmerman. The defendant arrived at Timmerman's office on a motorcycle. Doug Timmerman reports to your complainant that, subsequent to the defendant being taken into custody, he searched the motorcycle, a red Honda Interceptor registered with records made and kept in the regular course of the business of the Wisconsin Department of Transportation to Michael A. Sveum at 2426 Valley Street, Cross Plains. Located therein was a black ski mask with holes for the eyes and a hole for the nose and/or mouth. On May 29, 2003, your complainant searched the defendant's 1990 Beretta registered to him and found therein one pair of Bausch & Lomb binoculars; one blue parka Arctic Circle winter jacket; one pair of gloves, brown camouflage; and one dark blue ski mask with red trim and a circular hole for the eyes and nose located in the pocket of the Arctic Circle winter coat. Your complainant also found two flashlights, a Wisconsin phone report, and a map of Madison libraries. Your complainant is aware that Madison libraries have computers, and that it was a condition of the defendant Michael Sveum's probation and parole that he not enter a library or apply for a library card without prior approval of his agent.

During July 2002, Jamie Johnson contacted your complainant. She expressed to your complainant her ongoing and escalating fears of Michael Sveum being released from prison. She was quite fearful that he would attempt to contact her upon his release from prison. She made efforts to keep her whereabouts unknown, but in the past years she has received flowers and cards from unknown persons at her place of employment even though, to the best of her knowledge, Michael Sveum did not know and ought not have known where she was working. She has not kept her address or her phone number listed, but she continued to be fearful that, because of the defendant Michael Sveum's prior threats and conduct toward her, that he would attempt to contact her and cause her physical harm or continue to harass her with phone calls. She was worried that he would again start following her and be able to locate where she was living and working and become aware of the man with whom she was living. Later during 2002, she expressed further concerns to your complainant that she thought the defendant Michael Sveum may find out about her roommate and attempt to harm him or his business or property. She was aware, because of her prior dealings with Michael Sveum when she was dating other men after him, that men with whom she has been involved in the past have had their vehicles damaged while visiting with Jamie and that the defendant has recorded personal information about them and knows and is responsible for and was convicted of criminal damage to property in Case No. 96-CF-891 for damaging the vehicle of Kurt Zweifel, a person with whom she had a date on the day that the defendant damaged Kurt's vehicle.

In March of 2003, Jamie Johnson told your complainant that she was fearful that the hang-up calls that she was receiving were again coming from the defendant, that he now knew her number, that he now would know where she was and would attempt to contact her. She was fearful of him having personal contact with her and during that, causing bodily harm to her. She feared for both herself, her roommate, and their pets. She identified her vehicle to your complainant as described above.

**\*\*THIS COMPLAINT IS BASED ON** the information and belief of your complainant, who is a detective for the City of Madison Police Department, and who learned of the above offense from personal investigation as well as the reports of City of Madison Police Officer Matt Nordquist and Detective Vicki Anderson, as well as Wisconsin Department of Justice Special Agent Gary C. Martine and City of Middleton Police Department Detective Craig Faga, which reports your complainant believes to be truthful and reliable inasmuch as they were prepared during the course of the officers' official duties.

Further, your complainant believes the information furnished by Jamie Johnson, Paul Gudel, and Doug Timmerman to be truthful and reliable inasmuch as they are citizen informants and witnessed the events described.

Further, your complainant believes that the information made and kept in the regular course of the business of the Wisconsin Department of Transportation, the Wisconsin Department of Corrections, the Dane County Sheriff's Office, the Dane County Circuit Court, and the Madison Police Department to be truthful, accurate, and reliable inasmuch as they are regularly relied upon by law enforcement officers throughout the state of Wisconsin to be truthful, accurate, and reliable.

Further, your complainant believes that information made and kept in the regular course of the business of TDS Metrocom and Meinke Car Care Center to be truthful, accurate, and reliable inasmuch as it is material made and kept in the regular course of the business of those commercial businesses.

Further, your complainant believes that the information generated by the GPS device to be truthful, accurate, and reliable inasmuch as it is regularly relied upon by law enforcement officers throughout the state of Wisconsin to be truthful, accurate, and reliable.

SUBSCRIBED AND SWORN TO BEFORE ME  
AND APPROVED FOR FILING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

\_\_\_\_\_  
DEPUTY/ASS'T. D.A.

\_\_\_\_\_  
COMPLAINANT



Original URL: <http://www.jsonline.com/news/state/jan03/109206.asp>

## Man accused of using satellite tracking to stalk ex-girlfriend

By MEG JONES  
[mjones@journalsentinel.com](mailto:mjones@journalsentinel.com)

*Last Updated: Jan. 8, 2003*

**Kenosha** - No matter where Connie Adams went, it seemed as if her ex-boyfriend was always there.

She said he was waiting by her car with a cup of cappuccino when she left for work in the morning. He followed her to work. He followed her on dates. He left notes on her windshield.

She said he called her at home and work and on her cell phone. He sent her more than 100 e-mails. He showed up at a gas station and blocked her car when she stopped to fill her gas tank.

Adams said she couldn't figure out how he seemed to always know where she was.

She had no idea she was being tracked through the help of satellites far above the Earth.

On Wednesday, Adams testified in a Kenosha County courtroom how her life turned into a virtual prison after breaking up with her live-in boyfriend Paul A. Seidler, 42, in October.

"He told me no matter where I went or what I did, he would know where I was," Adams said, her voice breaking.

After a preliminary hearing Wednesday morning, Seidler was bound over for trial on four charges, including felony burglary, second-degree reckless endangerment and stalking. He remains in custody in lieu of \$50,000 bail.

While stalking cases are not rare, Seidler is accused of using an unusual method to keep tabs on Adams. Kenosha police said they found a tracking device underneath the hood of her 1999 Chevrolet Cavalier, a small black box near the radiator that allowed someone to monitor her car wherever it traveled.

The company that makes the device, which uses global positioning system technology, told police the unit had been sold to Seidler and produced a copy of Seidler's sales receipt with the same serial number as the box underneath Adams' car hood, Kenosha Police Detective Michael Wilkinson testified Wednesday.

Officials from L.A.S. Systems Inc. of McHenry, Ill., which manufactures the Smart Track tracking unit, did not return phone messages Wednesday. However, the company's Web site explains that Smart Track can keep track of a car's movements via computer or cellular phone and can print out a daily travel activity report.

### Case is unusual

The head of a national organization that monitors stalking cases and assists victims said the Kenosha incident appears to be one of just a handful in the country.

Tracy Bahm, director of the Stalking Resource Center in Washington, D.C., said she knows of

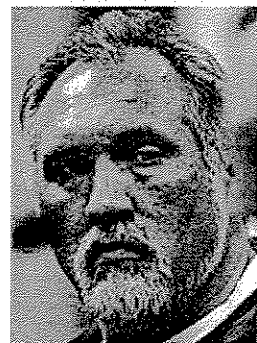
### Accused Of GPS Stalking

Connie Adams ended her three-year relationship with Paul A. Seidler in October. Still, after that, Adams testified in court Wednesday, wherever she went, he showed up. The secret to his presence: satellite technology. 'I wondered how he could just be there'



Photo/AP

Connie Adams



Photo/AP

Paul A. Seidler

### Quotable

“ These things highlight the fact

only two cases where stalkers used high-tech devices to keep an eye on an estranged partner.

In Colorado, a man whose wife had filed for divorce burned her clothes in the backyard of their home after she refused to withdraw the petition. When she obtained a restraining order against him, he had a global positioning system installed in her car.

And in New Jersey, a man who shared a home with his estranged wife after she filed for divorce hid a microchip camera and audio recording system in her bedroom that led to a recorder in another room.

According to court records, the man had previously told the woman that "the only way she was getting out of the marriage was by death."

"It's a very disturbing trend," said Bahm, whose organization is part of the National Center for Victims of Crime. "In general, the use of technology as a means of stalking somebody shows that nothing is fool-proof. These things highlight the fact that just when you think you've done everything that you can to protect yourself, someone finds a new way to stalk you."

**that just when you think you've done everything that you can to protect yourself, someone finds a new way to stalk you. 99**

**- Tracy Bahm,  
director of the  
Stalking Resource  
Center in  
Washington, D.C.**

## Showed up on date

Adams said she began to get suspicious of Seidler when he showed up at a Racine tavern while she was on a date last month. Adams testified that she didn't see him following her to Pete and Lou's Junction Inn. She had never been there before, so she was shocked when he showed up 45 minutes after she arrived and asked her to come outside to talk to him.

"I wondered how he could just be there," Adams said.

Outside the tavern, Seidler "told me he was going to kill me and himself and that would solve everything," Adams testified.

Racine police eventually were called and officers told him to stop bothering Adams.

After that incident, Adams said she recalled seeing a tracking device icon on Seidler's laptop computer when he asked her to install software. He said it was a mapping program, but later she began to think it was something more and notified Kenosha police, who found the unit underneath her car hood.

Police said they searched Seidler's vehicle and found notebooks listing Adams' e-mail addresses along with passwords as well as phone numbers with the words "hidden camera" and "wireless" written after them.

## Numerous calls, e-mails

Adams' testimony portrayed a man obsessed with her. After she broke off their three-year relationship in late October, she said, Seidler called at least 10 times a day, followed her in his car and sent numerous e-mails.

Seidler told her, "I love you, I want to be with you, I'll do anything to get you back," Adams testified.

He threatened to kill himself and ruin her family's Christmas holiday, she said.

After Thanksgiving, she received an e-mail she thought was from Seidler's sister that mentioned how Seidler was doing. Adams said she responded, and when she got more responses from Seidler's sister, she suspected it was actually Seidler who was communicating with her.

After Seidler was arrested in late December, Adams said Seidler's sister told her she hadn't sent any e-mails to her.

Seidler, who was clad in a navy-blue jail uniform throughout the one-hour hearing, did not speak in court. He did not return a phone message left for him at the Kenosha County Jail Wednesday. Arraignment is scheduled for Jan. 23.

### 940.32 Stalking. (1) In this section:

(a) "Course of conduct" means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining a visual or physical proximity to the victim.
2. Approaching or confronting the victim.
3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.
4. Appearing at the victim's home or contacting the victim's neighbors.
5. Entering property owned, leased, or occupied by the victim.
6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
10. Causing a person to engage in any of the acts described in subds. 7. to 9.

(am) "Domestic abuse" has the meaning given in s. 813.12 (1) (am).

(ap) "Domestic abuse offense" means an act of domestic abuse that constitutes a crime.

(c) "Labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(cb) "Member of a family" means a spouse, parent, child, sibling, or any other person who is related by blood or adoption to another.

(cd) "Member of a household" means a person who regularly resides in the household of another or who within the previous 6 months regularly resided in the household of another.

(cg) "Personally identifiable information" has the meaning given in s. 19.62 (5).

(cr) "Record" has the meaning given in s. 19.32 (2).

(2) Whoever meets all of the following criteria is guilty of a Class I felony:

NOTE: Sub. (2) (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(2) Whoever meets all of the following criteria is guilty of a Class E felony:

(a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to fear bodily injury to or the death of himself or herself or a member of his or her family or household.

(b) The actor intends that at least one of the acts that constitute the course of conduct will place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

(c) The actor's acts induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

(2e) Whoever meets all of the following criteria is guilty of a Class I felony:

NOTE: Sub. (2e) (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(2e) Whoever meets all of the following criteria is guilty of a Class E felony:

(a) After having been convicted of sexual assault under s. 940.225, 948.02, or 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub. (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic abuse offense.

(b) The actor intends that the act will place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

(c) The actor's act induces fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

(2m) Whoever violates sub. (2) is guilty of a Class H felony if any of the following applies:

NOTE: Sub. (2m) (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(2m) Whoever violates sub. (2) is guilty of a Class D felony if any of the following applies:

(a) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v), or (1x).

(b) The actor has a previous conviction for a crime, the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.

(c) The actor intentionally gains access or causes another person to gain access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation.

(d) The person violates s. 968.31 (1) or 968.34 (1) in order to facilitate the violation.

(e) The victim is under the age of 18 years at the time of the violation.

(3) Whoever violates sub. (2) is guilty of a Class F felony if any of the following applies:

NOTE: Sub. (3) (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(3) Whoever violates sub. (2) is guilty of a Class C felony if any of the following applies:

(a) The act results in bodily harm to the victim or a member of the victim's family or household.

(b) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v) or (1x), the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.

(c) The actor uses a dangerous weapon in carrying out any of the acts listed in sub. (1) (a) 1. to 9.

(4) (a) This section does not apply to conduct that is or acts that are protected by the person's right to freedom of speech or to peaceably assemble with others under the state and U.S. constitutions, including, but not limited to, any of the following:

1. Giving publicity to and obtaining or communicating information regarding any subject, whether by advertising, speaking or patrolling any public street or any place where any person or persons may lawfully be.

2. Assembling peaceably.

3. Peaceful picketing or patrolling.

(b) Paragraph (a) does not limit the activities that may be considered to serve a legitimate purpose under this section.

(5) This section does not apply to conduct arising out of or in connection with a labor dispute.

(6) The provisions of this statute are severable. If any provision of this statute is invalid or if any application thereof is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

History: 1993 a. 96, 496; 2001 a. 109.

This section does not violate the right to interstate travel and is not unconstitutionally vague or overbroad. *State v. Reusch*, 214 Wis. 2d 547, 571 N.W.2d 837 (Ct. App. 1997).

The actor's "acts" under sub. (2) (c) are not the equivalent of the actor's "course of conduct" under sub. (2) (a). There must be proof that the actor's acts caused fear and not that the course of conduct caused fear. *State v. Sveum*, 220 Wis. 2d 396, 584 N.W.2d 137 (Ct. App. 1998).

## 940.32 Stalking. (1) In this section:

(a) "Course of conduct" means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining a visual or physical proximity to the victim.
2. Approaching or confronting the victim.
3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.
4. Appearing at the victim's home or contacting the victim's neighbors.
5. Entering property owned, leased, or occupied by the victim.
6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object be delivered to the victim.
10. Causing a person to engage in any of the acts described in subs. 7. to 9.

(am) "Domestic abuse" has the meaning given in s. 813.12 (1) (am).

(ap) "Domestic abuse offense" means an act of domestic abuse that constitutes a crime.

(c) "Labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(cb) "Member of a family" means a spouse, parent, child, sibling, or any other person who is related by blood or adoption to another.

(cd) "Member of a household" means a person who regularly resides in the household of another or who within the previous 6 months regularly resided in the household of another.

(cg) "Personally identifiable information" has the meaning given in s. 19.62 (5).

(cr) "Record" has the meaning given in s. 19.32 (2).

(2) Whoever meets all of the following criteria is guilty of a Class I felony:

NOTE: Sub. (2) (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(2) Whoever meets all of the following criteria is guilty of a Class E felony:

(a) The actor intentionally engages in a course of conduct directed at a specific person that would cause a reasonable person under the same circumstances to fear bodily injury to or the death of himself or herself or a member of his or her family or household.

(b) The actor intends that at least one of the acts that constitute the course of conduct will place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

(c) The actor's acts induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

(2e) Whoever meets all of the following criteria is guilty of a Class I felony:

NOTE: Sub. (2e) (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(2e) Whoever meets all of the following criteria is guilty of a Class E felony:

(a) After having been convicted of sexual assault under s. 940.225, 948.02, or 948.025 or a domestic abuse offense, the actor engages in any of the acts listed in sub. (1) (a) 1. to 10., if the act is directed at the victim of the sexual assault or the domestic abuse offense.

(b) The actor intends that the act will place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household.

(c) The actor's act induces fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household.

(2m) Whoever violates sub. (2) is guilty of a Class H felony if any of the following applies:

NOTE: Sub. (2m) (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(2m) Whoever violates sub. (2) is guilty of a Class D felony if any of the following applies:

(a) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v), or (1x).

(b) The actor has a previous conviction for a crime, the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.

(c) The actor intentionally gains access or causes another person to gain access to a record in electronic format that contains personally identifiable information regarding the victim in order to facilitate the violation.

(d) The person violates s. 968.31 (1) or 968.34 (1) in order to facilitate the violation.

(e) The victim is under the age of 18 years at the time of the violation.

(3) Whoever violates sub. (2) is guilty of a Class F felony if any of the following applies:

NOTE: Sub. (3) (intro.) is shown as amended eff. 2-1-03 by 2001 Wis. Act 109. Prior to 2-1-03 it reads:

(3) Whoever violates sub. (2) is guilty of a Class C felony if any of the following applies:

(a) The act results in bodily harm to the victim or a member of the victim's family or household.

(b) The actor has a previous conviction for a violent crime, as defined in s. 939.632 (1) (e) 1., or a previous conviction under this section or s. 947.013 (1r), (1t), (1v) or (1x), the victim of that crime is the victim of the present violation of sub. (2), and the present violation occurs within 7 years after the prior conviction.

(c) The actor uses a dangerous weapon in carrying out any of the acts listed in sub. (1) (a) 1. to 9.

(4) (a) This section does not apply to conduct that is or acts that are protected by the person's right to freedom of speech or to peaceably assemble with others under the state and U.S. constitutions, including, but not limited to, any of the following:

1. Giving publicity to and obtaining or communicating information regarding any subject, whether by advertising, speaking or patrolling any public street or any place where any person or persons may lawfully be.

2. Assembling peaceably.

3. Peaceful picketing or patrolling.

(b) Paragraph (a) does not limit the activities that may be considered to serve a legitimate purpose under this section.

(5) This section does not apply to conduct arising out of or in connection with a labor dispute.

(6) The provisions of this statute are severable. If any provision of this statute is invalid or if any application thereof is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

History: 1993 a. 96, 496; 2001 a. 109.

This section does not violate the right to interstate travel and is not unconstitutionally vague or overbroad. *State v. Reusch*, 214 Wis. 2d 547, 571 N.W.2d 857 (Ct. App. 1997).

The actor's "acts" under sub. (2) (c) are not the equivalent of the actor's "course of conduct" under sub. (2) (a). There must be proof that the actor's acts caused fear and not that the course of conduct caused fear. *State v. Sveum*, 220 Wis. 2d 396, 584 N.W.2d 137 (Ct. App. 1998).