

LAKE HALLIE POLICE DEPARTMENT

*Cal D. Smokowicz, Police Chief
Daniebil Sokup, Sergeant
Jeremiah Rathke, Sergeant*

13138 30th Avenue.
Chippewa Falls, Wisconsin 54729-7377
(715) 726-2666 · FAX (715) 726-2667

Bill

I would like to address the committee today in person but due to the fact I am needed at work I have chose to draft this letter for your review.

Awhile back I reached out to my local Representative to discuss some concerns I had with a case that I was assigned. The basis of my concerns stemmed from the "loop hole" in the current law that allowed a life time registered sex offender that had recently been paroled from prison to film his 13 year old daughter in the nude without her knowledge by removing trim from the doorway.

The current law allows for an exception because he is her Father. Now, I understand the exception was introduced for parents like myself that have taken pictures of their toddlers in the tub. The law NEEDS to be changed to reflect the difference between parents like me, and those sexually exploiting their children.

Unfortunately this poor child in my recent case has been victimized and has to live with the fact that her own Father sexually exploited her and I am sure it is too late to hold the Father in this case accountable for more than a Misdemeanor. If there is any way to possibly provide more justice for this victim it would be to ensure that this bill is signed into law and future children will be safer and when victimized their predators will be held slightly more accountable than a few months in jail.

It is safe to say that when this law was originally signed no one ever thought parents would victimize their children like this; times have unfortunately changed and it is time our laws change with them to protect our children which our the future of our great State.

Thank you for your time,

Officer Travis C. Hakes / #275

Village of Lake Hallie Police Department

Protecting Our Community

Bellin, Charlie

From: Newell, Wade <Wade.Newell@da.wi.gov>
Sent: Wednesday, January 13, 2016 3:32 PM
To: Bellin, Charlie; Bates, Katherine
Cc: Gibbs, Steven H - DAIT
Subject: 2015 AB 630
Attachments: Criminal Complaint.pdf

I want to applaud Representative Jagler for introduced legislation to eliminate the parental exemption from Section 942.09 of the Wisconsin Statutes, in cases, where the parent who captures, possesses, makes, distributes, or exhibits a representation depicting the child is doing so for the purpose of sexual arousal, gratification, humiliation, degradation, or monetary or commercial gain. As a prosecutor, that has spent the last 17 years specializing in the prosecution of sexual crimes, I am fully in support of 2015 AB 630, as it will close a loophole in the law that currently allows a parent to photographically sexually exploit their child.

I have attached the Criminal Complaint of a case I am currently prosecuting, which involves a registered sex offender allegedly taking secret nude photos of his daughter naked. When I first received the case I looked at potential charging the offender with possession of child pornography. However, in order to be child pornography, under section 948.12 of the Wisconsin Statutes, the image must be of a child "engaged in sexually explicit conduct" (see below definition of "sexual explicit). I then looked at the law regarding Representations Depicting Nudity under section 942.09 of the Wisconsin Statutes. However, the current law exempts parents from prosecution under this statute. Therefore, the only charge I was left with is the misdemeanor charge of Invasion of Privacy. Luckily, I was also able to charge the Defendant as a repeater, so he is currently facing up to two years in prison on each charge. I believe this case highlights the need for modification of current law, as proposed in 2015 AB 2015, so that prosecutors have the tools to charge parents that photographically sexually exploit their children with a felony.

Sexually Explicit – under 948.01(7) of the Wisconsin Statutes includes:

- 1) sexual intercourse,
- 2) bestiality,
- 3) masturbation,
- 4) sexual sadism or sexual masochistic abuse,
- 5) lewd exhibition of intimate parts

Should you have any questions please contact me at (715) 726-4591 or newell.wade@da.wi.gov

Wade C. Newell
Assistant District Attorney
Chippewa County

CIRCUIT COURT

STATE OF WISCONSIN

CHIPPEWA COUNTY

STATE OF WISCONSIN,

2015CH001766

Plaintiff,

-vs-

Court Case # 2015 CM 485

DAVID L RODEFER JR .
2285 CTH OO
CHIPPEWA FALLS, WI 54729
Also Known As DAVID LEE RODEFER
DOB: 05/13/1983
STATE ID NO: WI845671

**CRIMINAL COMPLAINT
AND SUMMONS**

15 SEP -1 PM 2:54

FILED
CLERK OF CIRCUIT COURT
CHIPPEWA COUNTY, WI

Defendant. **COPY**

Judge Gray
Branch III

Tiffany Downey, being first duly sworn, states that on information and belief that:

Count 1: INVASION OF PRIVACY - SURVEILLANCE DEVICE, REPEATER

The above-named defendant on or about Friday, July 03, 2015, in the Village of Lake Hallie, Chippewa County, Wisconsin, did knowingly install a surveillance device in a private place, or used a surveillance device that had been installed in a private place, with the intent to observe any nude or partially nude person without the consent of the person observed, contrary to sec. 942.08(2)(a), 939.51(3)(a), 939.62(1)(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.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of a felony, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

Count 2: INVASION OF PRIVACY - SURVEILLANCE DEVICE, REPEATER

The above-named defendant on or about Friday, July 17, 2015, in the Village of Lake Hallie, Chippewa County, Wisconsin, did knowingly install a surveillance device in a private place, or used a surveillance device that had been installed in a private place, with the intent to observe any nude or partially nude person without the consent of the person observed, contrary to sec. 942.08(2)(a), 939.51(3)(a), 939.62(1)(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.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of a felony, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

PROBABLE CAUSE:

Complainant is a Legal Secretary for the Chippewa County District Attorney's Office and bases this complaint upon the report and investigation of TRAVIS HAKES, of the Lake Hallie Police Department. Complainant and TRAVIS HAKES are presumed reliable because of the positions of trust they hold as Legal Secretary for the District Attorney and Law Enforcement Officer, respectively.

On July 20, 2015, Officer Hakes made contact with Tonya Teague. Ms. Teague stated that she found what she believed to be child pornography on David Rodefer's cellular phone. Ms. Teague said she looked on Mr. Rodefer's phone and discovered a video of a young female taking a shower. Ms. Teague was able to identify the young female as R.L.R., DOB 04/11/2003. Ms. Teague stated the video depicts R.L.R. exiting the shower and drying off in the nude. Ms. Teague was able to identify the bathroom as being located at 2285 CTH 00, Village of Lake Hallie, Chippewa County, Wisconsin. Officer Hakes noted that a search of the phone uncovered two videos of a fully naked juvenile female. The videos are described as follows:

Video #1: created 07/13/2015 at 11:20 a.m.

The video depicts R.L.R., fully naked in the bathroom. The video appears to be filmed through a crack in the door, or a space between the door frame and wall. Officer Hakes noted that there appears to have been several attempts made to line up the angle of the video.

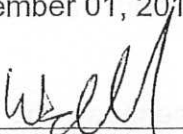
Video #2: created 07/17/2015 at 11:18 p.m.

This video depicts R.L.R., fully nude, exiting the shower and drying herself off with a towel. Again the video appears to be filmed through a crack in the door, or a space between the door frame and wall.

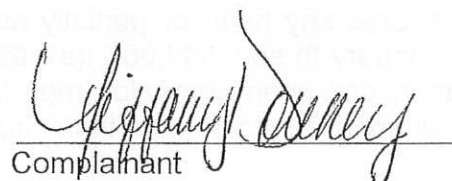
R.L.R. was interviewed, and she stated that she was not aware of the fact she was being video recorded while in the bathroom.

Wisconsin Circuit Court Access online records indicated that David Rodefer was convicted of the felony charge of 3rd Degree Sexual Assault on February 3, 2010, and sentenced on January 27, 2011. Online records also indicate that Mr. Rodefer was in custody serving a sentence while awaiting sentencing.

Subscribed and sworn to before me,
and approved for filing on:
September 01, 2015



WADE C NEWELL
Assistant District Attorney
Wisconsin State Bar No. 1024247


Complainant

SUMMONS

THE STATE OF WISCONSIN TO SAID DEFENDANT:

The original of the above Complaint having been issued, accusing the defendant of committing:

THE CRIME(S) OF:

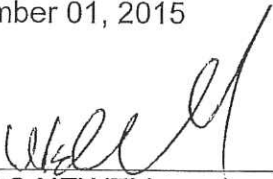
Invasion of Privacy - Surveillance Device; Repeater
Invasion of Privacy - Surveillance Device; Repeater

CONTRARY TO WIS. STATUTE(S):

942.08(2)(a); 939.62(1)(a)
942.08(2)(a); 939.62(1)(a)

You are therefore, summoned to appear before BRANCH III of the Circuit Court of Chippewa County at the Courthouse, 711 N. Bridge Street, in the City of Chippewa Falls, to answer said Complaint, on **September 01, 2015 at 1:30 PM** and **in case of your failure to appear, the State will seek a criminal warrant for your immediate arrest.**

Approved for filing:
September 01, 2015



WADE C NEWELL
Assistant District Attorney
Wisconsin State Bar No. 1024247