

1999 DRAFTING REQUEST

Bill

Received: **01/25/99**

Received By: **olsenje**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Baumgart (608) 266-2056**

By/Representing: **Bill Cross**

This file may be shown to any legislator: **NO**

Drafter: **olsenje**

May Contact:

Alt. Drafters:

Subject: **Criminal Law - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Inducing or causing self-mutilation by a child.

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	olsenje 04/16/99			_____			
/P1	mdsida 05/12/99	ygeller 05/12/99	martykr 05/13/99	_____	lrb_docadmin 05/13/99		
/1	mdsida 07/6/99	ygeller 07/7/99	mclark 07/7/99	_____	lrb_docadmin 07/7/99	lrb_docadmin 07/7/99	

FE Sent For:

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/?	olsenje 04/16/99			_____			
/P1	midsida 05/12/99	jgeller 05/12/99	martykr 05/13/99	_____	lrb_docadmin 05/13/99		
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FE Sent For:							

for Senate

<END>

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1?	olsenje 04/16/99 mdsida	1/5/12 jlg	d/m 5/12	d/m 5/12	<u>Yes</u>		

FE Sent For:

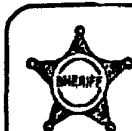
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**A PROPOSAL OF BILL TO BE PRESENTED TO THE
LEGISLATIVE BRANCH OF THE STATE OF WISCONSIN**

STATE OF WISCONSIN

v

**PHILLIP K. BUCK
(SHEBOYGAN COUNTY 98 CF 35)**



3999
Phone 920-459-3848
FAX 920-459-4305

SHEBOYGAN COUNTY SHERIFF DEPARTMENT
CRIMINAL INVESTIGATION DIVISION
DETECTIVE ROBERT W. SHIELD



To The Honorable Legislatures of the State of Wisconsin

My name is R. W. Shield, employment the Sheboygan County Sheriff's Department. I have been so employed for over 15 years and am currently working in the capacity as a detective. The citizens of the State of Wisconsin, and especially the children, need for me to tell you of a case that both deputies and detectives worked on that occurred in our county. This case began around Halloween in 1996. We had first received information of a man who lived less than a mile from the unincorporated village of Batavia. This information consisted of rumors that this subject was having underage parties at his residence. The subject, who was later identified as Phillip Buck, was approximately 38 years old at this time. Officers and detectives attempted to followup on the information supplied in regards to these juvenile parties. We had also received information that there were strange occurrences happening at the residence. This would include the self-mutilation of young females, ages between 15 and 16 years old. The self-mutilations consisted of the juveniles cutting their arms, legs and chest area with sharp instruments..

The information that we received at the time, was second hand and detectives attempted to verify that young girls were cutting themselves or being cut at the Phillip Buck residence. Detectives talked to the alleged victims and were met with a stone wall of non-cooperation. We could not find an alleged victim that would say anything against Phillip Buck.

As time went on, the parties at the Phillip Buck residence continued without the knowledge of law enforcement. Our first break in this case occurred in the summer of 1997 when an unknown subject came into Sheboygan with a roll of undeveloped film. This film was taken to a local processor, who observed a young woman in the photos with numerous severe lacerations about her body. Also in the photographs was a subject who was later identified as Phillip Buck. These photographs by themselves did not appear to have any socially redeeming value and were frankly quite disgusting. They showed gaping wounds on the female's legs and blood running down her legs. The investigation on Phillip Buck continued.

In the fall of 1998 two concerned citizens contacted our department in regards to information they had on Phillip Buck. These subjects told detectives that they had actually been at the Phil Buck residence and had observed the cutting of human bodies that had been going on there. They also told us disturbing information in regards to the alcohol that was being consumed at the Phil Buck residence and the intentional cutting of ones flesh for the purpose of drinking the subject's blood. They told us of situations in which Phil Buck would encourage young juveniles to cut themselves so he may drink their blood. We were told that Phil Buck believed in the philosophy that he was a vampire and that the drinking of blood would give him some type of power. We were told of Satanic rituals and altars erected in the Phil Buck residence. I know as a legislative body that you cannot infringe on the constitutional guarantees of freedom of religion or belief. But we as a society cannot tolerate where one's belief causes physical abuse to occur and emotional problems to manifest themselves due to this subject's beliefs.

Our department finally had enough information to arrest Phil Buck in January of 1998. As a result of the information obtained through interviews, we executed three different search warrants at three different times at the Phil Buck residence. When we first started the investigation, we could not imagine the number of victims that we potentially had over the years by this type of activity. We had received information that this type of self-mutilation and blood drinking had been going on at the Phil Buck residence for approximately 6 or 7 years prior to it coming to the attention of law enforcement. It appeared as if Phil Buck had a pattern of forming groups of young juveniles between the ages of 15-17. The juveniles consisted mostly of females. During this time, Phil Buck was involved in a band that played mostly Marilyn Manson type music. This is how Phil Buck was able to attract young girls to his residence. Phil Buck would also promise them drugs and alcohol. Phil Buck would select a few that he trusted to be involved in his inner circle of ritualistic abuse. In the majority of cases, the injuries sustained by the victims were self-inflicted. Phil Buck would merely have to suggest to these people that they should cut themselves for his benefit, and they did so because they wanted to please Phil Buck.

An extensive history was done on numerous victims and Phil Buck himself. It was found that most of the victims suffered from a history of self-mutilation prior to meeting Phil Buck. In reviewing numerous letters and a journal that Phil Buck kept of his activities, Phil Buck knew these young girls could be manipulated in a way to please him. Phil Buck bragged in his journal on how he could get these children to do what he wanted.

During the course of this investigation, we recovered numerous photographs showing various subjects having been cut or the aftermath of their cutting each other or themselves. Some photographs depict Phil Buck drinking the blood from these juveniles.

When the time came to sit down with Assistant District Attorney Christopher Stock in compiling the charges that Phil Buck would be subjected to, we found that in many cases Phil Buck could not be charged because the juveniles had cut themselves. The District Attorney's Office made an effort to have, what we believed to be crimes, categorized to fit the statutes that currently exist and were unable to do so. In spite of these "unchargeable" crimes committed by Phil Buck, over 25 charges were subsequently issued.

I have viewed numerous tapes in regards to the affliction of self-mutilation and found that one underlying theme was the subjects involved in this would be depressed. On numerous occasions during this investigation, I found where Phil Buck would intentionally cause depression in one of the subjects involved with the affliction of self-mutilation, which in turn caused them to cut themselves. Once again, these are acts that we feel should be classified as crimes, but are not.

3

We have documented many cases in the State of Wisconsin and throughout the United States involving the resurgence of occults and activity involving vampirism. Many times the resulting action of this type of behavior results in death. It appears that only when such a tragedy occurs, does the perpetrator activity become subjected to the expectations of society and the laws enacted by legislation. On behalf of all citizens of the State of Wisconsin as well as all parents, I believe legislation should be enacted to protect those who cannot protect themselves. Clearly, our children are our most valuable asset for the future and our responsibility to protect them is paramount. A subject like Phil Buck corrupts the process of emerging from adolescent to adulthood and therefore diminishes our prospects for the future.

I may talk freely about this case now since it was adjudicated on 12-15-98. Phil Buck changed his plea from innocent to guilty or no contest. We are merely waiting the pre-sentence investigation to be done. Unfortunately, Phil Buck still remains free in society until that time.

There are numerous photographs available for your review should you request them. I feel as if the photographs are too disgusting to enclose in this request for proposal to a bill for possible legislative purposes. I am not an attorney but am involved in law enforcement. I have taken time to write a wording for a rough draft that I would appreciate your review for possible consideration on a bill that I hope you will act on. This law, if enacted, would likely fall under Chapter 948.

Definition.

(1) "Self-Mutilation" means an intentional act by ones own hand that results in the breaking of the skin which causes bleeding.

CULPABILITY BY ACTS OR OMISSIONS

(1) Whoever by an act, omission or course of conduct either encourages, allows, entices or otherwise approves, supports or participates in the act of self-mutilation of a child shall be guilty of a Class E felony.

(2) Whoever violates (1) in which the injuries result in great bodily harm to a child is guilty of a Class D felony.

Exclude "body piercing" s. 252.24 under

(3) Whoever violates (1) in which the injuries resulting to the child are used for the gratification of the violator or for the consumption of blood is guilty of a Class C felony.

(4) Whoever violates (1) in which the injuries resulting to the child are photographed, filmed or videotaped, is guilty of a Class E felony.

(5) Penalty Enhancement. If a person violates two or more of (1) (2) (3) (4), the maximum term of imprisonment may be increased by not more than 5 years.

Honorable members of the legislative branch, please take my suggestions into consideration for the future is our children and as well as the fact that we cannot allow subjects like Phillip Buck to ever fall through the cracks in our judicial system.

Sincerely,

R. W. Shield
Detective

Sherboygan



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2009/P1

JEO:A:...

D Note

JLg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen cat

1 AN ACT ...; relating to: inducing or causing self-mutilation by a child and
2 providing a penalty. ✓

Analysis by the Legislative Reference Bureau

Current law does not prohibit individuals from physically harming themselves. In addition, with some exceptions (such as the prohibition on assisting suicide), current law generally does not prohibit a person from inducing or causing others to harm themselves.

This bill prohibits a person from inducing or causing a child to cut his or her own skin intentionally. A person violating this prohibition is guilty of a Class E felony. If a person violates this prohibition and the child suffers great bodily harm as a result, the person is guilty of a Class D felony. If a person violates this prohibition and consumes the child's blood, the person is guilty of a Class C felony.

The penalties for these crimes are as follows:

<u>Crime</u>	<u>Fine</u>	<u>Maximum Imprisonment</u> <i>(for offenses occurring before 12/31/99)</i>	<u>Maximum Imprisonment</u> <i>(for offenses occurring on or after 12/31/99)</i>
Class E felony	\$10,000	Two years	Five years
Class D felony	\$10,000	Five years	Ten years
Class C felony	\$10,000	Ten years	Fifteen years

The maximum term of imprisonment may be increased by up to five years if the violation occurs after the person has been convicted for violating any of these prohibitions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 948.035[✓] of the statutes is created to read:

2 **948.035 Causing mutilation of a child.** (1) Whoever induces or causes a
3 child to cut his or her own skin intentionally is guilty of a Class E felony.

4 (2) If a person violates sub. (1)[✓] and the child suffers great bodily harm as a
5 result, the person is guilty of a Class D felony.

6 (3) If a person violates sub. (1)[✓] and consumes blood from the cut, the person is
7 guilty of a Class C felony.

8 (4) The maximum term of imprisonment for a person violating this section may
9 be increased by not more than 5[✓] years if the violation occurs after the person has been
10 convicted under this section.[✓]

11

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2009/P1dn

JEO:.....

↑
JLg

April 20, 1999

Bill:

Please review this draft carefully to ensure that it is consistent with your intent. In particular, please note the following:

1. It is unclear from the suggested language what the "gratification of the violator" phrase means. We assumed that it meant "satisfaction" in a generic sense, so we did not include it in this draft. If the provision refers to something more specific, such as sexual gratification, or if you want the Class C felony to require proof of gratification generally, we can revise the draft. In addition, if the phrase is intended to relate to sexual gratification, you may want to consider whether this crime should be covered by "two strikes", "three strikes" or sex offender registry provisions in the statutes.

2. Do you want information relating to a child's participation in such activity to be disclosed to a home or facility in which he or she is placed under ss. 48.371 (3) (d) or 938.371 (3) (d)?

3. We did not include any reference to recording the child's injuries, since the underlying crime is a Class E felony even if the defendant does not photograph, film, or videotape the injuries. But if you want a person who records the injuries to be subject to a more severe penalty, either through a sentencing enhancer or by making it a distinct offense, let us know.

4. The bill includes a lesser penalty for a person who causes great bodily harm (which, under s. 939.22 (14), includes "serious permanent disfigurement" and permanent or protracted loss of a bodily function, among other things) than it does for a person who consumes the child's blood without causing serious injury to the child. Is this your intent?

5. We assumed that you wanted a penalty enhancement provision to apply to a person who commits a second offense after having been convicted, as opposed to a person who is convicted on two counts at a single trial. Is that okay? That also leads to another issue. Under the bill, a person can be charged with both a Class D and a Class C felony as a result of the same incident if the person consumes the child's blood and causes great bodily harm to the child. If you prefer, we can revise the draft to prevent a defendant from being charged with both offenses in such circumstances.

6. As drafted, the bill applies to children who take "blood oaths". Is this your intent?

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2009/P1dn

JEO;jlg:km

May 12, 1999

Bill:

Please review this draft carefully to ensure that it is consistent with your intent. In particular, please note the following:

1. It is unclear from the suggested language what the "gratification of the violator" phrase means. We assumed that it meant "satisfaction" in a generic sense, so we did not include it in this draft. If the provision refers to something more specific, such as sexual gratification, or if you want the Class C felony to require proof of gratification generally, we can revise the draft. In addition, if the phrase is intended to relate to sexual gratification, you may want to consider whether this crime should be covered by "two strikes", "three strikes" or sex offender registry provisions in the statutes.

2. Do you want information relating to a child's participation in such activity to be disclosed to a home or facility in which he or she is placed under ss. 48.371 (3) (d) or 938.371 (3) (d)?

3. We did not include any reference to recording the child's injuries, since the underlying crime is a Class E felony even if the defendant does not photograph, film, or videotape the injuries. But if you want a person who records the injuries to be subject to a more severe penalty, either through a sentencing enhancer or by making it a distinct offense, let us know.

4. The bill includes a lesser penalty for a person who causes great bodily harm (which, under s. 939.22 (14), includes "serious permanent disfigurement" and permanent or protracted loss of a bodily function, among other things) than it does for a person who consumes the child's blood without causing serious injury to the child. Is this your intent?

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6. As drafted, the bill applies to children who take "blood oaths". Is this your intent?

Jefren E. Olsen
Legislative Attorney
Phone: (608) 266-8906
E-mail: Jefren.Olsen@legis.state.wi.us

CWS:11b

#98-0697
SHIELD

STATE OF WISCONSIN

SHEBOYGAN COUNTY

CIRCUIT COURT

STATE OF WISCONSIN,

Plaintiff,

AMENDED
CRIMINAL COMPLAINT

-vs-

Court No. 98 CF 35

PHILLIP K. BUCK,
d.o.b. 8-5-58
N2035 State Highway 28
Adell, WI

Defendant.

Det. R.W. Shield, Sheboygan County Sheriff's Department, being first duly sworn on oath deposes and says on information and belief:

Count 1

That on or about December 27, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to a child, to wit: Melissa J. DOB 2-1-81 contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 2

That on or about December 27, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck, as party to a crime thereto, with intent to cause bodily harm to a child, to wit: Melissa J. DOB 2-1-81 did cause the child to go into a building, contrary to section 948.07(5) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 3

That during December, 1997 through January 9, 1998, on or about December 27, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to a child, to wit: Melissa J. DOB 2-1-81 contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 4

That on January 13, 1998, in the County of Sheboygan, State of

STATE OF WISCONSIN,

Plaintiff

-vs-

PHILLIP K. BUCK,

Defendant.

AMENDED
CRIMINAL COMPLAINT
Page 2

Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that no one had cut themselves at his residence within the past two years, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 5

That on January 13, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that he had never encouraged anyone to cut themselves, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 6

That on January 13, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that he had never seen cuts as severe as those in the photographs shown to him when he had actually witnessed the cuts in person, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 7

That on January 14, 1998, in the County of Sheboygan, State of

STATE OF WISCONSIN,

Plaintiff

AMENDED

CRIMINAL COMPLAINT

-vs-

Page 3

PHILLIP K. BUCK,

Defendant.

Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: stated that he hasn't drank blood since 1996, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 8

That on January 14, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that J.K. DOB 5-23-79 had cut herself but he did not know where she had done so, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 9

That on January 14, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that the restraints on his bed had only been used with a girl named Sharone when he had tied up J.H. DOB 1-5-80, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 10

That between June 1, 1996, and September 1, 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did have sexual intercourse with a child who had attained the age of 16 years, to wit: J.H., d.o.b. 1-

STATE OF WISCONSIN,

Plaintiff

-vs-

PHILLIP K. BUCK,

Defendant.

AMENDED
CRIMINAL COMPLAINT
Page 4

5-80, contrary to section 948.09 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit said crime as an habitual criminal, in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 11

That between June 1, 1996, and September 1, 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did have sexual intercourse with a child who had attained the age of 16 years, to wit: J.H., d.o.b. 1-5-80, contrary to section 948.09 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit said crime as an habitual criminal, in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 12

That between June 1, 1996, and September 1, 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did have sexual intercourse with a child who had attained the age of 16 years, to wit: J.H., d.o.b. 1-5-80, contrary to section 948.09 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit said crime as an habitual criminal, in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 13

May - June
That during the Spring of 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to a J.H., d.o.b. 1-5-80, by whipping her, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 14

✓
That between late August of 1996 to mid September of 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to J.K., d.o.b. 5-23-79, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit

STATE OF WISCONSIN,

Plaintiff

AMENDED
CRIMINAL COMPLAINT

Page 5

-VS-

PHILLIP K. BUCK,

Defendant.

this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 15

That between late August of 1996 to mid September of 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to J.K., d.o.b. 5-23-79, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 16

That between late August of 1996 to mid September of 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to J.K., d.o.b. 5-23-79, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 17

That between late August of 1996 to mid September of 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to J.K., d.o.b. 5-23-79, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 18

That during 1996 and December 26, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to S.S., d.o.b. 12-26-79, contrary to

STATE OF WISCONSIN,

Plaintiff

AMENDED
CRIMINAL COMPLAINT

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PHILLIP K. BUCK,

Defendant.

sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 19

That during 1996 and December 26, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to S.S., d.o.b. 12-26-79, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 20

That during 1996 and December 26, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to S.S., d.o.b. 12-26-79, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 21

That during 1996 and December 26, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to S.S., d.o.b. 12-26-79, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 22

Hit in face

That during October of 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to a child, to wit: did choke J.H., d.o.b. 1-5-80, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit

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this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

POSSIBLE PENALTY: Counts 1, 3, 13, 14, 15, 16, 17, 18, 19, 20, 21 & 22: Class D Felony - A fine of not more than \$10,000 or imprisonment not to exceed 5 years, or both, on each count.

Count 2: Class C Felony - A fine of not more than \$10,000 or imprisonment not to exceed 10 years, or both.

Counts 4 - 12: Class A Misdemeanor - A fine of not more than \$10,000 or imprisonment not to exceed 9 months, or both, on each count.

PENALTY ENHANCER: Counts 1, 2, 3, 13, 14, 15, 16, 17, 18, 19, 20 & 21: Incarceration may be increased by not more than 6 years, on each count.

Counts 4 - 12: Incarceration may be increased to not more than 3 years, on each count.

Wherefore, complainant prays that said defendant be dealt with according to the law and that the basis for complainant's charge is upon a review of the written police reports of Deputy Dennis TenHaken and Detective R.W. Shield of the Sheboygan County Sheriff's Department, whose reports complainant has found to be reliable as they have proven to be reliable in the past.

Complainant alleges that on or about January 4, 1998, Deputy TenHaken spoke with Christopher Nelson, an adult citizen. Christopher stated that on the previous weekend, on Saturday, which would have been December 27, 1997, he was at the Phillip Buck residence for an underage alcohol party. Christopher Nelson admitted he was drinking alcohol at the party even though he is not old enough to legally do so. He stated that one of the girls there was Melissa, who, for the purposes of this complaint, will be identified as Melissa J., d.o.b. 2-1-81. Christopher Nelson stated that Phillip Buck was in a back room with Melissa and he could hear Phillip Buck telling her that he had a wooden stake and he was going to kill himself. Christopher Nelson stated that Melissa was drunk and that he saw Phillip about to give Melissa a razor blade and heard Phillip say to her, "It would make you feel better". He stated that Melissa then proceeded to cut her arms with the razor blade. Christopher Nelson stated that Melissa cut her

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arms along her inner forearms on both arms. Christopher Nelson stated that Melissa cut four or five vertical cuts on each inner forearm and several horizontal cuts on her inner forearms. Christopher Nelson stated the cuts were criss-cross and her arms were bleeding profusely. Christopher Nelson stated that after Melissa had cut her arms and they were bleeding, Phillip put his mouth on her inner forearms and was sucking her blood. Christopher Nelson stated that Phillip was sucking on her arms for several minutes when he decided that he should get Melissa out of the residence. Christopher Nelson stated he took Melissa from the residence and her arms bled for approximately 15 to 20 minutes. He stated this was not the first time that this activity had gone on at the Buck residence.

Adam Gildemeister, an adult citizen, stated that he had been at parties at Phillip Buck's residence where Phillip was supplying alcohol to juvenile females. He stated that he was not sure if Buck had ever cut the girls himself but believed that Buck got the girls drunk and then lured them into cutting themselves so that he could take advantage of them. He stated that Buck would get the girls drunk and cut his own arms in front of the girls and then hand the razor to them.

Christopher Nelson stated that one time at Buck's residence, Buck told everyone that there is a narc among them and if he ever found out who it was, he would crush their throat.

Complainant states that Complainant has stated in a sworn statement that he is aware of the date of birth of the juvenile female identified as Melissa J., d.o.b. 2-1-81, based on prior contacts with her.

Complainant states that on January 13, 1998, Complainant spoke with Phillip Buck. He stated that kids were coming over to his house all the time and he had no control over them. He admitted that the Melissa in question had been at his house. He stated that all he knows about her is that she came up to him with fresh cuts on her arms which were bleeding and told him that she did that for him.

Complainant states that during Complainant's interview with Phillip Buck, Phillip Buck told Complainant that no one has cut themselves at his house within the last two years. He further stated that the kids that came over to his house were crazy and he does not encourage anyone to cut themselves. Phillip Buck went on to state that he has not participated or witnessed anyone cutting themselves within the last two years at his house. Complainant reports that he then showed Phillip Buck several photographs showing arms or legs of persons who had cut themselves. Phillip Buck stated that he had never seen cuts that severe and would like to have the photographs. Complainant states that he is aware from viewing the inside of Phillip Buck's residence that the photographs were taken inside of the

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Phillip Buck residence. Complainant asked him if he was sure that he had never seen any cuts that severe and he said that he had not. Complainant then showed Phillip Buck a picture of Phillip Buck sitting next to the juvenile female who had been cut in the previous pictures. At that time Phillip Buck stated, "Wow, that's me". Phillip Buck then stated the photographs were older and probably were from when he was drinking. Complainant then advised Phillip Buck that the photographs were from the past summer of 1997. Phillip Buck stated that he then remembered the incident, that it was his birthday and his friends were telling him he should drink and he believes he was intoxicated. He stated he did not cut the juvenile female in question.

Complainant states that on January 14, 1998, Complainant continued his interview with Phillip Buck. At that time, Phillip Buck stated that he hadn't drank anyone's blood since 1996. He further stated that J.K. DOB 5-23-79 had cut herself but he did not know where she had done so. He further stated that he had only used the restraints on his bed to tie up an old girlfriend named Sharone and no one else.

Complainant states that on January 30, 1998, Complainant spoke with a juvenile who, for the purposes of this complaint, will be identified as N.K., d.o.b. 6-19-80. N.K. displayed to Complainant cuts on N.K.'s arm which N.K. stated were from when N.K. cut N.K.'s self at Phillip Buck's residence but he didn't know why. N.K. stated that on occasion when N.K. was there, N.K. walked into the small room in the upstairs at Phillip Buck's residence where N.K. observed several girls sitting with Phil Buck and they were in the process of cutting themselves. N.K. stated that Phillip was holding the knife and asking Melissa J. to cut herself, at which time Melissa J. asked N.K. for a knife. N.K. stated that Melissa eventually cut herself with a different knife and then Phillip Buck drank Melissa's blood. In a written statement, N.K. stated that he started going over to Phil Buck's house in December, which your complainant indicates would have been December of 1997.

Complainant states that he believes the statements of Christopher Nelson to be truthful and reliable as Christopher Nelson admits to consuming intoxicants at Phillip Buck's house. Because of Christopher Nelson's age, such statements would be a statement against his own penal interest.

Complainant states that on January 16, 1998, at approximately 4:30 p.m. Complainant met with J.H., d.o.b. 1-5-80, J.H. indicated that she met Phillip Buck when she was 16 years old at his residence and the next week they started going out and having sexual intercourse. She said that the sexual intercourse occurred on numerous occasions during the summer. She indicated that the sexual intercourse occurred at Phillip Buck's residence

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in Adell, Sheboygan County, Wisconsin. Complainant further states that on February 16, 1998, J.H. indicated that she had sexual intercourse with Phillip Buck at least nine times maybe a dozen times during the summer of 1996.

Complainant further states that on February 16, 1998, J.H. advised Complainant that on one occasion in the Spring of 1997 she was tied to an upstairs bed in Phillip Buck's residence and Sven Volkert was whipping her with a cat-o-tails. She indicated that she had bruises which ran from her knee to her hip. She indicated that Phillip Buck was jumping up and down next to the bed while Sven was beating her.

Complainant states that Detective Marie Joers of the Washington County Sheriff's Department has provided a police report to Complainant. Your complainant states that he believes the police report of Detective Joers to be truthful and reliable as it is a business record kept in the normal and ordinary course of business of the Washington County Sheriff's Department. Detective Joers reports that on January 28, 1998, she spoke with J.K., d.o.b. 5-25-79. J.K. stated that she met Phillip Buck at a warehouse party in Milwaukee and had been invited to Buck's daily parties at his barn in Adell, Sheboygan County, Wisconsin. She stated that she started attending the parties in August of 1996. She stated that Buck supplied much of the alcohol although everyone brought their own alcohol as well. She stated that Buck always supplied vodka, Southern Comfort, beer and wine. She stated that between late August of 1996 to mid September of 1996 Phillip Buck cut her on at least 10 different occasions on her arms or chest. J.K. showed Detective Joers scars on her chest and arms which were cuts by Phillip Buck. Detective Joers observed five one inch long scars on J.K.'s chest. She indicated that these cuts were made by Phillip Buck. She also showed Detective Joers a one and one-half inch cross on her right wrist that she was also cut by Phillip Buck. She also indicated that on her left forearm were two one and one-half inch cuts that she said were made by Phillip Buck. She also indicated that on approximately 10 different occasions during the same time Phillip Buck did drink her blood. She described the drinking of the blood as after cutting her Phillip would place his mouth over her arms sucking out the blood. She stated that on these occasions she would either be drinking vodka or vodka and orange juice supplied by Phillip Buck. She indicated that Phillip knows who to manipulated young girls who are "broken". She indicated that he brings the girls down to his level and slowly builds up their self-esteem. She stated that he had total control over the girls.

Detective Joers reports that she also spoke with S.S., d.o.b. 12-26-79. S.S. indicated that Phillip Buck cut her at his residence utilizing a razor blade either five or six times. On her left arm at her wrist was a scar from where Phillip Buck had cut her at his residence.

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Plaintiff

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Defendant.

J.H., d.o.b. 1-5-80 indicated that in October of 1996 there was a physical altercation at Phillip Buck's residence where Phillip became very violent and choked her and also came at her with a hammer.

J.H. told Complainant that back in July of 1997, she was at Phillip Buck's residence with Sven Volkert and Phillip Buck. She stated that she was depressed. She stated that she did not remember getting there and doesn't remember Phillip arriving or how Sven got to the house. She stated that she did remember music and Sven giving her a scalpel. She then cut herself repeatedly and deeply on her legs and arms. She stated that she then remembered Phillip sitting next to her and trying to drink her blood and she was pushing him away. She stated that she was quite intoxicated and did not recall all of the events. She stated that Phillip was very intelligent and studied up on psychology and death. She stated that Sven Volkert would always have scalpels.

Complainant states that on January 27, 1998, Complainant spoke with Sven Volkert. During the interview Sven Volkert indicated that there were constantly other people over at the Buck residence but all the people who would come over were already intoxicated. He stated that there were three or four girls and a guy named Adam. Complainant asked Sven Volkert if he ever saw anyone cut or have any cuts made on them. Sven Volkert stated that he never saw any of the girls cut themselves or have any cuts. He was asked if he ever provided any type of scalpels or knives to anyone and he said that he had not. He stated that he did bring over an Exacto knife to Phillip Buck's because he was a model builder. Sven Volkert said that Phillip Buck does occasionally drink blood.

Complainant states that he has examined a document captioned "Office of the District Attorney, Arrest and Conviction Record" for Phillip K. Buck, d.o.b. 8-5-58, which indicates that on November 18, 1996, Phillip Buck was convicted of the felony charge of escape, contrary to section 946.42(3)(a) of the Wisconsin Statutes, in Case No. 96CF386.

Subscribed and sworn to before me
this 13 day of March, 1998,
and approved for filing.

Deputy District Attorney
Sheboygan County, Wisconsin

Complainant

STATE OF WISCONSIN

SHEBOYGAN COUNTY

CIRCUIT COURT

STATE OF WISCONSIN,

Plaintiff,

-vs-

2nd AMENDED
INFORMATION

Case No. 98 CF 35

PHILLIP K. BUCK,
d.o.b. 8-5-58

Defendant.

I, Christopher W. Stock, Deputy District Attorney in and for the County of Sheboygan, State of Wisconsin, hereby inform the court as follows:

Count 1
(Previously Count 8)

That between June 1, 1996, and September 1, 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did have sexual intercourse with a child who had attained the age of 16 years, to wit: J.H., d.o.b. 1-5-80, contrary to section 948.09 of the Wisconsin Statutes and against the peace and dignity of the State.

Count 2
(Previously Count 9)

That between June 1, 1996, and September 1, 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did have sexual intercourse with a child who had attained the age of 16 years, to wit: J.H., d.o.b. 1-5-80, contrary to section 948.09 of the Wisconsin Statutes and against the peace and dignity of the State.

Count 3
(Previously Count 10)

That between June 1, 1996, and September 1, 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did have sexual intercourse with a child who had attained the age of 16 years, to wit: J.H., d.o.b. 1-5-80, contrary to section 948.09 of the Wisconsin Statutes and against the peace and dignity of the State.

Count 4
(Previously Count 12)

That on or about August 4, 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State.

Count 5

(Previously Count 13)

That between late August of 1996 to mid September of 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State.

Count 6

(Previously Count 27)

That on or about October 19, 1996, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to a child, to wit: J.H., d.o.b. 1-5-80, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State.

Count 7

(Previously Count 14)

That between January 1, 1997 and February 28, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 8

(Previously Count 15)

That between January 1, 1997 and February 28, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 9

(Previously Count 16)

That between January 1, 1997 and February 28, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 10

(Previously Count 17)

That between January 1, 1997 and February 28, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 11

(Previously Count 18)

That between January 1, 1997 and February 28, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 12

(Previously Count 19)

That between January 1, 1997 and February 28, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 13

(Previously Count 20)

That between January 1, 1997 and February 28, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 14

(Previously Count 21)

That between January 1, 1997 and February 28, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to J.K., d.o.b. 5-23-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and

did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 15

(Previously Count 23)

That on or about ~~January 18, 1997~~, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to S.S., d.o.b. 12-26-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 16

(Previously Count 11)

That during the Spring of 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck was intentionally concerned as a party to the crime of causing bodily harm to a J.H., d.o.b. 1-5-80, by whipping her, contrary to sections 948.03(2)(b) and 939.05 of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 17

(Previously Count 24)

That on or about June 28, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to S.S., d.o.b. 12-26-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 18

(Previously Count 25)

That on or about August 2, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to S.S., d.o.b. 12-26-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime, as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 19
(Previously Count 22)

That on or about August 22, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to S.S., d.o.b. 12-26-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 20
(Previously Count 26)

That on or about August 23, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did intentionally cause bodily harm to S.S., d.o.b. 12-26-79, contrary to section 948.03(2)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 21
(Prevoiusly Count 1)

That on or about December 27, 1997, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did recklessly cause bodily harm to a child, to wit: ~~Melissa J. BOE~~ 2-1-81 contrary to section 948.03(3)(b) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(b) of the Wisconsin Statutes.

Count 22
(Previously Count 2)

That on January 13, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that no one had cut themselves at his residence within the past two years, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 23
(Previously Count 3)

That on January 13, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent

to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that he had never encouraged anyone to cut themselves, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 24
(Previously Count 4)

That on January 13, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that he had never seen cuts as severe as those in the photographs shown to him when he had actually witnessed the cuts in person, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 25
(Previously Count 5)

That on January 14, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: stated that he hasn't drank blood since 1996, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 26
(Previously Count 6)

That on January 14, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that J.K. DOB 5-23-79 had cut herself but he did not know where she had done so, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

Count 27
(Previously Count 7)

That on January 14, 1998, in the County of Sheboygan, State of Wisconsin, Phillip K. Buck did unlawfully, knowingly obstruct a law enforcement officer by giving the officer false information with the intent to mislead him in the performance of his duties, while said officer was doing an act in an official capacity and with lawful authority, to wit: did state that the restraints on his bed had only been used with a girl named Sharone when he had tied up J.H. DOB 1-5-80, contrary to section 946.41(1) of the Wisconsin Statutes and against the peace and dignity of the State, and did commit this crime as an habitual criminal in that he had been convicted of at least one felony during the 5-year period immediately preceding the commission of the charged crime, pursuant to section 939.62(1)(a) of the Wisconsin Statutes.

POSSIBLE PENALTY: Counts 1 - 3 & 22 - 27: Class A Misdemeanor - A fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both on each count.

Counts 4 - 20: Class D Felony - A fine not to exceed \$10,000 or imprisonment not to exceed 5 years, or both on each count.

Count 21: Class E Felony - A fine not to exceed \$10,000 or imprisonment not to exceed 2 years, or both.

PENALTY ENHANCER: Counts 7 - 21: Incarceration may be increased by not more than 6 years, on each count.

PENALTY ENHANCER: Counts 22 - 27: Incarceration may be increased to not more than 3 years, on each count.

Dated this _____ day of _____, 19_____.

Christopher W. Stock
Deputy District Attorney



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2009/0

MGD+

JEO:jlg:km

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Regen

- 1 AN ACT to create 948.035 of the statutes; relating to: inducing or causing
- 2 self-mutilation by a child and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law does not prohibit individuals from physically harming themselves. In addition, with some exceptions (such as the prohibition on assisting suicide), current law generally does not prohibit a person from inducing or causing others to harm themselves.

This bill prohibits a person from inducing or causing a child to cut his or her own skin intentionally. A person violating this prohibition is guilty of a Class E felony. If a person violates this prohibition and the child suffers great bodily harm as a result, the person is guilty of a Class D felony. If a person violates this prohibition and consumes the child's blood, the person is guilty of a Class C felony.

<u>Crime</u>	<u>Fine</u>	<u>Maximum Imprisonment</u> (for offenses occurring before 12/31/99)	<u>Maximum Imprisonment</u> (for offenses occurring on or after 12/31/99)
Class E felony	\$10,000	Two years	Five years
Class D felony	\$10,000	Five years	Ten years
Class C felony	\$10,000	Ten years	Fifteen years

