

# Assembly Hearing Slip

(Please print plainly)

Date: Feb 22, 2001

Bill No. LRB 1366-1

Or Subject Mike Mathan +

Name Bob Derwik

Street Address or Route Number 702 R. AUGER POINT

City and Zip Code MADISON, WI 53717

Representing WI Apt Assoc

Speaking in favor:	<input checked="" type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

Please promptly return this slip to the messenger at the committee.

Provided by:  
Assembly Sergeant at Arms  
411 West, State Capitol  
Madison, WI 53708

# Assembly Hearing Slip

(Please print plainly)

Date: 2/22/01

Bill No. LRB 1260

Or Subject Termination of Tenancy - posing threat

Name Orville Seymer

Street Address or Route Number 1442 N Farwell

City and Zip Code Milwaukee 53202

Representing Apt Assoc. of Southeast WI

Speaking in favor:	<input checked="" type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2-22-2001

Bill No. LRB 1260

Or Subject \_\_\_\_\_

Name Leo Yelle

Street Address or Route Number 1519 Frank St

City and Zip Code Green Bay WI 54304

Representing Apartment Assoc x NE Wis.

Speaking in favor:	<input checked="" type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2/22/01  
Bill No. CRB 1260  
Or  
Subject \_\_\_\_\_

Name De Murray + Rick Staff  
Street Address or Route Number 4801 Forest Run Rd.  
City and Zip Code Madison, WI 53704  
Representing WI Realtors Assoc.

Speaking in favor:	<input checked="" type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2/22/01  
Bill No. CRB 1260  
Or  
Subject \_\_\_\_\_

Name Bob Andersen  
Street Address or Route Number 31 S Mills  
City and Zip Code Madison WI 53715  
Representing LEGAL ACTION OF WISCONSIN

Speaking in favor:	<input type="checkbox"/>
Speaking against:	<input checked="" type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2/22/01  
Bill No. \_\_\_\_\_  
Or  
Subject Coveras Tash Foue on  
Manufactured Housing

Name Richard J. Rand  
Street Address or Route Number 8050 N. Post Washington  
City and Zip Code Milwaukee WI  
Representing Coveras Tash Foue on  
Manufactured Housing

Speaking in favor:	<input type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input checked="" type="checkbox"/>
Neither for nor against:	<input checked="" type="checkbox"/>

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Madison, WI 53708

# Assembly Hearing Slip

(Please print plainly)

Date: \_\_\_\_\_

Bill No. \_\_\_\_\_

Or Subject V.D.C Inspection Agency

Name Bob Blankenheim

Street Address or Route Number 1819 DAVIES DR.

City and Zip Code Oconomowoc 53066

Representing INDEPENDENT INSPECTIONS

Speaking in favor:	<input type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input checked="" type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2-22-01

Bill No. \_\_\_\_\_

Or Subject LCC Codes

Name Terry Deschane

Street Address or Route Number 4868 High Crossing

City and Zip Code Madison 53704

Representing Wis. Builders Assoc.

Speaking in favor:	<input type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input checked="" type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2/22/01

Bill No. \_\_\_\_\_

Or Subject BUILDING CODE

Name MARIONA KERNAN  
MIKE CORRY

Street Address or Route Number JOHN W. LARSEN

City and Zip Code \_\_\_\_\_

Representing DEPARTMENT OF COMMERCE

Speaking in favor:	<input checked="" type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2/23/01  
Bill No. LRB 1260  
Or  
Subject \_\_\_\_\_

Name Mike Makler  
Street Address or Route Number 21415 Platte Dr  
City and Zip Code Ripon, WI 54971  
Representing Eric Apt. Association

Speaking in favor:	<input type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input checked="" type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2-22-2001  
Bill No. LRB 1260/1  
Or  
Subject \_\_\_\_\_

Name Beth Gridley  
Street Address or Route Number 807 Colonial Ave Lower  
City and Zip Code Green Bay, WI 54304  
Representing Apartment Assn of NE Wis.

Speaking in favor:	<input type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input checked="" type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2-22-01  
Bill No. LRB 1260  
Or  
Subject \_\_\_\_\_

Name Ross Kinzler  
Street Address or Route Number 202 State St.  
City and Zip Code Monroeville WI 53703  
Representing WIS MANUFACTURERS ASSN

Speaking in favor:	<input checked="" type="checkbox"/>
Speaking against:	<input type="checkbox"/>
Registering in favor:	<input checked="" type="checkbox"/>
Registering against:	<input type="checkbox"/>
Speaking for information only:	<input type="checkbox"/>
Neither for nor against:	<input type="checkbox"/>

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# Assembly Hearing Slip

(Please print plainly)

Date: 2/22

Bill No. \_\_\_\_\_

Or Subject COMM 61-66

TOM LARSON

Name

4801 FOREST RUN ROAD

Street Address or Route Number

MADISON 53704

City and Zip Code

WIS. REACTORS ASS'N.

Representing

Speaking in favor:

Speaking against:

Registering in favor:

Registering against:

Speaking for information only:  
Neither for nor against:

**Please promptly return this slip to the messenger at the committee.**

Provided by:  
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Madison, WI 53708

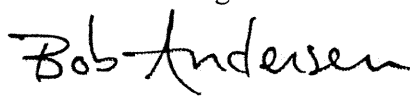
# LEGAL ACTION OF WISCONSIN, INC.

31 South Mills Street • P.O. Box 259686 • Madison, Wisconsin 53725-9686  
608/256-3304 • 800/362-3904 • FAX 608/256-0510

Kenosha Office  
508 56th Street  
Kenosha, WI 53140  
1-800-242-5840

Milwaukee Office  
230 West Wells Street  
Milwaukee, WI 53203  
414-278-7722

TO: Assembly Committee on Housing

FROM: Bob Andersen 

RE: LRB 1260, allowing Landlords to Evict Tenants on 5 Day Notices for Direct Threats to Injure or Harm Other Tenants or the Landlords

DATE: February 26, 2001

I would like to elaborate on the question of the liability of landlords, in the following copy of my testimony which I gave to your committee on February 22, 2001 on this bill.

## 1. Liability of Landlords

There has not been one case in this state that has held a landlord liable for the intentional acts of a tenant to injure or harm another tenant. All that a landlord has to do is to follow the procedures permitted by current law in responding to the complaint of one of the landlord's tenants. That is because following the prescription of the statutes is evidence that a landlord has acted with due care. If a landlord has a month to month tenant and a lease provision that prohibits tenants from harming or injuring other tenants, the landlord can automatically terminate the tenant's tenancy with a 14 day notice, under s. 704.17 (c). If it is a lease with a fixed lease period for more than one month, the landlord can give the tenant a 5 day notice to stop harassing the other tenant and can automatically terminate the tenancy on a subsequent 14 day notice, if the tenant repeats this or any other violation of the lease during the lease term. The landlord can also call the police. That is all the landlord needs to do to be free from liability. The only conceivable way a landlord can be held liable is for the landlord to completely ignore the tenant's complaints and do nothing in the face of an obvious danger to the other tenant.

The enactment of this bill will do nothing to change that liability.

## 2. The Bill Does not Even Contain the Protections Offered to Drug Dealers or Members of Gangs Under Current Law, Because it Does Not Require Certification by an Independent Law Enforcement Agency.

Under current law, s. 704.17 and s. 823.113 (1) or (1m), a tenant can be evicted on a 5 day notice – as is the case under this bill – only based on the certification of an

independent law enforcement agency. Under this bill, a tenant can be evicted immediately based on the same 5 day notice for having “directly threatened harm or injury” without any requirement of a certification from an independent law enforcement agency. Ironically, this means that a tenant can be selling drugs or participating in a gang activity out in the open without being subject to a 5 day notice for the termination of a tenancy, but is subject to such a 5 day notice without any independent verification based only on the complaint of the landlord or tenant where there is “harm or injury” threatened.

To be fair, this bill should require the same verification by an independent law enforcement agency so that the complaint is credible that the tenant is in fact threatening “harm or injury.” Otherwise, this bill will simply open the floodgates for all the complaints that tenants have against each other because they do not like each other. It will also put the landlord in the difficult position of having to figure out who is threatening whom and of having to mediate in all the disputes among the landlord’s tenants.

3. **The Grounds for Termination of a Tenancy on a 5 Day Notice – that the Tenant “Directly Threatened Harm or Injury” – is Too Vague and Deprives Tenants of any Protections from Unscrupulous Landlords or Fellow Tenants.**

Among the bill’s grounds for terminating of tenancies on a 5 day notice is that the tenant’s behavior “directly threatened harm or injury.” Webster’s New Collegiate Dictionary defines “harm” as “1. injury; hurt; damage. 2. Evil; wrong.” “Injury” is defined as “Damage or hurt done or suffered; detriment to or violation of person, character, feelings, rights, property or interests, or the value of a thing.” “Threat” is defined as “the expression of an intention to inflict evil or injury on another; menace.” “Threaten” is defined as “1. to utter threats against; promise punishment, reprisal or the like to. 2. To give forewarning of, as by a threat, sign, etc.; hence to hang over as a threat.”

Given these definitions, it is not difficult to see how tenants who dislike each other can easily claim that each of them “threatened harm” to the other and that the landlord should evict the other tenant. It is also easy for a landlord to claim that a tenant whom the landlord wants to replace is someone who “threatened harm” and should therefore be evicted expeditiously on a 5 day notice.

One can also imagine that this “behavior” encompasses the kind of clothing a person wears or the lyrics of the music that a person listens to. It obviously covers angry words that tenants often have for each other.

The criminal code does not use the concept of a “threat” when it describes conduct that is prohibited. It refers to the act that has been completed or to an “attempt” at the conduct, which is defined by s. 939.32 as an act that demonstrates an intent, based on the natural and probable consequences of the act, which was not completed because of the

intervention of a third party or an extraneous event. The criminal code does not use the concept of a "threat" in defining crimes against bodily security because that concept is too vague.

Consequently, if the bill intended to allow for the eviction of people based on their acts, it should be based on acts or attempted acts that constitute a real danger, as opposed to vague or amorphous concepts like "threats."

If this bill were to be enacted, the inequity would exist that one cannot be arrested and fined (nor can they be the subject of a temporary restraining order) for behavior that under this bill allows them to lose their home for.

4. **When the Eviction Occurs, it is the Whole Family that Loses Out; the Better Approach is to Obtain a Temporary Restraining Order that Gets the Offender Out of the House Immediately**

One of the very serious problems that confronts society today in Wisconsin is the number of times small children are forced to move from one school district to another, mid term, because of an eviction. This is mostly caused because of non payment of rent, but it can happen where there are other violations of leases, as well. The consequences for the children are devastating. Rather than limit those occurrences, this bill proposes to expand the circumstances under which that happens, because of the complaints of "threats" made by fellow tenants or landlords.

The reality is that landlords and tenants already have a far more effective remedy. Either a landlord or a tenant who is a victim can obtain a temporary restraining order against a person to keep that person away. That is a better approach than it is for the whole family to have to be evicted, making the children transfer to a different school district in the middle of the term.

With a temporary restraining order for domestic abuse or harassment, victims can get immediate relief. A court order can be obtained immediately. Even if this bill were to be enacted, it will take at least a couple of weeks to get a court order, which gives a victim no security from an immediate danger.

5. **Current Law Already Provides an Expedited Schedule for the Eviction of a Tenant Who Engages in this Conduct.**

Under s. 704.17, a month to month tenant can be evicted immediately on a 14 day notice for violation of a lease provision that prohibits this conduct. This short circuits the usual requirement of a 28 day notice. For a lease for a fixed period of more than a month, the landlord can terminate a tenancy immediately on a 14 day notice for a violation of any lease provision, if the tenant had previously been given a 5 day notice to stop the offensive conduct during any period of the tenancy. This short circuits the usual law which would otherwise require a landlord to wait until the end of the lease period, which



could be for a year or longer, to have a tenant evicted. The reason that the tenant is given a right to "cure" the default of the lease provision after the first notice has been given of a lease violation is that the legislature recognizes that tenants have a greater interest in these long term leases. These are their homes. Real property law based on feudal concepts long ago gave way to a recognition that these are contractual relationships where tenants are afforded some protections. These include the right of tenants to have some degree of security that they cannot be easily thrown out of the premises. The requirement of a 5 day notice with a right to cure is a recognition of the balance of these rights between landlords and tenants. If a tenant repeats the offensive conduct even once during the remainder of the lease term, or commits any other violation of the lease, the landlord can automatically terminate the tenancy with a 14 day notice.

6. **Conclusion: This is a Law Enforcement Problem; Expediting Eviction is Too Slow a Process to Protect Tenants or Landlords.**

If the police are unwilling to arrest a person who is accused of committing a battery or a sexual assault, the community has a much larger problem than concerning itself with whether or not the person should be evicted. Moreover, the problem is not going to go away with an eviction. The solution to this problem is to get law enforcement to enforce the law. In addition, a tenant or landlord can get an immediate court order for protection in a domestic abuse or harassment petition. The court order can order the offender out of the house. Eviction takes at least a couple of weeks, at best, before a court will enter an order.

i was asked in my swla newsletter to relay any horror stories that a 5-day "no right to cure" would have come in handy. my complex does not allow dogs. a resident decided to have a very lrg. pit bull live in her apartment. i tried every which way i could to get them and that large animal, who frightened my residents because they would use the elevator, out in less than 14 days.

janet madden  
property manager  
arcade apartments  
424 lake ave.  
racine, wi 53403

Several years ago we had rented an efficiency apartment to a young man. One night we got a call from both the Police Dept and another tenant about trouble at the efficiency apartment. When we got there the Police asked us to go to the door. Another person unknown to us answered and inside was about ten other people mostly minors partying. The Police started to go in and the other people inside starting jumping out windows literally. Several windows were destroyed and the apartment was trashed. The police took away all the minors but there was one that was of age and he refused to leave the apartment saying the tenant, (who was not there because he was taken to jail earlier) allowed him to stay there. So the Police allowed him to stay. Because the rent was paid and the tenant was not available, this guy was allowed to stay there until we served the tenant a 14 day notice to move for lease violation. It took us almost a month to actually get this tenant out. In the meantime there were a lot of Police calls because of this other guy staying there and his friends. My other tenants were not very happy about this situation, but that is the way it had to be done.

Roz Voegeli

526 1/2 S. Main St.

Janesville, WI 53545

608-757-2091

Email address: [DVOEGELI@PRODIGY.NET](mailto:DVOEGELI@PRODIGY.NET)

Here are a few "brief" events we have experienced:

- 1) A tenant repeatedly fell asleep with a lit cigarette, multiple burns in carpet.
- 2) A tenant left apartment with shotgun, threatening his girlfriend.
- 3) A tenant allowed a wanted felon with a gun into her apartment. The Police ended up "surrounding" the entire complex once they found out he was in the unit.

Chris Marks

Hartford CDA Asst. Director

A few years ago I owned an older four family on Ashland Street in Green Bay. The man that lived in one of the upper units, would go to the tavern, get drunk and come home and chase his woman friend around the apartment with a butcher knife. The lady downstairs could hear everything and was scared half to death. She told me about it and I gave them a 28 day notice to move which was all that was available at that time. Luckily they moved almost right away, but this was a dangerous situation to let go for any length of time.

I had another tenant that was always afraid that someone was going to poison his food so he kept a bicycle chain locked around the refrigerator. We had two Native American women living in this four family and he didn't like them. They suddenly moved out and he told me why. He came around the corner with his loaded revolver and he said they saw it and left. I gave him a notice to move and was quite concerned he would shoot me or another person in the building.

We need a law passed so that we can get tenants that are a threat to others, out of the building within five days.

Leo Yelle, Landlord Green Bay WI

Dear  
Martha,



Here is the written testimony, as promised. I will rely on your expertise to edit & correct any errors I have made and also give you permission to revise any of the contents that may or may not ~~be~~ be pertinent. This has not been easy to do and has taken me quite a long time to bring back in focus all of the emotional aspects that went along with the whole, very trying & chaotic ~~experience~~ experience. There are times when my writing gets ahead of my brain function to spell correctly, which happens even when I try to type but I've learned to live with it.

If you have any questions please feel free to call me, you have my phone #. I'm very slowly recovering from the DCE incident and we are all hoping for a good recovery even if it is a slow one that right now is testing my patience.

I also was not real sure how <sup>to</sup> state the heading please do what you can and I hope this will help the matter at hand.

Let me know what happens please, it is very important to me and others too.

With Much Appreciation,  
Jackie Thompson

To the State Assembly of Wisconsin,

When I was asked to testify in front of the State Assembly by State Representative Tom Sykora regarding the dire need of passing a bill for a change in a Law that can in one way or another possibly, enhance our lives and make our Neighborhoods, Homes and Community a safer place to live in, I told him I would consider it an honor and a privilege to do so.

However, ~~due~~ to a very hard fall on some snow covered ice and a very ungraceful landing, I am unable to do any traveling and/or sitting for very long periods of time therefore I am testifying by written letter and I sincerely hope and pray that something positive will result from what you are about to hear.

I would like to share with you some background information about me; My name is Jacqueline M. Thompson and I live in the beautiful Chippewa Falls area. I am now 59 years old, the only surviving parent of 3 daughters + 3 Sons-in-law, 1 Son + daughter-in-law and 11 Grandchildren.

Two Weeks after my 52nd Birthday 10/28/93 I suffered a Subarachnoid Hemorrhage, layman's term, a Ruptured Brain Aneurysm and two Hemorrhagic Strokes, although my Neurosurgeon did a 7½ hr. Right Side Craniotomy to hopefully save my life he was very honest with my family when he told them that even though I was still alive his prognosis was, if I

(2)

I survived, with all of the brain damage that was done there was a great possibility that I would be nothing more than a living vegetable the rest of my days. The Hope he gave them to hang onto was the fact that normally after a ruptured brain aneurysm people do not survive long enough to make it to a hospital let alone the surgery. He also told them that there is a reason she has made it this far and they should continue to think positive thoughts as well as pray and they would do all that they could medically wise to help me. I was paralyzed on my left side, blind in my right eye did not know left from right, up from down or in from out. The battle to learn how to walk again, talk again, think cognitively, remember who I was, where I was and comprehend what happened was a 9 month journey 3 months in two area hospitals and 6 months residency in a local nursing home and then because of all of the brain damage, I had to live in an environment where there would be very little stress and/or high anxiety because that could cause a massive stroke and/or another aneurysm and that is how I came to be living in an apartment complex for the elderly and/or disabled the Romeis Mellstrom apartments at 509 High St. Apt #206, Chippewa Falls on Aug. 1, 1994. The apartments were supposedly



(3)

Secure Bldgs and consisted of mainly Senior Citizens, in fact I was the youngest person to move into those buildings at that time. With both of my parents now deceased the residents became like a second family to me and I thrived living among them, in fact I felt almost like a teenager again with all of these wonderful Mom's always checking up on me. Given my permanent disabilities and now limited skills, I would not be able to compete out in the working world.

I felt so blessed and happy for the gifts given back to me through People Helping People, not to mention the most important gift of all, the Gift of Life and Living and even though I had to deal with pain & suffering (Side effects of Craniotomy) as well as other disabilities, in spite of all of that, I was still able to help the people I lived among and after re-learning how to make music again I found there was a need for volunteers at the Chippewa Falls Nursing Homes to provide Music programs for the many residents of our Health Care Facilities, for me it was an answer to a prayer. I knew then how I could still be of service to other members of our Community, for me that was all the challenge and motivation I needed to use the gifts given back to me and help others like they had helped me and I was a very happy camper right up to

4)

Friday evening of April 9, 1999. That night I was sexually assaulted in my own apartment by another resident who lived in the apartment directly above mine #306.

It was an incomprehensible act of power and violence that made me want to crawl into a hole and pull the hole in behind me. Although that terrifying shock was bad enough there were to be more shocking revelations compounding the initial assault. The second shock I faced was just before a female staff member of the Romeo Apts. brought me to the Police Station to report the assault. The on site Manager informed me that the resident had committed this type of crime before and more after shocks when I found out that he had a 13 page rap sheet of violent crimes, what none of us could comprehend was, with a prior record like his, why was he allowed to live among a population of over 90% elderly, single and/or disabled females. All of those terrifying facts combined with the residents petitions, signed by the majority of all residents to have him evicted just based on his prior convictions alone and sent to HUD, Wheelabrator and the Meridian Corporation. Those were the only legal steps we could take in a positive direction, yielded not one positive action with those in authority, who could have made a difference.

The perpetrator was arrested and

(5)

and released on Signature Bond that only protected me by stating he could not come within 25 feet of me, a major factor not taken into consideration was that he lived only 12 feet above my head and he made sure his presence was heard and felt by all residents during the day and did what I can only define as a Night Stalking Act over my head every night until now, I was suffering from Sleep deprivation along with fear of reprisal, my own self-esteem was blown to bits, I felt so violated, so dirty, so defenseless. I could not concentrate, I lost the ability to focus on anything, my ability to speak became nothing but a constant stutter and I have never stuttered in my entire life. I was the victim of a heinous crime and continued to be victimized because that (yellow chicken livered slime ball), the only appropriate terminology I allow myself to use, slipped right through the loop holes in the laws that were in place and he used it to his advantage. My home virtually became my prison and so too, did the other residents feel this way. Now I felt as though the laws we were taught to uphold and the Golden Rule I was taught to live by, "Do unto others as you would have them do unto you," all of those things failed to protect me and yes, I could understand how some people might be tempted to take the law into their own hands and I also understood why so many people

(6)

do Not report a sexual assault. Now the crime he perpetrated on me even had me questioning my own deep and abiding faith, and it was at that point that I suffered a complete Mental and Emotional breakdown and physically my health spiraled down to the point of suffering a TIA or mini-stroke. Now I knew, beyond a shadow of a doubt, that if I were going to survive to testify at the trial which was scheduled on November's calendar, I would have to move away from the home I loved and from people I so dearly loved and this decision broke my heart, as well as my spirit and emotionally it broke the residents hearts too. Even my 3 youngest grandchildren who have only known their Grandma Jackie as a person with a Sunshiney disposition always happy, always smiling, always helping others and making good things to eat as well as good music for singing & playing by (the 3 who were born Nov. 93, Nov. of 94 and Dec 25<sup>th</sup> 95) asked their Mom (my youngest daughter) what happened to Grandma's Sunshine. They were only told that someone had hurt Grandma, and that made her Sunshine go away, the sadness in their faces and the hurt in their tears as well as their little voices was more than I could bear. They came and put their little arms around me and with soft but determined voices they told me "Don't worry Gramma we will help you get your Sunshine back." Those words

(7)

and their determination that they could do something for their Grandma that no other adult human being was able to do was all the inspiration I needed to find the strength and the courage I would need to continue the battle for Justice.

One of my Romeo's Mom's stood with me as I was packing up all of my belongings and with tears streaming down her face said to me "Jackie if you move and we lose you, we lose everything," I hugged her and yes, I shed more tears too and then I looked her right in the eye and told her, "We may have lost the battle to have him evicted, but if I do not survive to make it to trial and hopefully convict him with the truth, then we lose everything and Lord willing, he will be convicted."

On the 20th of August 1999 with the help of family, friends and other options available to me from the Community as well as having to use evasive driving techniques, because I was followed by him 4 different times.

I slept in my new home where I was free from fear, free from the Night Stalker noises free from the prison walls of my Romeo's Home that day by day were closing in on me and free just to be me and I slept like I had not been able to sleep since April 9, 1999.

On November 18, 1999 after an hour and a half of deliberation the jury brought in a Guilty Verdict of Second Degree Sexual Assault With threat or use of force. When the

(8)

Victim Witness Co-ordinator from the DA's office, Theresa Johnson, called me at my new home so soon after the trial had convened, I was so afraid to hear the verdict but I knew I had to find out the answer and when she informed me, what the verdict was, I know I screamed in her ear oh, thank God, thank God and then I sat down and cried the most cleansing and grateful tears that I had cried since the evening of the assault April 9, 1999. She also informed me that Judge Sazama had rescinded his bond and he was placed in jail until sentencing, now I also knew that my Romeo Mom's were safe from retaliation too.

On January 7<sup>th</sup> 2,000 he was sentenced to 15 years in Prison and I hope he serves every one of those 15 years. This too was a very long 9 month battle for Justice and Survival, however, the battle for Justice cost me more anguish, physically, Mentally, emotionally & Morally as well as financially than my 9 month battle for Survival Medically. The reason for the two comparisons between the long battle of Medical Trauma vs Justice is that I can tell you that even when I was paralyzed with my brain unable<sup>to</sup> make much sense to me, Never during the 9 months of Rehabilitation did I feel so lost, so helpless or hopeless nor so impotent to achieve a positive outcome and be able to live an independent life again

(9)

And the second point I need to make is that I hope you have a better understanding of how a crime like this can and does affect not only the Victim, but the fallout because of a loop-hole in a law allowed a Sexual Predator to have more power and freedom than his Victim, ~~the~~ whole family and eventually a whole community of people there ~~was~~ were no other options available to them to prevent or expedite a faster outcome that could have made a very big difference in all of our lives.

From my ~~experience~~ <sup>experience</sup> this law change would close a loop hole in a law change from before and that this new law would make a difference through out the State of Wisconsin in every community and for every law abiding citizen.

This is now February 2001 and I am still suffering from Recurrent Horrifying nightmares of the assault, the experts in the field of Psychiatry and Psychology tell me that this is normal for human beings following a very traumatic experience, it is called Post Traumatic Stress Syndrome. I knew of this disorder but I thought that was only found among so many of our Veterans who served our Country so valiantly on the front lines of War but yes, I too fought a battle for survival, the only difference between our Veterans and myself is

(10)

that my war was fought from the moral values of Home, Family & Community.

The passing of this Law Change has nothing to do with whether you are a Democrat or a Republican, those are political choices and irrelevant to this issue.

What is and should be relevant is how you, our law makers, view the Moral Values of Home, Family, Neighborhoods and Community.

Thank you for the opportunity to voice our concerns before you. Thank you also for listening to my testimony and please vote your conscience, a Sexual Predator does not have a conscience.