

STATE OF WISCONSIN

D. A. Case No. 2012CA000524
Agency Case No. 12-023872

-VS-

Plaintiff,

FILED

CRIMINAL COMPLAINT

Walter C. Sparks
1427 Northview Lane
Little Chute, WI 54140
DOB: 11/20/1949

JAN 31 2014

Case No. 12-CF-90

FILED

CLERK OF COURT OF APPEALS
OF WISCONSIN

CLERK OF CIRCUIT COURT

JUN 20 2012

Defendant,

Susan Richter, of the Appleton Police Department, being first duly sworn, states that

CALUMET COUNTY
BARBARA VANAKKEREN

Count 1: SECOND DEGREE SEXUAL ASSAULT

The above-named defendant on Friday, June 15, 2012, at [REDACTED], in the City of Appleton, Calumet County, Wisconsin, did have sexual intercourse with a person, DRW, who was under the influence of an intoxicant to a degree which rendered that person incapable of giving consent, and the defendant had the purpose to have sexual intercourse with the person while the person was incapable of giving consent, contrary to sec. 940.225(2)(cm), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

PROBABLE CAUSE:

Your complainant states that she is an employee with the Appleton Police Department and bases this complaint upon the reports and investigations of Officer Rosetti, Sgt. Olson, and Sgt. Gleiss, which are deemed reliable as they are law enforcement officers whose reports have been accurate and reliable in the past.

Your complainant reports that at approximately 3:00 AM on June 15, 2012, Officer Rosetti responded to S. Wheatfield Drive, City of Appleton, Calumet County, Wisconsin. Upon arrival, he spoke with [REDACTED], who reported that on June 14, 2012 she went to Apple Pub for some drinks with some friends, including [REDACTED], DOB [REDACTED]. [REDACTED] stated that at about 1:50 AM, DRW called a taxi for a safe ride home. Atlas Cab came and DRW got into the front passenger seat with the driver and they left.

[REDACTED] stated that she thought DRW was too intoxicated and when she got into the taxi, a couple of guys from the bar were hovering around and [REDACTED] worried they may have heard [REDACTED] say her address to the driver so [REDACTED] decided to go to [REDACTED] house to check on her. [REDACTED] stated that when she walked in the front door she found [REDACTED] lying in the fetal position on a loveseat with no pants or underwear on. She described [REDACTED] as being very emotional, crying, and saying "I told him no and that I had money." [REDACTED] showed Officer Rosetti the loveseat, and he observed a pair of jeans on the arm of the loveseat, a towel on the floor in front of the loveseat, and a t-shirt and a jacket on the floor next to the couch adjacent to the loveseat. [REDACTED] described the taxi as a mini-van, and the driver as a huskier white man, possibly in his 50's, with shorter light hair.

Officer Rosetti next spoke to [REDACTED] and noted that she was intoxicated and crying off and on. When Officer Rosetti asked questions about what happened, [REDACTED] made comments about calling Atlas Cab because she was too drunk to drive. She was able to tell Officer

Rosetti that she got a ride home from Atlas Taxi and she paid him \$10.00 on the porch and told him to keep the rest. DRW also said she went inside and the taxi driver followed her, telling her that she still owed him. The driver then pushed [REDACTED] to the loveseat, took off her pants, and had sex with her without a condom. [REDACTED] repeatedly told Officer Rosetti that she told him not to touch her and she told him no the whole time.

Later on June 15, 2012, Sergeant Polly Olson spoke with [REDACTED] who stated that the night before she went to Apple Pub with her friends at about 9:00 PM and consumed about six shots and more than a pitcher of beer between 9:00 PM and 1:30 AM. She thought her friend called the taxi for her. [REDACTED] stated that she remembered discussing payment but doesn't remember the details, and didn't remember getting from the taxi into the house. [REDACTED] stated that the next thing she recalled was "flopping down" on the loveseat, about 10 feet from the front door of the house. She remembered seeing the taxi driver standing over her and leaning over her. [REDACTED] stated she remembered how he smelled, and described it as a "dirty old man dick" smell. She stated that she remembered pushing at his midsection, making contact with his genital area with her hands while trying to push him away from her.

Sgt. Olson also spoke to [REDACTED], who stated that she had had a bad feeling so she went to [REDACTED] house to check on her at about 2:25 PM and noticed that the Atlas van was still parked in front in the driveway. As she was about to get out of her car to check, the driver left [REDACTED] house and [REDACTED] noted that it was the same man that picked [REDACTED] up. [REDACTED] stated that she went to the door and when [REDACTED] didn't answer, she walked in and found [REDACTED]. She tried to ask [REDACTED] what happened and [REDACTED] just made statements about trying to get him off of her, so Vicki contacted the police. [REDACTED] then began vomiting.

In an attempt to determine the identity of the taxi driver, Sgt. Gleiss reviewed traffic cameras on the route between Apple Pub and [REDACTED] home. He was able to confirm that an Atlas taxi van drove that route. The owner of Atlas Cab, [REDACTED], gave Sgt. Olson the names of the three employees working at Atlas Cab the night of June 14-June 15 and descriptions of the vans they drove. [REDACTED] also informed Sgt. Olson that the run logs did not include a run from Apple Pub to [REDACTED] and that Walter Sparks was acting as dispatcher and driver that night.

On June 18, 2012, Sgt. Olson spoke to Walter Sparks, who confirmed that he was dispatching and driving in the early morning hours of June 15. He stated that he could have transported a woman from Apple Pub to [REDACTED] but he didn't remember because it was a busy night with too many calls to remember. He added that any runs he would have made would have been noted on the log sheet.

On June 19, 2012, Sgt. Olson went to Atlas Cab to get copies of the log sheets and, while she was there, Walter Sparks arrived and approached Sgt. Olson. Sparks asked if Sgt. Olson was the person he spoke to the previous day, said that he was the driver who transported the woman Sgt. Olson had asked about, and then asked, "is she claiming I raped her?" Sparks stated that he picked her up at the bar and started to drive her home. He claimed that she made sexually explicit comments to him en route, and when they arrived at her house the woman told him she had to go in the house to get his money. Sparks stated that as soon as they got inside she began taking her clothing off. He stated that he said, "Who, whoa I just want my money," and she replied, "that's all you're worried about is your money." Sparks stated that the woman had pulled her pants down and was

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lying on the couch, so he told her again that her fare was \$8.00. He stated that she gave him a \$20.00 bill and he gave her \$10.00 in change, and when he began to give her two \$1.00 bills she told him to keep the change and he left. Sparks then told Sgt. Olson that he has erectile dysfunction. When Sgt. Olson asked if he would provide a DNA sample, Sparks stated that they had oral sex and that the woman pulled his pants down and began "sucking me." When asked if he ejaculated, Sparks stated, "I doubt it because I can't get an erection," followed by, "Maybe," and then "I don't I ejaculated." He said Sgt. Olson's phone call and his boss' phone call about the run sheets made him quite nervous and that what he did with the passenger was not ethical.

Sparks told Sgt. Olson that when he arrived at Apple Pub, the woman's friend helped her into the van and told him she was really drunk. Sparks said that the friend told him to "help get her drunk ass home." He stated that there was a lot of sexual innuendo on the way home. He said that the woman would not give her specific address but rather pointed to where he should go, and when they arrived, she said she had to go inside to get money to pay him. He stated that the woman stumbled on the way to the door and he helped her up. He acknowledged that, "She was drunk," and "she was pretty drunk." Sparks stated that when they got to the house, she pulled his shorts down and began sucking on his penis. He stated that he told her to stop but she wouldn't. The whole time he was there, said Sparks, he was standing right by the door, and he was there five minutes, tops.

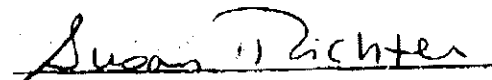
When asked if his DNA would be in [redacted] vagina, Sparks said, "Possibly," and that he tried to "get inside her" but couldn't get an erection and that's why he left. He said she had the money in her hand and kept saying, "fuck me fuck me fuck me." When shown the run sheets, Sparks admitted that this run was not listed. He was then placed under arrest.

At the Appleton Police Department, Sparks was read his Miranda warnings and waived them, agreeing to speak further with Sgt. Olson. He stated that he felt terribly about doing this to his wife and that he knows he shouldn't have done it but stated that he feels that he was the one who was coerced and he only went into the house to get his money. He said that even though he knows she was drunk he believes she knew what she was doing.

Based on the foregoing, the complainant believes this complaint to be true and correct.

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

This 20 day of June, 2012.


Complainant


Jerilyn M. Dietz
District Attorney

State Bar No. 1045045