

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

CRIMINAL COMPLAINT

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STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2008DA013235

Agency Case No.:

-vs-

**MINERVA LOPEZ**

2721 Pheasant Ridge Trl #8

Madison, WI 53713-2774

DOB: 12/20/1975

Sex/Race: F/H

Eye Color: Brown

Hair Color: Black

Height: 5 ft 6 in

Weight: 130 lbs

Alias: Minerva Lopez Betancourt

**Court Case No. 2008 CF**

ATN: 13100809260543

**PORFIRIO OLIVAS**

2721 Pheasant Ridge Trl Apt 8

Madison, WI 53713

DOB: 09/15/1970

Sex/Race: M/W

Eye Color: Brown

Hair Color: Black

Height: 5 ft 6 in

Weight: 220 lbs

Alias: Porfirio Olivas-Lopez

**Court Case No. 2008 CF**

ATN: 13100809250569

Defendants,

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**COMPLAINING WITNESS**

Garton, Anderson, Gehn, Hale

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**The above-named complaining witness being first duly sworn states the following:**

**Count 1: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**

(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her head with a broomstick*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 2: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her face with a metal bar*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 3: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her body/arms*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 4: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by biting her face*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 5: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her head with a fry pan*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 6: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her back with a metal rod*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 7: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her head with a bat*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 8: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her buttocks with a belt*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 9: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by kicking her buttocks*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 10: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by pouring hot water on her body*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 11: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by cutting her wrist with a knife*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 12: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by strangling her*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 13: INTENTIONAL CHILD ABUSE - GREAT BODILY HARM** (As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008,, in the Town of Madison, Dane County, Wisconsin, did intentionally cause great bodily harm to a child, AO, DOB 05/07/1994, *by bending her fingers back breaking bones in her hand*, contrary to sec. 948.03(2)(a), 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.

**Count 14: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008,, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her forehead*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 15: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008,, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her nose*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 16: INTENTIONAL CHILD ABUSE - GREAT BODILY HARM** (As to defendant Minerva Lopez)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause great bodily harm to a child, AO, DOB 05/07/1994, *by breaking her patella (knee cap)* contrary to sec. 948.03(2)(a), 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.

**Count 17: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by twisting her arm*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 18: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008,, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by punching her stomach*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 19: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by punching her body*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 20: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008,, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her buttocks with a belt*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 21: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her back with a belt*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 22: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her face with his hand*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 23: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by strangling her*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 24: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by kicking her buttocks*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 25: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by kicking her torso*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 26: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, AO, DOB 05/07/1994, *by striking her with a plastic clothes hanger*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 27: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM**  
(As to defendant Porfirio Olivas)

The above-named defendant on and between April 01 and September 25, 2008, in the Town of Madison, Dane County, Wisconsin, did intentionally cause bodily harm to a child, EO, DOB 12/04/1999, *by striking her with a plastic clothes hanger*, contrary to sec. 948.03(2)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**FACTS:**

Your complainant is a Court Officer for the Town of Madison Police Department and for this complaint is relying on the report of Town of Madison Police Detective Robert Hale. Detective Hale reports that on September 25, 2008, Thursday, at approximately 12:57 P.M., he was dispatched to 2721 Pheasant Ridge Trail, No. 8, in the Town of Madison, Dane County, Wisconsin, in reference to a child abuse investigation. Dispatch indicated that several social workers had gone to the residence and located an emaciated female child in the closet and that the child had some type of injury to her head. Detective Hale ended up responding to that location and identified the two suspects in this case, Minerva Lopez and Porfirio Olivas-Lopez. Detective Hale learned from speaking with both of them that they had five children, a 14-year-old with a date of birth 05/07/1994 and the initials AOL, a female; an 8-year-old with a date of birth 12/04/1999 and the initials EOL; a 5-year-old male; a 3-year-old male; and a 2-week old female. Detective Hale notes that they live at the 2721 Pheasant Ridge Trail, Apartment No. 8, address.

Detective Hale reports that upon seeing the 14-year-old primary victim, AOL, he stated that he immediately identified her as a victim of a horrendous crime inasmuch as she was virtually covered from head to toe with bruises with various bloody wounds to the top scalp of her head, an open gash to her right cheek, various generations of bruises ranging in color from purple to green to yellow, and injuries that were consistent with what he later found were breaks in her right hand and a broken right kneecap.

Detective Hale transported AOL to the University of Wisconsin Children's Hospital, at which time he had AOL examined by Dr. Barbara Knox, who is a specialist in child abuse cases. Dr. Knox later ended up briefing Detective Hale and others in the law enforcement and human services team, stating that AOL suffered from two breaks to the fingers of her right hand, one of which was an older break, the second of which was a newer break. AOL also had a broken right kneecap which was going to need surgical treatment. Dr. Knox indicated that AOL is potentially going to be suffering from life-long disabilities due to injuries sustained from the abuse, including but not limited to scarring resulting in permanent disfigurement and injuries leading to limb immobility. Dr. Knox indicated that the multiple bruises and fractures present are not consistent with any medical cause. Both the parental and child statements of inflicted injury toward AOL further support the medical diagnoses. Dr. Knox also said that the child appeared malnourished.

Detective Hale reports that Dr. Knox made the following medical diagnoses in this case:

1. Definite physical abuse of a child.
2. Serial child torture.
3. Physical neglect of a child.
4. Medical neglect of a child.
5. Educational neglect of a child.
6. Consistent with causation of great mental harm.

Detective Hale reports that he separately spoke with both of the defendants in this case, AOL's parents, Minerva Lopez and Porfirio Olivas. Detective Hale learned that the timeframe within which the majority of these injuries occurred was from April of 2008 to September 25, 2008, the date that law enforcement became involved in this case. Detective Hale reports that there has been three Human Services reports on AOL in the past, the first being April of 2008 from school when she showed up with injuries to her face. The victim indicated that her brother threw something at her, but the counselor said a friend made a statement that AOL told the friend that the mother, Minerva Lopez, hit her. Human Services was not able to act upon that complaint, and they got another report on June 2, 2008, from the school, indicating that AOL showed up with facial injuries. The friend said that AOL said to her that she was hit at home. Also on June 4, 2008, there was a third reports where AOL had a wound on her head that had dried blood on it. AOL at that time said she jumped up and hit herself on a locker; however, the same friend says that AOL again claimed that her mother caused this injury and the victim said that she was afraid one day she wouldn't make it. The friend also said that the mother claimed that if the victim reported this that the mother would strangle her. The victim, AOL, denied this and gave multiple explanations. Human Services was not able to substantiate this injury coming from the home and were not able to take any further actions.

Detective Hale reports that on September 26, 2008, he spoke with Defendant Minerva Lopez, at 5:40 P.M. at the Town of Madison Police Department and that the interview was conducted through the assistant of a State Certified English-Spanish interpreter. Defendant Lopez indicated that she wanted to cooperate and that she planned on going back to Mexico soon. She said that her husband, Porfirio, did not want to go back. She said that she wanted to go back because he had an arrest warrant and she did not want him locked up. He brother was going back to Mexico by the end of September and was going to help them get back to Mexico. Even though Porfirio said he didn't want to go, Lopez said she couldn't take the stress of the problems they had in their marriage and simply was waiting until after her newborn baby had been born for a couple of weeks, and then she was going to go back to Mexico. She established that she and Porfirio are the biological parents of all of the children, including AOL.

Lopez admitted to causing the majority of the injuries sustained by AOL and observed by Detective Hale. Lopez indicated that on one occasion in particular, she hit AOL on the head with a stick, specifically stating that it was a yellow broomstick, and the incident happened two days before the interview. When asked why she hit AOL with the broomstick, she said that when pressure builds up and lets loose, she takes it out on AOL. She now realizes that AOL is the one who pays the price when Olivas and her have an argument and commented that AOL is the one who gets the "broken dishes" and she realized that is how she reacted. When asked why she got angry in the first place, Lopez said it was a day when the police came to her house stating that there was a 911

disconnect call. AOL denied making the call, but Lopez blamed it on her, and she said "I hit her," "on her head." Lopez said that she hid AOL 3-4 times, causing AOL's head to bleed. When asked what AOL did, Lopez said "She cried, she always cries." Lopez told AOL "Don't make any more noises please because they are going to take my baby away. Please don't make any more noise." The broom was described as being a metal broom, and it was bent from the attack. She indicated that she disposed of the broom.

Detective Hale then showed Lopez a photo that he had taken of the top of AOL's head, asking if the injuries on his head were from the broomstick, and the defendant said no. She said that it was something much harder that caused those injuries to her head. She said something about the broom breaking and that it was the laminated metal that had done that to her head when Lopez struck AOL 3-4 times. Detective Hale showed Lopez a photo of AOL's face and inquired about the large, open gash under her right eye, asking what happened to cause those injuries. Lopez indicated that it was the same, the stick, and it was after the broomstick had broke. When asked why she did not take her to the hospital, Lopez said "Because of the fear I've always had that this was going to happen." Detective Hale reports that she was referring to the police contact.

Detective Hale asked her what else had happened and how else she had harmed AOL. The Defendant Lopez said "Well, with my hand also." When asked how often she would hurt AOL, she said "It was pretty regular, about every third day, and then I would actually say to AOL, come on, let's make a deal, I have a proposal, let's not fight anymore." She said it would be okay for a while and then Lopez would start up with the abuse again.

When asked how often she would hurt AOL, she said she would use Defendant Olivas' belt. She said that she used the belt on AOL's buttocks area. When asked if she ever punched AOL with a fist, she said yes, and also said that she would slap AOL. Detective Hale asked if Lopez had ever bitten AOL as AOL looked like she had some bite marks on the inside of her legs. Lopez said that she did not bite her on the inside of her leg, and when asked where she did bite her, Lopez pointed to the right side of her face by the jaw line and said "Here." Lopez said that she doesn't remember the exact day, however, remembers that AOL and Olivas were shoving each other around and making a big ruckus, and it was always a fear of Lopez that that noise was going to summon someone to call the authorities. AOL wouldn't be quite, and when she was crying more and more, Lopez "just lost it and I bit her." Lopez said that this was right after she had her baby, stating that she got out of the hospital around the 3<sup>rd</sup> day of September and believed that it was approximately a week after that. As to where it happened, she said it happened in the living room. Lopez said that after she bit her, AOL "cried even harder instead of being quiet."

Detective Hale asked her what the worst thing she had done to AOL was, she responded by saying "Well, hitting her on the head." When asked if it was when she hit her on the head with the metal broom or other times, Lopez responded there were other times. When asked specifically what she used to strike AOL on the head with, she said once she had used a "frying pan." Lopez went on to state that she didn't know the date, but that she remembers one time right after she had her baby. Detective Hale asked Lopez how often she would hit AOL on the top of the head, and she responded "Lately it has been quite often." When asked what that meant, she said "Well, I couldn't say every third day but maybe once a week."

Lopez was asked what else she was used to hit AOL with besides metal broomsticks, a frying pan and belt, and she said that at one point, she used a metal bar or rod on AOL. She said that this was the metal bar that she had used to cause injury underneath AOL's right eye. Lopez said, "I would never stop to think about the consequences" and that "When I hit her under the eyes, because it really close to her eye, then I realized it was bad, it was wrong." She indicated that she had done this either two days or a week ago. Lopez said that she had also hit AOL on the back with this metal rod. Detective Hale asked Lopez where this happened in the home, and the defendant said AOL would run away and "It is logical for her to run away" to "defendant herself." Lopez said that she would, in fact, chase after AOL while AOL was running away. Lopez said that she did not want to admit to the incident with the metal bar because it was heavier than the broomstick; however, she did indicate she used the metal bar on the face of AOL. Detective Hale reiterated with her that she had used the metal broomstick on the top of AOL's head, and she indicated that she did, but after she had seen what she had done to AOL with the metal bar and had seen the injury it had caused her, she said she "sort of realized" and "It scared me the way I was reacting." Detective Hale confirmed that the metal bar and broom were on two separate occasions.

Detective Hale tried to establish exactly what happened to cause the multiple injuries to the top of AOL's head and showed her a picture of the blood, and she said that for one thing, the broomstick had bent at the other times hitting her on the top of the head; however, when she looked at the picture of AOL's head, she said, pointing at the picture "this time" she had hit her with a metal bat. She indicated that the metal bat was a children's size gray metal bat and she had thrown it away after causing injury to AOL with it.

Detective Hale asked her how to differentiate between the frying pan that she had used to hit AOL with and whether or not they would be able to find it, and Lopez indicated that they would as "it got kind of dented on the bottom." Specifically Lopez was asked because that was the pan she had hit AOL with, and she said yes.

Lopez also admitted that she had kicked AOL on her butt and spit on her.

When Detective Hale asked if she had ever poured hot water on AOL, Lopez said "Hot, yes." When asked to tell him about it, she said "Yeah, it was hot from being on the stove and we were both in the kitchen and she wasn't hurrying enough and I would say pass me that, and now I think poor thing, she was nervous. I think being nervous made her move even more slowly." Lopez continued by saying that she would "lose it" and have this "stupid reaction," saying "I threw it on her clothes" with AOL responding "You're burning me, you're burning me." The burning incident with hot water being poured on to AOL, according to Lopez, occurred a month or more ago, and it happened in the apartment in the kitchen. When asked how much water she used, she said "Just a little round small pot" and she believed that type of incident only happened one time.

When asked if she had ever used a knife to cut AOL, Detective Hale notes that he was basing the question upon a scar which he had seen on AOL's wrist in the hospital. Lopez said that, in fact, she had used a knife to cut AOL with. When asked to tell him about the incident, he did show her a picture of a reddish scar on AOL's wrist area, and Lopez confirmed that it was a scar caused by a knife. She doesn't remember the date; however, it was 2-3 months ago. She said that she recognizes she needs help, and when asked to

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tell him about the incident, she said "It was whatever I had in my hands." She said she was cutting up stuff in the kitchen and "I used just whatever I had." She said whenever she would go after AOL, that AOL would but her hands up "so she was defending herself," so "I just, I didn't realize." She described it as a knife that was used to cut vegetables. She stated that it is still in the house now, and it is in the utensil tray. She said that after she cut AOL that AOL put a rag around it. When asked if AOL screamed, she said yes. When asked if there was a lot of blood, she said "Yes." Lopez said that she did not take AOL to the hospital and that it happened "just that one time."

When asked other ways in which she would hurt AOL besides punching, kicking, hitting with a belt, hitting with objects, cutting her, pouring hot water on her or cutting her with a knife, Lopez said that she also strangled AOL. She said that it was "The same kind of thing, she was crying." She said "Be quiet, be quiet or I'll make you be quiet." At that point, she would press down on her neck and that AOL did not "shut up because she was always trying to defend herself" and added "and she would cry more." The last time this would happen was approximately three days ago in the living room of the apartment and that Lopez said that she had strangled her daughter, AOL, between 5-6 times since April, describing that the problem got worse from April on. Lopez said that she would leave red marks on AOL's neck and that those would go away and then bruises would come later. She also said that AOL never passed out from being strangled. Lopez said that as AOL would try to defend herself, "That would make me angrier and I would just say to her, you're not going to beat me."

When asked if Porfirio Olivas would ever hit AOL, she said that he would hit her but that Lopez would tell Olivas not to hit her on the head but to hit her on the rear end. Lopez indicated one time that Olivas climbed on top of her and twisted her arm up backwards, believing that he had broken her arm. When Lopez was pregnant, Porfirio would take it out on AOL because he was not able to hurt Lopez due to her pregnancy. Lopez said that Olivas would push her, slap her and also lift her up by the neck with his two hands. When he did this, Lopez said that she would become frantic and tell him to leave her alone and say "That's enough." Lopez said that "and AOL would say that is nice when I would defend her." On some occasions, Olivas would say "Help me, help me, get a cross because AOL has the devil in her" and that Olivas would hold AOL down and Lopez would slap AOL in the face or Olivas would hit AOL in the stomach. Lopez didn't remember the exact last time that that happened other than it was around the time that she was pregnant or had just given birth a couple of weeks ago. She was adamant that Olivas did punch AOL in the stomach with a fist, and when asked if AOL would cry, Lopez said yes.

Detective Hale took out some more photos of AOL and showed Lopez the photos depicting a long, vertical, healing laceration on AOL's stomach, and Lopez said that she had done that to AOL with a metal rod which is the same one she used to hit her in the eye with. She also believed that the marking on the right nipple was also from the rod, and the bruising on the upper chest area may have been when Olivas punched. When shown a picture of AOL's fractured or broken fingers, Lopez said that she did not know that this had happened and did not realize that her fingers had been broken; however, believed that she may have done it by pulling on her fingers. She said there was one time by the park by Taco Bell on South Park Street, which your complainant knows is located in the City of Madison, Dane County, Wisconsin, and it happened when AOL was getting out of a vehicle, and she had pulled AOL's fingers back. Lopez demonstrated by grabbing a couple of finger's of her hand and simulated by bending them backwards towards her

biceps. Lopez said that this incident occurred approximately two weeks ago. Also in looking at a different picture showing prominent bruising on AOL's arms and shoulder, Lopez said that she was surprised by the prominent bruising on the left shoulder and did recall that she did hit or punch AOL in the biceps area with Olivas punching her as well. Detective Hale showed her a picture of AOL's back depicting scarring, bruising and cuts. When commenting about what he had seen in the picture, Lopez looked and said "poor thing" following up with "and she was always happy to see me." Lopez said that the worst of this started back in April of this year, as before April there was pretty much just a swat on the butt, a slap to the face or a pinch.

Detective Hale pointed out the photographs of AOL's injuries to her arms, saying that the arms barely had a natural skin color as most of them were covered with bruised in various healing stages as well as scars and cuts. Lopez looked at the pictures of bruises on the arms and said that what caused that was the punching. She said that AOL raised her arms up to defend herself, and that is basically where she took the brunt of a lot of the hits. When asked how many times she had seen Olivas harm her daughter, she said it was maybe six times.

Detective Hale showed her a photo of a jagged red scar in the middle of AOL's forehead, and Lopez said that she didn't remember what she had used to do that; however, knew it was her that caused that injury and not Olivas. She recalled causing that injury to AOL approximately three months ago, and once again, she did not remember what she used to hurt AOL with, but when asked if bled, she said yes, and when Detective Hale said "I'll bet it hurt," she said yes.

Detective Hale also showed her a photo of a crescent-shaped scar on AOL's nose. Lopez did not recall specifically how that happened; however, she knows "I did it" and thought that it may have happened around 2-3 months ago in either June or July.

Lopez began stating when she was talking with one of the social workers, they were saying that a blow to the head could have killed her. Lopez agreed that that was logical and said that when she thinks about it, she gets "kind of panicky."

Detective Hale showed Lopez a photo of AOL's legs which depicted her swollen kneecap. Lopez was advised that the kneecap had a broken "patella," which is the kneecap, which is only caused from trauma. When asked how this happened, Lopez said she didn't know for sure but did know, in fact, that she did it, saying "I did it also." She did not know what she used to break the kneecap, and when asked how she knew she had done it, she said "It's like, locked," and that was her memory. She said that she could tell that it was swollen; however, she was not sure what she used to do it and believes it may have happened a month ago.

Lopez said that when Olivas twisted her arm up behind her, that she thought that AOL had broken her arm because AOL kept complaining that she couldn't raise her arm up, but Olivas would tell her "Nothing is wrong with you, nothing is wrong with you." She remembered that it was approximately a week ago when Olivas lifted her up with his two hands by the neck. When demonstrating how Olivas twisted her arm, Lopez said that she would get frantic when she saw that and tell Olivas "Not like that," yet she also added "Yet I really know that I hurt her even more, and that's what I don't understand." She said that she would tell Olivas "Not in the head, you don't hit her in the head, you hit her in the butt

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or some other part.”

Detective Hale reports that Lopez also saw Olivas with the child EOL, the 8-year-old daughter, in the bath and that one time, he used a clothes hanger to hit EOL, causing a bruise on her.

Detective Hale reports on September 29, 2008, at approximately 8:25 P.M., he interviewed Porfirio Olivas-Lopez in the Dane County Jail. Olivas was there due to his arrest in his case along with failing to report for a traffic jail sentence. He also has an immigration hold.

Olivas admitted that he “used a belt a few times on her,” pointing to the buttocks region. He said that he did this approximately five times. He also said that he has use the belt on her butt and sometimes on her back, pointing to the area of her upper spine. Detective Hale asked him if thought he caused the bruises depicted on a photograph which he showed Olivas. Olivas nodded his head in the affirmative, meaning that he did. Olivas stated that the last time he did this was last Tuesday. When asked how may times he hit her on the back, he said “Maybe one time,” and apparently at that time, he had also used a belt on her butt.

Olivas said that as far as punching, he had slapped her in the face and at first said that it was not too hard. However, he did admit that he had once caused a bruise on the side of her face by slapping her; however he clarified it was a slap and not a punch. This was in response to Detective Hale saying that he had hit her on the left side a few weeks ago and that there was a visible bruise there that was big but was now fading away.

When asked how he had strangled her, Olivas said that he would grab her neck “like this” and demonstrated by putting his hand in front of him and squeezing them sharply. He did admit that doing this to her neck probably caused bruises. When asked if she would cry, he said “She cried sometimes.” When asked if she would run from him, he answered “Sometimes.” When asked to tell Detective Hale about a time that Olivas grabbed her neck and lifted her up, he said “I did it one time, too” stating that she would cry when this happened and that the last time it happened was maybe a week ago.

Detective Hale asked him to tell him about the time when he had his hands around her throat and squeezed it which he said was a week ago and asked him why he was mad. Olivas hesitated and said he didn’t know and he didn’t remember why, stating that she had lied to him about something but he didn’t remember, and when asked if it hurt her when he did that, he said “I think so.” When asked how high up off the ground he had lifted her by putting his hands around her neck and lifting, he picked his hand up off the table which Detective Hale estimated to be a distance of about 4-5 inches with the defendant agreeing on that assessment. Olivas said that she did not pass out and that he stopped choking her only when she had almost stopped breathing, stating that she was at that point making a gurgling sound. They tried to reenact this, and Detective Hale estimated that the choking incident in the reenactment lasted 3-4 seconds. Olivas said that after he choked her, he set her down “slowly.” When asked how many times he choked her that way, he said “I lifted her three times maybe;” however, said they were not on the same date. He usually strangled and lifted her for the same reason he explained earlier and said that she never passed out.

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When asked how many times he had punched really hard, he said that he punched her at least twice in the back, he punched her in the stomach on at least two or three occasion as well, and as far as her face was concerned, he said he had never punched her in the face but he would slap her in the face. The implement that he said he had used on her was a belt. He thought for a moment and said "That's all, I know this is not good what I did."

Olivas also admitted to kicking her, stating that the last time he kicked her was sometime last week and it was in the butt. He explained that she was standing up in the hallway and that she did not fall down after being kicked, as he said she was "pretty strong." He then demonstrated a kicking motion as if he was kicking a football with his toes up while striking AOL in the buttocks area. He admitted wearing shoes when he did that and that AOL cried as a result. When asked what else he had done, he admitted to kicking her in the side one to two times as well, pointing to her picture depicting her ribcage area.

Olivas said that the problems started earlier this year, and when asked if it started around April, he did confirm that. Olivas was not able to put an exact number on it, but said he believed it was around 20 different incidents, that is to say 20 different days in which he had kicked AOL, and in each incident he believed he had "probably" quick kicked her twice. He claims he had never kicked her in the head, stating that he believed he only kicked her on the legs, butt, ribcage area and upper back. When Detective Krause, who was also present, asked him why he didn't hit her in the head, he answered "I know it is more danger, I don't want her to die."

Detective Hale showed him a picture of her right arm and said that this arm was possibly broken in that it was, in fact, injured. Olivas did not remember right away but when Detective Hale refreshed his memory, he said he did, in fact, remember having AOL lying on the ground and taking her by her arms, bringing them back and twisting them together. He admitted that he twisted her arm and explained that sometimes she tried to hit him, too, and added that she can be very strong. When asked to demonstrate this, he thrust his knee into Detective Krause's back and held his arms, indicating that he would be holding AOL's arms behind her back and pulling up and inward, causing the arms to twist and be pulled. When asked how painful he thought this was for her, he said he thought it was "pretty bad," stating that he did not wish that anyone would do that to him.

Olivas was asked he if ever thought that AOL had the devil in her, and he said "Sometimes she scares me, too" and said that he would see that in her eyes that she had the devil and that sometimes he took her to church four times a week. When asked if he really believed that AOL had the devil inside of her or he was just saying that, he said matter-of-factly "She don't have the devil inside," stating "I think she is just scared."

When asked if he ever saw Lopez hurting AOL, he said "sometimes" and said that Lopez would throw things at AOL, hitting her in the head, for example, things like glasses and plates. Olivas looked at the picture of AOL's head with blood on the top of it and described that he thinks Lopez may have done that by the mechanisms he had just described.

When asked about the clothes hanger, Olivas said "I use it sometimes, specifically stating he used it on AOL, using it on AOL maybe one time." He struck AOL with it because AOL had apparently hit AOL in the face. Olivas stated that he hit AOL with the clothes hanger on the butt. Olivas said that the last time he used the hanger on AOL was probably two

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weeks ago, and he did admit that striking AOL with the hanger did leave marks and bruises.

**\*\*THIS COMPLAINT IS BASED ON** the information and belief of your complainant, who is a Court Officer for the Town of Madison Police Department, and who learned of the above offense from the reports of Town of Madison Police Detective Robert Hale, which report(s) your complainant believes to be truthful and reliable inasmuch as they were prepared during the course of the officer(s) official duties.

Your complainant believes the statements of the Defendants to be truthful and reliable insofar as they are admissions against penal interest.

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

This 2<sup>nd</sup> day of September, 2008

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ASSISTANT/DEP DISTRICT ATTORNEY  
DANE COUNTY, WISCONSIN

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COMPLAINANT