

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.:2010ML005197

Plaintiff,

vs.

Complaining Witness:

Det. Sharon Hess

Hoffman, Joel Lee (AKA Lynch, Joel)  
2550 West Oakwood Road  
Oak Creek, WI 53154  
DOB: 12/12/1978

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**Count 1: FIRST DEGREE SEXUAL ASSAULT (USE OF A DANGEROUS WEAPON)**

The above-named defendant on or about Friday, February 26, 2010, at 3059 North Maryland Avenue, Apt C, in the City of Milwaukee, Milwaukee County, Wisconsin, did have sexual contact with BMW, without that person's consent, and by threat of use of a dangerous weapon, contrary to sec. 940.225(1)(b), 939.50(3)(b) Wis. Stats.

Upon conviction for this offense, a Class B Felony, the defendant may be sentenced to a term of imprisonment not to exceed sixty (60) years.

**Count 2: SECOND DEGREE SEXUAL ASSAULT (FORCE OR VIOLENCE)**

The above-named defendant on or about Friday, February 26, 2010, at 3059 North Maryland Avenue, Apt C, in the City of Milwaukee, Milwaukee County, Wisconsin, did have sexual contact with BMW, without that person's consent, by use of force, contrary to sec. 940.225(2)(a), 939.50(3)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

**Count 3: SECOND DEGREE SEXUAL ASSAULT (FORCE OR VIOLENCE)**

The above-named defendant on or about Friday, February 26, 2010, at 3059 North Maryland Avenue, Apt C, in the City of Milwaukee, Milwaukee County, Wisconsin, did have sexual contact with BMW, without that person's consent, by use of force, contrary to sec. 940.225(2)(a), 939.50(3)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

**Count 4: KIDNAPPING (SEIZES OR CONFINES FORCIBLY), USE OF A DANGEROUS WEAPON**

The above-named defendant on or about Friday, February 26, 2010, at 3059 North Maryland Avenue, Apt C, in the City of Milwaukee, Milwaukee County, Wisconsin, by threat of imminent force did confine BMW, without her consent and with intent to cause her to be secretly confined, contrary to sec. 940.31(1)(b), 939.50(3)(c), 939.63(1)(b) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while possessing a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

**Count 5: BURGLARY (ARMS SELF)**

The above-named defendant on or about Friday, February 26, 2010, at 3059 North Maryland Avenue, Apt C, in the City of Milwaukee, Milwaukee County, Wisconsin, did intentionally enter a dwelling without the consent of the person in lawful possession and with intent to commit a felony, while unarmed, but armed himself with a dangerous weapon while in the burglarized enclosure, contrary to sec. 943.10(2)(b), 939.50(3)(e) Wis. Stats.

Upon conviction for this offense, a Class E Felony, the defendant may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

**Count 6: SECOND DEGREE SEXUAL ASSAULT (FORCE OR VIOLENCE)**

The above-named defendant on or about Tuesday, March 10, 2009, at or near 2324 South 15th Street, Milwaukee WI 53215, in the City of Milwaukee, Milwaukee County, Wisconsin, did have sexual contact with CAA, without that person's consent, by use of force, contrary to sec. 940.225(2)(a), 939.50(3)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

**Count 7: SECOND DEGREE SEXUAL ASSAULT (FORCE OR VIOLENCE)**

The above-named defendant on or about Tuesday, March 10, 2009, at or near 2324 South 15th Street, Milwaukee WI 53215, in the City of Milwaukee, Milwaukee County, Wisconsin, did have sexual contact with CAA, without that person's consent, by use of force, contrary to sec. 940.225(2)(a), 939.50(3)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

**Count 8: CHILD ENTICEMENT (SEXUAL CONTACT OR INTERCOURSE)**

The above-named defendant between about August 30, 2009 and September 16, 2009, at or near 1117 West Washington Ave., Milwaukee WI 53204, and other nearby locations, in the City of Milwaukee, Milwaukee County, Wisconsin, with intent to have sexual contact in violation of s. 948.02 with MBC, DOB 11/19/1994, a child who had not attained the age of 18 years, did attempt to cause that child to go into a vehicle, contrary to sec. 948.07(1), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

**Count 9: STALKING - VICTIM UNDER AGE 18**

The above-named defendant between about August 30, 2009 and September 16, 2009, at or near 1117 West Washington Ave. Milwaukee WI 53204, and other nearby locations, in the City of Milwaukee, Milwaukee County, Wisconsin, did intentionally engage in a course of conduct directed

at MBC, a child under the age of 18, with the date of birth of 11/19/1994, that would cause a reasonable person under the same circumstances to suffer serious emotional distress or place the person in reasonable fear of bodily injury to or death of herself where the actor knew or should have known that at least one of the acts that constitute the course of conduct would cause MBC to suffer serious emotional distress or place MBC in reasonable fear of bodily injury to or death of herself and the actor's acts caused MBC to suffer serious emotional distress or placed MBC in reasonable fear of bodily injury to or death of herself, contrary to sec. 940.32(2m)(e), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

#### **PROBABLE CAUSE**

I am a city of Milwaukee law enforcement officer and I base this complaint on information contained in three separate sets of police reports, prepared in the ordinary course of business, by the City of Milwaukee Police Department. I further state that I have relied on similar reports generated by this same law enforcement agency in the past which have proven to be reliable.

#### **As to Counts #1-#5**

One such set of police reports, prepared, in part, by city of Milwaukee Police Officer Christine Koch, on or about March 1, 2010, contain the following information concerning the charges set forth in Counts #1-#5:

Said reports contain statements made by BMW, a 21 year old adult female. BMW states that on the above referenced date, February 26, 2010, in the early morning hours, at the above referenced location, 3059 North Maryland Avenue, Apt C, in the City of Milwaukee, Milwaukee County, her residence, an unknown male subject, later positively identified by BMW in a police photo array as the above named defendant, Joel Lee Hoffman (AKA Joel Lynch), appeared at her door. BMW states that the defendant knocked on the door. She states that she believed the person at the door might be her roommate so she opened the door. She states that she had no reason to believe anyone else would be at her door at this hour. She also states that there is a locked exterior door to the apartment complex. She states that she then opened the door and observed the above named defendant standing in her doorway. She states that she recognized this person as someone she saw moments earlier and spoke to briefly. She states that other than that very brief encounter she had never met or spoken with the defendant. She states that almost immediately after she opened the door the defendant walked into her apartment, *without consent*, and began commenting on the layout of the apartment. She states that at no point did she invite the defendant into her residence. She states that shortly after the defendant entered her residence or dwelling, without her consent, she observed that he was wearing *blue colored latex or rubber gloves* like the type used in a hospital or laboratory setting. She states that she became extremely frightened upon observing that the defendant was wearing such gloves, believing he entered with a plan (or the intent) to commit some type of crime while inside her residence. She states that she then began to dial 911 on her cellular phone. She states that she was able to dial one or two digits when the defendant approached and struck her, knocking her cellular phone out of her hand and onto the floor. She states that the phone hit the ground with sufficient force to cause the cover of the phone to break and the battery to fall out.

She states that almost immediately after striking her and causing her phone to fall to the floor and break, the defendant demanded that she "*pull down her dress*" and show him her "*tits*." She states that she initially told the defendant "no" and asked him to leave; however, she states that the defendant continued to approach her and continued to demand that she "*show him*" her "*tits*." She states that she did not want to expose her breasts to the defendant, who was an unknown intruder in her home, but she was very frightened. She states that at one point the defendant, who had just struck her and broke her phone, and who was using a more demanding tone with her and physically backing her into a more dimly lit part of the apartment, stated that he would "*leave*" if she would just "*show him her tits*." She states that she was afraid he would hurt her, as he had just struck her, and

she wanted him to leave, so she complied. She states that she reluctantly pulled down the top of her dress, and pulled up her bra, thereby exposing her breasts. She states that the defendant then forcibly took hold of her breasts with his hand and fondled her breasts without her consent. She states that the defendant fondled her breasts for a short time and then moved even closer to her and put his mouth on her breasts and started "*sucking*" on them, by force and without consent. She states that when these sexual assaults were occurring she and the defendant were positioned near the kitchen area of her apartment which was not well lit. She also states that the defendant was close to her and that she feared the defendant might become violent.

She states that the defendant then forcibly pushed her against the sink in her kitchen, without consent. She states that she then felt the defendant reach up under her dress and force her underwear down. She states that it was at this time that she observed that the defendant was holding a "*bladed*" object in his other hand. She states that it appeared to be a "*knife*" as she could clearly see a blade, but she states that it was dark so she is not certain if it was a knife or a longer pair of shears or scissors. She states that she wanted to scream but did not because she was afraid the defendant would stab her. She states that the defendant then, with knife or other bladed object in hand, and her body forced against the sink in the kitchen, began to touch her vagina and began inserting his fingers into her vagina, forcibly, at knife point and without consent. She states that she kept telling him to please stop but he continued anyway. She states that the defendant continued inserting his fingers into her vagina for about 2 minutes, which she states felt like a long time, at which point he demanded she "*bend over.*" She states that she was very scared because the defendant had struck her and was still brandishing a knife or scissors, but she just stood there looking at him, fearing he was going to sexually assault her further if she complied. She states that at about this time she heard the main door of the apartment building open.

She states that the defendant then suddenly stepped away from her and began to walk toward the door to her residence. She states that she felt safer because the defendant had his back to her and was moving toward the door. She states that she believed he was going to leave and also believed that her roommate had arrived home. She states that she started to follow the defendant toward the door, when the defendant, who she still believed to be armed with the knife or scissors, turned and ordered her to go into her bedroom and close the door. She states that she was afraid the defendant, who was armed, might harm her if she did not comply, so she went into her room and shut and locked the door (thereby complying with the defendant's demand that she secretly confine herself.)

She states that shortly thereafter she heard her roommate and friends who had just arrived home. She states that at this point she opened the door and told her roommate and friends what had happened. She states that she was distraught and crying when she opened the door and immediately told her friends she had been sexually assaulted. (Witness interviews contained in the above referenced police reports indicate that BMW was crying and distraught when her roommate and friends came upon her in the residence and that she disclosed she had been sexually assaulted.)

She further states that she recalls the door to her apartment being shut during the course of these incidents but does not recall how it became shut, although she assumes the defendant must have shut it behind him because she did not shut the door after he walked into the apartment without consent.

BMW states that although she immediately disclosed the assaults to her roommate and friends, she did not immediately report the matter to police because she felt "*stupid*" for opening the door. She states that she got up the courage to report the assaults after confiding in a friend who had gone through a similar experience.

Said police reports also contain information indicating that witnesses observed a newer model black Dodge Charger parked outside of the apartment complex at the above address, on the above date,

at approximately the time the above described burglary, sexual assaults and kidnapping occurred. Said reports also indicate that further police investigation revealed that the above named defendant drives a black Dodge Charger matching the description of the vehicle observed at the scene.

Said reports also indicate that police presented BMW with a photo array, including the above named defendant, and that BMW positively identified the defendant in the photo array.

#### **As to Counts #6-#7**

Another such set of police reports; prepared, in part, by city of Milwaukee Police Officers Paul Hinkley and Barbara Court, on or about March 10, 2009, contain the following information concerning the charges set forth in Counts #6-#7:

Said reports contain statements made by CAA, a 16 year old juvenile female. CAA states that on the above referenced date, March 10, 2009, she was walking southbound on S. 15<sup>th</sup> Street, in the city and county of Milwaukee, near the above referenced location. She states that she was walking toward her residence and that she was headed home after attending a program after school. She states that as she walked toward her residence, she approached an alley at which point an unknown adult male subject, later positively identified as the above named defendant, Joel Lee Hoffman (AKA Joel Lynch), came up from behind her, grabbed the left side of the front of her jacket, forcibly gripping her left breast with his hand, *without consent* and causing her pain. She states that he then pushed her against a fence *without her consent*. She states that he then reached his hand in between her legs from behind, touching her buttocks and then rubbing his hand on her clothed vaginal area. She states that he did this immediately after pushing her against the fence. She states that the defendant was rubbing on her vagina and then just held his hand there, still touching her vaginal area. She states that she then screamed and jerked her right elbow back. She states that after she screamed, the defendant let go of her and ran eastbound through the alley.

She states that she was very scared and that her left breast was red and sore from the attack and sexual assault and that she sustained an abrasion to her knuckle when he forcibly pushed her against the fence.

She states that after the defendant ran, she proceeded back toward her home, walking southbound on S. 15<sup>th</sup> Street. She states that she made a phone call and while on the phone she observed two uniformed police officers so she hung up her call and told the officers what had just happened.

Said reports also contain statements of city of Milwaukee police officer Paul Hinkley. Officer Hinkley states that he was on duty on the above date at or near the above referenced location. He states that shortly before being approached by CAA, he had personally observed an individual, matching the general description of the defendant, running eastbound down the alley. He states that this subject, later positively identified as the above named defendant, was wearing a long sleeve button up dress shirt, black dress pants and black leather slip on dress shoes. He states that the defendant was running and he approached the defendant and asked him if he was "OK." Officer Hinkley states that the defendant said he was "OK" but that he could not remember where he parked his car and he was late for a meeting. Officer Hinkley states that almost immediately thereafter he was approached by CAA, who appeared fearful, had tears in her eyes, was shaking and visibly upset. CAA then explained that a white male in dress clothes had grabbed her and assaulted her (as related above). Officer Hinkley states that as CAA was relating what had just happened she stopped and said, *"that's him, there he goes!"* and pointed to the subject with whom officers just spoke.

Officer Hinkley states that he then followed the subject, later identified as the defendant, from the street as his partner went to the west end of the block. Officer Hinkley states that he then observed the defendant coming through the yard of the house located at 1518 W. Windlake Ave. Officer Hinkley states that he then approached the defendant and placed him into handcuffs. Officer Hinkley further states that the defendant, upon seeing Officer Hinkley, exclaimed: *"That bitch is lying, I didn't do shit, this is why I fuckin' hate the Southside!"*

Officer Hinkley notes that he had never mentioned to the defendant that he was being investigated for an incident involving a female, only that he was being detained pending a complete investigation. He further notes that there would have been no way the defendant could have seen CAA from his vantage point at the time of arrest as CAA was located two or three houses west of the location where the defendant was being placed into handcuffs.

Officer Hinkley states that the defendant gave him, Hinkley, consent to search his (defendant's) vehicle, which was a newer model black Dodge Charger (identical in description to the vehicle observed at the scene of the above described Maryland Avenue assaults). During the search of the defendant's vehicle, the only item of note police observed was a pair of black colored long range binoculars.

#### **As to Counts #8-#9**

Another such set of police reports, prepared by city of Milwaukee Police Officers Corey Kroes and Juan Lopez, on or about September 18, 2009, contain the following information concerning the charges set forth in Counts #8-#9.

Said reports contain statements made by MBC, a then 14 year old juvenile female, with a date of birth of November 19, 1994. MBC states that between the above referenced dates, about August 30, 2009 and September 16, 2009, an unknown adult male subject, later positively identified as the above named defendant, Joel Lee Hoffman (AKA Joel Lynch), had approached her multiple times and tried to get her to get inside of his car to have sexual contact. She states that this would typically happen while she was waiting at her school bus stop at S. 11<sup>th</sup> Street and W. Scott, near the above referenced location as well as near her home, which is located at 1211 W. Washington Street, both locations being in the city and county of Milwaukee.

She states that each time she observed the defendant he appeared to be well dressed. She states that she would observe him to be wearing "a nice button down shirt" with either "blue jeans or dress pants." She further states that he would approach her in his black colored Dodge Charger, which she described as being very clean and looked like it "did not belong in the neighborhood."

MBC states that recalls the defendant approaching her on three separate occasions. MBC states that the first time the defendant approached her was on about August 30, 2009. She states that on this occasion she was walking in her neighborhood near her home and the above address. She states that the defendant parked his car (the black Dodge Charger), got out, and approached her on foot. She states that he came up to her and immediately put his arm around her shoulders, *without her consent*, and proceeded to tell her something to the effect: "be easy on me, I don't have any game." She states that he then said that he wanted to "get with her sometime," all while having his arm around her shoulders without consent.

MBC states that she understands the phrase, "I want to get with you . . .," to be slang for a *sexual encounter* and that she responded by saying that she "does not even know him." She states that she then immediately pulled away from him and ran to her house. She states that based on the defendant's demeanor, he had put his arm around her without consent, and what he said, "I want to get with you" she believed he was propositioning her for some form of sexual contact. MBC, who was 14 years old at the time of this incident, states that she was very frightened by the defendant's conduct.

MBC states that about two weeks later, while she was walking home near the above location, the defendant again approached her, unsolicited. She states that this time the defendant was in his car, the above described black Dodge Charger. She states that he followed her in the car and kept demanding that she "get into [his] car!" She states that she was very afraid and ran from the defendant. She states that while she was running she came upon a friend of her father's and flagged him down and asked him to take her the rest of the way home. She states that she told this