

Stepdad, mom conspired to rape her, girl testifies

Written by BILL SCHANEN IV
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Ex-Fredonia youngster tells jury mom watched as stepdad assaulted her, but defense argues story is a desperate lie

A 13-year-old girl told an Ozaukee County jury Tuesday that although she would like to forget, she remembers exactly what happened on April 1, 2013.

She was 12, and it was her stepfather's 44th birthday. Sometime after dinner, the girl said, her mother led her to the master bedroom of the family's Fredonia apartment where her stepfather was waiting.

"She (her mother) said, 'We're going to give your daddy a special birthday gift,'" the girl testified. "I said, 'I don't want to, mommy,' but she said do this just for once."

In the bedroom, the girl said, her mother instructed her to take off her clothes and lie on the bed. Then her stepfather had sexual intercourse with her, the girl said.

"She (her mother) was lying right next to me telling me it will be all right," the girl said. "I was just like, 'Oh God, not this.'"

"Ten or 15 minutes later, I said, 'I think that's enough,' and he stopped. My mom told me to take a shower, get ready for bed and never tell anybody what happened."

In his opening statement, District Attorney Adam Gerol told jurors that he would prove the girl's story is true, although he noted there is no physical evidence in the case because it was reported to authorities more than two months after it occurred. The verdict, he said, will hinge on the credibility of the witnesses.

Defense attorney Robert Olmr said one of the least credible witnesses is the alleged victim, who fabricated the story in a desperate attempt to escape the tyrannical rule of her mother.

"Desperate people do desperate things," Olmr told jurors. "This (story) was an act of desperation so she (the girl) would never have to go live with her mother again."

"When you go back to the jury room, all you will have is a story from a desperate girl that can't be proven."

The girl's stepfather, who she said was a janitor at a church prior to being arrested in June, is charged with three felonies punishable by a maximum 80 years in prison — first-degree sexual assault of a child, child enticement-sexual contact and incest with a child by a stepparent.

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The girl's 37-year-old mother, who worked at a Subway restaurant in Washington County until being arrested, is charged with felony counts of failure to protect a child from a sexual assault, first-degree sexual assault of a child and child enticement-sexual contact.

The woman faces a maximum 62 years in prison and has pleaded not guilty by reason of mental disease or defect to the charges. She was not on trial Tuesday, but testified against her husband.

Ozaukee Press is not naming the girl's mother and stepfather to protect her identity.

The couple was charged in June just days after the alleged assault was reported to authorities. The girl said her 16-year-old sister, who was the only person she confided in shortly after the attack, accidentally mentioned it while they were visiting their biological father in Illinois. Her father promptly reported the incident to police.

But, Olmr said, what the girl told Round Lake, Ill., police and an Ozaukee County Sheriff's Department detective in June was fiction — a ploy to break free of her mother and be placed permanently in the custody of her biological father.

During questioning by Olmr, the girl said her mother rarely let her or her sister play outside, prohibited her from participating in sports and other activities and called her names such as "crackhead, butthead and midget."

"You didn't like your mom very much, did you?" Olmr asked.

The girl said, "Not that much."

At the end of a videotaped interview with Ozaukee County Sheriff's Detective Wayne Lambrecht and social worker Molly Hubbell in June 2013, which was shown in court Tuesday, Hubbell asked the girl what she would like to have happen. The girl explained that when her parents divorced, her mother was awarded custody of her and one of her sisters.

"But I really want to be with my dad because he gives us more opportunities while my mom keeps us locked in the house almost every day," she said during the interview.

Several of Olmr's questions were intended to highlight discrepancies between the girl's statement to authorities in June and her testimony Tuesday.

In June, she said her stepfather was waiting for her in his bed naked under the covers. On Tuesday, she testified he was wearing boxer shorts and a sleeping mask.

In June, she told authorities that her step-father asked her after the assault what she would like as a special treat.

"I said, 'Can I just please go back to my bedroom?'" the girl told the detective and social worker. "He asked me what else I really wanted, and I said I wanted the rest of my life to be real

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nice and to actually have a really good family.”

On Tuesday, however, the girl testified, “I was being childish. I said I wanted a mansion, a car and a horse.”

Gerol cut to the chase.

“Mr. Olmr is suggesting you made this up so you can stay with your dad in Illinois,” he said. “Is that true?”

“No,” the girl said.

There were also discrepancies between the girl’s story and her mother’s version of events.

The girl said it was her mother who led her into the bedroom, told her to undress and lie on the bed, and instructed her and her stepfather.

“I started to almost scream because it hurt so bad,” the girl told investigators in June. “He (the stepfather) said it looked like it was hurting really bad, so he stopped.

“Then my mom told me to get on top (of him). I asked her to please help me.”

The girl’s mother, however, testified that she was depressed and overworked and finally gave in to her husband’s incessant requests to have sex with one of her daughters.

“He finally said you have to do it now,” she said. “He said he wanted (her 12-year-old daughter.)

“He was always talking about my daughters, even when he was having sex with me.”

The woman said it was her husband who ordered her daughter to undress and lie on the bed. She said she just curled up on the bed waiting for the assault to be over.

After being warned that her testimony against her husband could be used to prosecute her, the woman was asked why she chose to testify instead of invoking her constitutional protection against self incrimination.

“Because I couldn’t stand up for my children then, and I want to now,” she said, sobbing.

But Olmr, who noted that when the woman was first questioned about the accusations she denied any knowledge of the assault and is now blaming her husband, said he suspects a different motive for her testimony.

“You’re here today because you believe your testimony will help you with your case,” he said.

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Testimony ended abruptly Tuesday afternoon when the woman said she was having an anxiety attack.

The trial was to resume Wednesday. Judge Paul Malloy said he hoped the jury could begin deliberations by noon.