

State of Wisconsin

Circuit Court

Fond du Lac County

STATE OF WISCONSIN

Plaintiff,

-VS-

Donessa T. Davis Sr.

DOB: 08/11/1972

Sex/Race: M/B

Alias:

DA Case No : 2009FL002986

Assigned DA/ADA: Devra Ayala

Agency Case No.: 09-9012

Court Case No.:

ATN:

09CF213

Defendant,

**Criminal Complaint**

Detective Pat Primising of the City of Fond du Lac Police Department, being first duly sworn, states that:

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

The above-named defendant on Sunday, July 26, 2009, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did intentionally cause bodily harm to a child, J.M.D., DOB 07/30/2001, contrary to sec. 948.03(2)(b) 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: MISDEMEANOR THEFT**

The above-named defendant between 7/30/2009 and 7/31/2009, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did intentionally take and carry away the movable property of Tracy M. Hood-Davis, without consent and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a)&(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

**Count 3: TELEPHONE HARASSMENT, DOMESTIC ABUSE**

The above-named defendant between 7/30/2009 and 7/31/2009, in the City of Fond du Lac, Fond du Lac County, Wisconsin, with intent to threaten, did telephone another and use profane language, contrary to sec. 947.012(1)(b), 968.075(1)(a) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

**Count 4: HARASSMENT, DOMESTIC ABUSE**

The above-named defendant between 7/28/2009 and 7/31/2009, in the City of Fond du Lac, Fond du Lac County, Wisconsin, the defendant did engage in a course of conduct which harassed or intimidated Tracy Hood-Davis and was accompanied by a credible threat which placed the victim in reasonable fear of death or great bodily harm, contrary to sec. 947.013(1r), 968.075(1)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

8/6/2009

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats, because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats

**PROBABLE CAUSE:**

The complainant is a Captain with the City of Fond du Lac Police Department

On August 3, 2009 at approximately 7:38 a.m. Officer Berg of the Fond du Lac Police Department made contact with the complainant Tracy Hood-Davis. Tracy indicated that she wanted to get a restraining order against Donessa Davis. Officer Berg asked Tracy why she would need a restraining order, Tracy indicated child abuse, harassment, and threats to kill her.

Tracy indicated that she has twin daughters identified as J.J.D. and J.M.D., both with the dob of 7/30/2001 and that their father is Donessa Davis.

Tracy stated that she and Donessa do not reside together and that last September Donessa had moved out and had been staying in hotels and at the homes of other women. Tracy stated that the agreement for his visitation with the children is that he will stay in a hotel when he is with the daughters and that no other women will be present around the daughters.

Tracy indicated that last week on Sunday, July 26, 2009 the daughters were visiting with their father at the Days Inn Hotel in Fond du Lac. Tracy indicated that during the time that the girls were with their father, they had stopped back over at Tracy Davis' residence. When the daughters arrived at Tracy's residence, Tracy noted that her daughter J.M.D. had her finger nails painted. Tracy learned from J.M.D. that her father, Donessa Davis, had had a woman present when their daughters were visiting him at the hotel and that this woman was the one that painted J.M.D.'s nails. Tracy let the daughters continue the visit with their father. Tracy indicated that the girls returned home and Tracy noticed that J.M.D. was crying. Tracy asked her what was wrong, J.M.D. indicated that her father had beaten her. J.M.D. indicated that after Donessa found out that Tracy knew that a woman had been present with the daughters, Donessa got mad at J.M.D., grabbed her by her collar and pulled her into the front seat. J.M.D. indicated that her father Donessa pushed her head down, stated that he was disgusted with her and did not want to see her face. Donessa shoved J.M.D.'s face down further and hit her in the upper face and forehead area. J.M.D. stated that her face was even hitting the window of the car. J.M.D. indicated that her father said, "is this what you want for your birthday?" J.M.D. indicated that Donessa also spanked her on the butt.

J.M.D.'s twin sister J.J.D. verified what J.M.D. had stated regarding what had happened at the hands of their father Donessa Davis. J.J.D. indicated that she saw their father slapping J.M.D. and stating, "God I hate you." Tracy indicated that she took a camera and took pictures of J.M.D.'s face and noted that J.M.D. had a swollen eye. J.M.D. and J.J.D. both indicated that their father had told them to lie and state that he had elbowed her. Tracy Davis provided the camera to Officer Berg which contained the pictures that Tracy had taken of J.M.D. including a swollen eye and knot on her forehead.

On July 29, 2009 Donessa sent a text message to Tracy indicating "you say I beat her and all she got out of it was a swollen eye wow I deff shouldn't fight" that message was shown to Officer Berg and the send date was July 29, 2009.

Tracy further indicated that on Friday, July 31, 2009 she started receiving phone calls and messages from Donessa Davis that were very harassing and threatening in nature. Tracy received the messages to her cell phone while in the City of Fond du Lac. Tracy indicated that she received about 50 calls and there were about 9 voice mails that were left from Donessa Davis. Officer Berg was able to listen to these voice mail messages left by Donessa Davis that were left for Tracy. The first message was left at 1:33 a.m. and the messages continued until 2:06 p.m. The messages contained statements like, "you scared" "you call me." They also indicated that she received a message from Donessa indicating that he had Tracy's father's ashes and that if he did not receive a call from Tracy, then every hour he was going to

pour a cup of Tracy's fathers ashes out Tracy indicated that her father's ashes were kept in her residence and that she did not at any time give Donessa permission to take the ashes from her residence Tracy indicated that Donessa had to have taken the ashes between July 30, 2009 and July 31, 2009 because that is the time that he would have had access to the ashes in her residence

Tracy indicated she had spoken with Therese Zienmann on Friday night, that would be July 31, 2009, and told her how Donessa had been calling and threatening her. Therese indicated to Tracy that Donessa had relayed the threats against Tracy to her as well and stated he was going to park at the end of the driveway at the Lakeview Motel with the lights off until he saw Tracy pass by. Tracy indicated that she goes through that hotel on a paper route. Therese said that Donessa said that he would then ram her off the road, drag her out and bash her with a rock. When Therese asked Donessa what about his daughter J.M.D. who would be riding with Tracy as she did her route, Therese indicated that Donessa said, "it's ok I have two."

Tracy stated she is reporting all of this now because she is fearing that the problem is escalating. Tracy fears that Donessa is going to have someone harm her. Tracy stated she notices that things have been moved around in the house and Donessa had already admitted to being in the house to take the urn with her father's ashes in it.

Tracy indicated that she and her daughters have been staying at a different residence because they were afraid to be at home. Tracy stated that she had stopped into the residence the day before to get clothing and noted that things had been changed. Tracy also stated that she had gone to pick up her car that same Friday and her vehicle which had been parked at 2<sup>nd</sup> St. had been tampered with. Tracy stated that she took her car to a repair shop and found that three lug nuts had been loosened.

Officer Berg made contact with Therese Zienmann regarding the threats that had been relayed to Tracy by her. Therese verified that she had been eating breakfast with Donessa and indicated that he wanted to take an insurance policy out on Tracy for one million dollars. Donessa then indicated to Therese that he had a friend who had come back from Iraq and was a sharp shooter. Donessa indicated that he would also have to be shot but not killed. Donessa then indicated to Therese that the only flaw in his plan was that he had told her about it and that he would have to kill her too.

Donessa stated to Therese that he was going to wait for Tracy to drive by on her route, ambush her, ram her off the road and bash her head in with a rock. Therese also verified the comment that Donessa had made about the two daughters.

Officer Berg then made contact with Donessa Davis. Officer Berg indicated to Donessa that it had been reported that Donessa had hit his daughter J.M.D. and that she had gotten swollen eye and a knot on her head. Donessa admitted that he plays rough with the kids and that he may have hit her. He also indicated that he knocked J.M.D. down. Officer Berg then asked Donessa about the calls and texts to Tracy Hood-Davis. Donessa admitted to making a comment to Tracy about "taking her out on her route." Donessa admitted to making the comments to Therese about waiting for her to pass on her route, ram her and bash her head in but indicated that he was not being serious. Donessa admitted that there was some talk about a life insurance policy, but stated he didn't actually know anyone who was a sharp shooter. Donessa admitted to the phone calls and the text messages but stated that he was only doing it to get a rise out of Tracy. Donessa admitted to taking the ashes of Tracy Hood-Davis' father. Donessa said that he did not have permission to go into the house and take the ashes and he did admit to leaving the messages stating that he was going to dump Tracy's fathers ashes. Donessa did turn in the urn containing Tracy's fathers ashes to the Appleton police.

The children were interviewed by Kathi Rhinehart from the Department of Social Services. Both J.M.D. and J.J.D. were interviewed. Kathi Rhinehart indicated that the stories of the young girls were consistent with each other and consistent with the version that had been given by Tracy Hood-Davis and Officer Berg.

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

STATE OF WISCONSIN - VS - Donessa T Davis Sr

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
(Assistant) District Attorney

State Bar No \_\_\_\_\_