

# Sexual assault trial begins for Appleton attorney Dudas

Defense insists kinky, raunchy acts consensual

**By Ariel Cheung**

Post-Crescent Media

APPLETON — While both sides agree the trial of David Dudas centers on what happened behind closed doors, the question jurors will have to answer is whether or not the "unusual, aggressive and extreme" sexual acts between Dudas and his wife were consensual.

"Their sex life was full of fantasy — it was kinky, it was raunchy, and it pushed boundaries," defense attorney Andrew Erlandson said in his opening statement Monday. "Evidence will show this is unusual sex, but it was consensual."

Outagamie County District Attorney Carrie Schneider painted a different, darker picture: that of a man whose appetite for violent porn and dominating sex spiraled into a year of raping his wife and forcing her to submit under threats of violence.

"For a long time, there was a fear about the assaults becoming more violent, about what would happen to their family," Schneider told the jury.

If she brought up something she didn't want to do, that's exactly what he'd do the next time, and he'd make sure she would pay for her comments and complaints."

Twelve jurors and four alternates were selected Monday morning to try

Dudas, 49, of Dale, who is accused of brutally beating and sexually assaulting his wife — and frequently videotaping the incidents — on multiple occasions over the course of a year. He is charged with first-degree sexual assault, second-degree reckless injury, substantial battery, 12 counts of suffocation and 14 counts of second-degree sexual assault. He is also charged with misdemeanor or battery and intimidation of a witness.

Opening statements took place Monday afternoon after a six-hour jury selection, during which the attorneys quizzed potential jurors on opinions or conflicts of interest regarding sexual assault, consent, alcohol use and victims of domestic violence.

Ultimately, eight men and eight women were selected to hear the case,

and four will be designated as alternate jurors following testimony, meaning they will not have a vote in the jury's decision.

During a 25-minute opening statement, Erlandson outlined the defense's argument — that Dudas and his wife participated in consensual sadomasochistic sex over their 24 years of marriage, and it wasn't until the night of Dudas' arrest that his wife voiced any complaints.

"To (Dudas' wife), her life as a mom and their bedroom life can't exist side-by-side," Erlandson said. "And when those lives collided, she made a certain decision, chose a way to turn and never look back."

On July 21, 2013, Dudas consumed too much alcohol, and after two hours of sex, his wife decided she'd had enough and ran out of the room, Erlandson said. It wasn't until her children saw her that she claimed she had been sexually assaulted, he said.

Dudas was arrested the following morning, after police found him in a trailer on the family's property.

In the days following his arrest, Dudas had thoughts of suicide as his life fell apart, Erlandson said.

"Everything he valued in life was disintegrating," Erlandson said. "He was fully prepared to take his own life, because it was not worth living. Mr. and Mrs. Dudas belong in a divorce court; they do not belong in a criminal one."

Dudas' wife and at least two of their five children will testify, and jurors will hear one son's 911 call and watch the hours of video police seized from Dudas' house and car following his arrest, Schneider said. That evidence, she said, will show that Dudas' wife had no escape from the abuse.

"She had to obey him," Schneider said. "Only if she did what he was telling her to do would he stop, and she would do whatever she could to get him to finish so it would be over."

Schneider said the trial should take most of the week. Brown County Judge Tammy Jo Hock was called in for the trial, as Dudas' work as a civil attorney meant he regularly interacted with local judges.

Dudas was released in July after posting his \$750,000 bail.

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Dudas

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tinued to file weekly time cards with ABS with forged supervisor signatures for 27 weeks and his pay, minus a \$250 monthly garnishment from an unrelated claim with the Department of Workforce Development, was deposited directly into his checking account. ABR officials reported paying Stumborg \$22,653.36 in false claims.

The ABR branch manager also said Stumborg picked up \$20 gas cards in person from ABR three times in a six-month span to help him pay for transportation expenses to and from his job.

Stumborg faces a maximum penalty of 10 years in prison and \$25,000 in fines if he is convicted.

Ripon College gets bomb threat

RIPON — Police are investigating a bomb threat at Ripon College Monday morning that prompted evacuation of academic buildings on campus.

Ripon College spokesperson Melissa Anderson said several handwritten notes were discovered by campus employees shortly after 8 a.m., implying there was a bomb in the buildings.

Students and staff were subsequently evacuated while police and college personnel swept through the buildings in a thorough search for suspicious objects.

Anderson said an all-clear notification was given at 9:45 a.m. The school's Twitter account asked students to contact police if they see anything unusual.

Man, 31, contests dogfighting charge

MILWAUKEE — A Milwaukee man accused of being involved in dogfighting has pleaded not guilty to six charges.

Travis L. Hazlett was one of 13 people arrested earlier this month. Most face federal charges, in part for allegedly transporting fighting dogs across state lines. But Hazlett and one other Milwaukee man face state charges associated with training dogs and arranging their matches.

The 31-year-old Hazlett pleaded not guilty during a hearing Monday. He's due back in court May 22.

From P-C services

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## VITALS

### DEATHS

DE SANTOS, Vanessa; 44, Appleton

FLANAGAN, Jerome T.; 78, Manawa

FUCHS, Audrey M.; 82, Neenah

HENRITZ, Phoebe M.; 35, Appleton

JULIUS, Devin J.; 18, Janesville

KEMPF, Joyce M.; 83, Weyauwega

KINDLE, Lelah G.; 81, Kaukauna

LANGLOIS, Arthur C.; 77, Plover

SCHMITT, Katherine E.; 90, Appleton

SEVENICH, Audrey J.; Menasha

WERELEY, Jon D.; 52, Appleton

WICKMAN, Carol A.; 78, Appleton

### DEATHS ELSEWHERE

BERGLIND, William E.; 88, Naperville, Ill.

POTRATZ, Ruth E.; 82, Florissant, Mo.

SCOTT-SWANSON, Ruth E.; 93, Pine Island, Minn., formerly of Appleton

### ALLERGY ALERT

ALLERGY COUNTS are the number of pollens and mold spores per cubic meter of air. Counts in the 24-hour period ending at 8 a.m. yesterday were:

MOLDS, 625 (low)  
POLENS, 15 (moderate)

Source: Kagen Allergy Clinic S.C.

## Lehman declares run for Kaufert's Assembly seat

Post-Crescent Media

### TOWN OF MENASHA —

John Lehman, a Town of Menasha resident, announced Monday he will run for state Assembly as a Republican in the 55th District to fill Dean Kaufert's seat.

Lehman, 59, has served on the Neenah School Board for 16 years. He is a graduate of the University of Wisconsin-Madison and works for Festo Corp., which sells pneumatic and electrical automation systems.

He previously worked for Kimberly-Clark Corp. as a machine engineer and served in the United States Air Force from 1973-77 and Wisconsin Air National Guard from 1977-78.

"If elected to the Assembly, I will use my 42

years of private and 16 years of public sector experience to find sound, common sense solutions to the many challenges facing our district and the state of Wisconsin," Lehman said in his announcement.

Lehman lives with his wife Vicki and has two adult children.

The 55th Assembly District encompasses parts of Winnebago and Outagamie counties. A primary for the race is scheduled for Aug. 12 before the Nov. 4 general election.

Jay Schroeder of the Town of Menasha and Steve Gillespie of Appleton announced their candidacies last week.

Kaufert recently won election to become mayor of Neenah. He has served in the Assembly since 1991.

**TODAY'S DEAL**

<img alt="A hand holding a fork and knife, cutting into

# Wife sobs during second day of lawyer's assault trial

By Ariel Cheung  
Post-Crescent Media

**APPLETON** — The first time the jury saw her face was a photo — bloodied and black-eyed, she stared into the camera lens at the hospital, just hours after she said her husband choked her, suffocated her with a pillow and sexually assaulted her in their bedroom.

But the jury saw the woman again Tuesday as she testified for more than two hours, explaining what life was like in the Dudas house during a year of abuse that was "terrifying."

Her husband, David G. Dudas, 49, of Dale, is accused of sexually assaulting his wife over a year-long period, culminating in the July 21 incident that led to Dudas' arrest and his wife's hospitalization. Dudas is charged with 31 counts of sexual assault and physical abuse, including one count of first-degree sexual assault that carries a 60-year maximum prison sentence. The defense says that while the sexual relationship between Dudas and his wife was "extreme," it was consensual.

On Tuesday, police offi-

cers and two of Dudas' five children also testified. Among the highlights:

"The oldest son, a college student, described an abusive relationship between his parents, saying his father would yell degrading remarks at his mother and threaten her physically, to the point where their son had to intervene more than once. He said on July 21, he found his parents in the kitchen, his mother crying and blood on his father's hands. He told his brothers to take her to the hospital and call 911, but Dudas tried to stop them, saying it was not a big deal and telling his wife to go back to the bedroom.

His teenage brother said his father's mood changed abruptly toward the end of the night as he went into his office and began throwing papers around and shouting obscenities. When his parents went upstairs, he heard the sound of skin-on-skin contact shortly before his mother ran downstairs in a blood-stained robe. "I knew my mom needed to get to the hospital, and I knew my dad had hurt her and might do it again, so I knew the police needed to come," he said. "I was very

scared — I had never seen this before this bad. I was just very shocked, and I didn't know what to do." He said when he picked up the phone, his father came at him and frightened him, so he put the phone down. His brother later made the call.

Both brothers were calm during questioning, but their mother broke down in tears repeatedly during her first two hours of testimony. She said her husband was always demanding and argumentative, but it wasn't until spring 2012 that the sexual violence began to escalate. If she tried to fight back or refuse to have sex, Dudas would "teach her a lesson," often dragging her by her hair or arm into the bedroom.

"And then I knew I would pay the price for trying to say no," she said. She also began describing the events of July 21, but her testimony was interrupted as the court recessed for the night. She is expected to testify for at least another hour today.

The trial will resume at 9 a.m. today.

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# Panel discussion tonight to focus on immigration

By Jim Collar  
Post-Crescent Media

**MENASHA** — A panel discussion tonight will explore what immigrants mean to the economy and possible solutions that would improve their lives and strengthen the community in the process.

The public is invited to the University of Wisconsin-Fox Valley for a 7 p.m. session regarding immigration policy. It will include state and regional business, civic and faith leaders. The discussion, which will include an opportunity for questions, will focus on the state of immigration reform and the economic impact of immigration policy.

"There are a lot of different opinions in respect to immigration, but one thing everyone agrees on is that the United States is dependent and has been dependent on immigrant labor for generations," said Thom Ciske, who will sit on the panel.

Ciske, vice president of government affairs for the Fox Cities Chamber of Commerce & Industry, said immigrant labor is crucial to the economy — particularly in the hospitality, technology and agricultural sectors.

Panelist John Huebscher, executive director of the Wisconsin Catholic Conference, said the church has taken an active role in reform advocacy to welcome others with open arms.

"They live and work and interact with us," Huebscher said. "They're our friends, our neighbors and — in some cases — our relatives, and they live in the shadows."

The U.S. Senate last year passed a comprehensive bill that would overhaul the immigration system and provide a path toward citizenship for an estimated 11 million undocumented residents.

It's stalled in the House of Representatives.

Tonight's event is sponsored by the organizations Americans for Reform; Bibles, Badges and Business; and FWD.US.

Robb Tarr, the Midwest regional organizer for Bibles, Badges and Business, hopes the discussion will educate and engage the community.

"We're really hoping members of Congress will see events like this and the voices weighing in and make immigration reform a real priority," Tarr said.

— Jim Collar: 920-993-1000, ext. 216, or [jcollar@postcrescent.com](mailto:jcollar@postcrescent.com); on Twitter @JimCollar

## United Way raises \$8 million in 2013

Donations pay for mental health, family assistance program needs

By Cheryl Anderson  
Post-Crescent Media

**APPLETON** — The United Way Fox Cities Community Campaign exceeded its \$7.7 million goal in 2013, raising more than \$8 million.

"This community really came together," president and CEO Peter Kelly said. "We did very well in

raising money, but ... we really need to keep focusing on and celebrating what we do with that money."

Kelly spoke Tuesday during the agency's annual meeting at the Radisson Paper Valley Hotel.

Three of United Way's initiatives — PATH for Students, Fox Cities Diaper Bank and The Connector — excelled in 2013.

The PATH program, which provides mental health therapy in 10 Fox Cities school districts, served 284 new students bringing the total to more than 700. Catalpa Health was added as a provider.

The Fox Cities Diaper Bank provided more than 400,000 diapers to partnering agencies for distribution, an increase of 33 percent over 2012. The diapers helped more than 2,000 babies.

The Connector, which provides transportation for second- and third-shift workers through Valley Transit, gave 17,000 rides to people with no other options, an increase of 18 percent.

Creating lasting change requires many partners, said Jon Stell-



### WES URCH VOLUNTEER SERVICE AWARD WINNERS

**Robert Abernathy**, group president of Europe, global nonwovens and continuous improvement and sustainability at Kimberly-Clark Corp. Abernathy has long pledged his financial support and personal desire to help K-C grow with United Way. He has served as the chair of the Leadership Giving Committee.

**Dr. Dean Gruner**, president and CEO of ThedaCare. Gruner served on United Way's board of directors from 2000 to 2006 and served on the Community Impact Council from 2006 to 2013. In 2009 and 2010, he was the campaign co-chairman. In 2009, Gruner joined the Leadership Giving Committee and will serve as chairman this year.

macher, retired Thrivent Financial for Lutherans executive and a member of United Way's Community Impact Council, who was keynote speaker for the meeting.

"We invite the people and organizations from all across the community who share the passion, expertise and resources to get things done," Stellmacher said. "And, how fortunate we are to have this kind of cooperation and collaboration."

Kelly is looking forward to 2014.

"I think there's more optimism ... in the community, and I think psy-

chologically it just benefits all of us."

— Cheryl Anderson: 920-993-1000, ext. 249, or [canderson@postcrescent.com](mailto:canderson@postcrescent.com); on Twitter @chermanderson

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# Defense presses wife on details during third day of assault trial

**By Ariel Cheung**

Post-Crescent Media

APPLETON — After she said her husband brutally sexually assaulted her for two hours, David Dudas' wife knew she had only a moment to escape.

She told Dudas she had to go to the bathroom, but ran for their bedroom door instead. Dizzy and disoriented, she said she grasped for the lock, believing that if she didn't get out, her husband would kill her.

"I just kept saying, 'God, please open the door, because if I can't, he's going to kill me,'" she testified at Dudas' trial Wednesday. "My hand was shaking really badly, and all I know is somehow, I got the door open."

She flung the door open, and her husband demanded to know where she was going. She told him, "I'm leaving you," and ran.

She was on the witness stand for a total of seven hours Tuesday and Wednesday, recounting the events of July 21 in painstaking detail, particularly during cross-examination. That night, she said, Dudas choked her to the point that she lost consciousness, ripped a blistering scar off her lip, smothered her with a pillow and sexually assaulted her.

For most of the cross-examination, defense attorney Stephen Hurley quizzed the woman on her previous testimony and compared it to statements she made at the hospital and to police officers in the days after the incident.

After her trial testimony that she'd received a large cut above her eye when Dudas slapped her



David Dudas (right) listens Wednesday to his attorney, Stephen Hurley, in Outagamie County Court for the third day of his jury trial. Dudas is charged with sexual assault and physical abuse against his now-estranged wife.

WM. GLASHEEN/POST-CRESCENT MEDIA

head back and forth, Hurley asked why she told hospital personnel and police that she was unsure how she received the cut. She said she was still afraid to disclose everything that had happened to her.

"So you're saying you lied to them?" Hurley asked.

"I was afraid to tell them what had happened, so I was still not prepared to tell them the truth," she replied. "I told them everything I could, but I was terrified, I was under a severe head injury and it was a crisis moment for me."

Hurley also asked about cards and notes Dudas' wife left for him during the course of their marriage, telling Dudas he was the best father and husband in

the world.

"He was the father of my children," she responded Wednesday. "And there were times when he was a really good dad, and there were times when he was a good husband."

The defense sought to question her about her Catholic beliefs — one of the reasons she previously mentioned for not filing for divorce before July — her use of contraception and particulars about the divorce papers she filed in September. But Judge Tammy Jo Hock agreed with prosecutors that those matters were irrelevant and stopped her from answering.

Hurley asked her repeatedly when she stopped consenting to the various

## ABOUT THE TRIAL

David G. Dudas, 49, of Dale, is accused of beating and sexually assaulting his wife from March 2012 to July 2013 in a series of increasingly violent episodes culminating in an incident on July 21 that led to his arrest and her hospitalization. He is charged with first-degree sexual assault, second-degree reckless injury, substantial battery, 14 counts of second-degree sexual assault and 12 counts of strangulation and suffocation. He is also charged with misdemeanor counts of battery and intimidating a witness. The defense says that while the Dudases' sexual relationship was "extreme," it was consensual. If convicted of all 31 charges, Dudas faces a maximum prison sentence exceeding 700 years. His trial began Monday and has included testimony from his wife, two of their five children and several medical professionals and police officers. The trial is expected to last through the week and possibly into the weekend. Check live updates from the trial by following reporter Ariel Cheung on Twitter @arielfab. Post-Crescent Media does not identify victims of sexual assault.

types of sex the couple had, but she had trouble citing a specific date or decade. She said the non-consensual sex was infrequent but dated back to the early years of their marriage. The sexual violence began to escalate in March 2012, she said, and continued to get worse until July 2013.

The woman was composed and direct when answering Hurley, breaking into tears only once or twice. She seemed frustrated by the defense's at-times repetitive questions, but said she was answering to the best of her ability.

Prosecutors called two doctors to testify Wednesday, as well — the surgeon who operated on the woman's shoulder three times and her eye doctor, who confirmed the woman had eye injuries that lasted into December.

The trial resumes this morning and is expected to finish Friday, although Hock said there was a possibility it will continue into Saturday or Monday.

— Ariel Cheung: 920-993-1000, ext. 430, or [acheung@postcrescent.com](http://acheung@postcrescent.com); on Twitter @arielfab

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Gannett Wisconsin Media

**SHEBOYGAN** — A Manitowoc man has pleaded guilty in federal court in Milwaukee to wire fraud and tax evasion for allegedly embezzling more than \$300,000 from his Sheboygan employer.

Paul H. LaChappelle Jr., 40, was indicted by a grand jury in February on four counts of tax evasion and 10 counts of wire fraud after an investigation found he embezzled money from Nemischoff Chairs.

LaChappelle has since pleaded guilty to one count

of wire fraud and one count of tax evasion as part of a plea deal. Sentencing is scheduled for July 18, according to federal court records. LaChappelle currently remains free on bond.

According to the indictment, LaChappelle, a maintenance technician, began stealing parts from Nemischoff in 2009.

After taking the parts, he completed acquisition requests for replacement parts, which were ordered from a supplier in Florida. Unbeknownst to Nemischoff, LaChappelle had

entered into an agreement with the vendor where he received a 50 percent kickback on the value of the order by sending the replacement parts back to the supplier.

Nemischoff Chairs notified the Sheboygan Police Department of the embezzlement in January 2012, kicking off a two-year investigation.

It was later found that as part of this scheme, Nemischoff ordered and paid for more than \$600,000 in replacement parts from the Florida supplier, earning \$268,000 in kickbacks to

LaChappelle, according to federal court records.

During its investigation,

the IRS discovered that from 2008 to 2011 La-

Chappelle reported just

\$8,858 in income, yet earned at least \$299,000.

The underreporting of his income resulted in more

than \$68,000 in evaded income tax.

Sheboygan police have

said this is the only case

they're aware of where an

IRS case from Sheboygan

County has resulted in a

federal indictment.

— From Sheboygan Press Media

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# Mistrial motions denied in assault trial

Judge: Comments by witnesses not worth halting case

By Ariel Cheung

Post-Crescent Media

APPLETON — Emotional testimony from a nurse and a series of defense mistrial motions — all of which were denied — punctuated the fourth day of David Dudas' sexual assault trial Thursday.

The second-oldest son of the 49-year-old Dale man testified Thursday about whisking his mother away to the hospital and staying by her side after what she described as a night of traumatic sexual assault.

The teenager, who is now a college student, reiterated many details his two brothers testified to on Tuesday. After their mother ran from her bedroom shouting for her sons, he said he took his mother out of the house and to his car. During the ride to the hospital, he said his mother had trouble breathing and speaking and struggled to remain conscious.

Eventually, she told him what happened — that Dudas had sexually

abused her, he said. Once they reached the hospital, his older brother called.

"I told (him) that as far as I knew, the defendant did it to her," he said. Defense attorney Stephen Hurley immediately objected to the response, and Judge Tammy Jo Hock told the jury to disregard the question and answer.

That reaction wasn't enough for Hurley, who soon filed a motion for a mistrial on the basis that the son had stated his belief of the defendant's guilt, which could possibly prejudice the jury. A judge can declare a mistrial when something occurs to seriously affect the fairness of a trial that cannot be corrected with a jury instruction or other course of action.

Hock denied the defense's request, saying that striking the answer from the record would suffice. She added that the issue was not serious enough to require a mistrial.

During the cross-examination, Hurley continued to lay the ground-

work for his arguments that the Dudas family was happy and that Dudas' wife had time to alter the bedroom scene before police arrived to interview her and collect additional evidence on July 22.

Hurley asked the son what happened during the 2½ hours after they arrived home from the hospital before sheriff's investigators arrived. The witness replied that he and his mother cleaned up the kitchen and she took a shower, but he remained nearby in case she needed him.

"You were with your mother every minute?" Hock asked.

"Yes, I was," he said. "I tried to stay with my mom the whole time." He said he did not recall either of them moving anything in the house.

Hurley made two additional requests for a mistrial Thursday, including one early in the day following emotional testimony from a nurse who treated Dudas' wife at the hospital.

Nurse Michelle McGlin said Dudas' wife asked her if her husband's behavior was normal. McGlin said she tried to be a professional, but broke down crying and

## ABOUT THE TRIAL

David G. Dudas, 49, of Dale, is accused of beating and sexually assaulting his wife from March 2012 to July 2013 in a series of increasingly violent episodes culminating in an incident on July 21 that led to his arrest and her hospitalization.

He is charged with first-degree sexual assault, second-degree reckless injury, substantial battery, 14 counts of second-degree sexual assault and 12 counts of strangulation and suffocation. He is also charged with misdemeanor counts of battery and intimidating a witness. The defense says that while the Dudas' sexual relationship was "extreme," it was consensual. If convicted of all 31 charges, Dudas faces a maximum prison sentence exceeding 700 years.

His trial began Monday and has included testimony from his nowestranged wife, two of their five children and several medical professionals and police officers. The trial is expected to last through the week and possibly into the weekend.

Check live updates from the trial by following reporter Ariel Cheung on Twitter @arielab.

Post-Crescent Media does not identify victims of sexual assault.

rights.

Defense attorney Andrew Erlandson objected to the remark and said the judge ruled prior to the trial that such statements could not be included. Hurley later argued that Erlandson was forced to mention the issue in front of the jury, which should warrant a mistrial.

Hock said if Erlandson was concerned about mentioning the pre-trial ruling, he could have approached the bench to discuss it off the record with the judge, as the attorneys have done frequently throughout the trial.

Other witnesses Thursday included the nurse who performed the sexual assault examination at the hospital, an expert in psychology and human sexuality, the wife's close friend and two other police officers, including the investigator who reviewed videos he said Dudas filmed of the sexual encounters from March 2012 to July 2013.

The state will continue its case Friday by presenting the videos to the jury.

— Ariel Cheung: 920-993-1000, ext. 430, or acheung@postcrescent.com; on Twitter @arielab

said, "That, to me, is not normal behavior."

Hurley said her comment would prejudice the jury and prevent his client from receiving a fair trial.

"This could have been avoided — the state should have counseled their witness," Hurley said. "I'm quite upset about this."

After the judge denied Hurley's request, he asked that McGlin's en-

tire testimony be stricken from the record. Hock refused, but did tell the jury to disregard the statement.

The judge denied the third request for a mistrial as well, which sprung from Outagamie County Sgt. Phillip Christenson's remark that when he found Dudas in his trailer, the defendant said he'd been sleeping all night — a comment made before he was read his Miranda

## AROUND WISCONSIN

### Man charged in connection to death

OSHKOSH — A second man has been charged in connection to the death of an Omro man from a heroin overdose last month.

Steven J. Hart, 20, of Oshkosh, was charged Monday in Winnebago County court with first-degree reckless homicide.

Hart made his first court appearance on the charges Wednesday. Win-

nebago County Court Commissioner John Kuech ordered a \$20,000 cash bond.

Matthew J. Martinez, 23, was found dead at his apartment on March 12. According to the criminal complaint, law enforcement identified

Hart as the man who sold heroin to Martinez on March 10 through an analysis of phone and computer records.

### Fire strikes salvage yard in Milwaukee

MILWAUKEE — Milwaukee firefighters have taken control of a three-alarm fire at an auto-salvage yard about two miles from the city airport.

The fire was reported Thursday just before noon. The initial indica-

tion was that seven propane tanks exploded in a warehouse at the back of Roz Auto Salvage. No injuries were reported.

Homes in the area have been evacuated and a freeway ramp was closed briefly. The fire was brought under control within about two hours, although firefighters were still putting out a number of small fires.

The roof of the building collapsed, and assistant fire Chief Dan Lipski

says most of what was inside the building was destroyed.

### States seek delay in protecting bat

TRAVERSE CITY, Mich. — Four states in the Upper Midwest want federal officials to delay listing the northern long-eared bat as an endangered species.

Indiana, Michigan, Minnesota and Wisconsin made the request this month to the U.S. Fish and Wildlife Service, which

proposed the designation in October with the understanding that it would make a final decision within a year.

The states want an extension so they can have a role in devising regulations for logging in ways that would protect the bat. They say the federal agency's guidelines are too restrictive and could severely harm the forest products industry.

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## Videos' graphic content distresses jurors

Dale man taped sex that includes choking, vomiting

**By Ariel Cheung**  
Post-Crescent Media

APPLETON — The final day of the prosecutors' case against David Dudas was difficult for jurors, some of whom got sick while watching graphic videos of him and his wife having sex.

Prosecutors say those videos — showing, among other things, choking,

vomiting and violent sex — help prove he repeatedly battered and sexually assaulted his wife. Dudas' attorneys

say that although the couple's relationship was "extreme," the sex was consensual.

Police arrested Dudas, 49, after a July 21 incident and 26 charges of 31 total charges were filed arising from incidents shown in the videos.

Beginning Thursday night and continuing into Friday, jurors watched about two hours of 17 videos police said Dudas filmed between March 2012 and July 2013 at the couple's home in Dale. Prosecutors opted to show parts of six videos.

Judge Tammy Jo Hock ordered that only she, jurors, attorneys and Dudas be able to see the videos in the courtroom, while members of the public, including news media, be limited to hearing audio from the recordings.

Dudas' attorneys argued that all of the videos should be played so jurors might see portions supporting his side of the case. Hock allowed the defense to show a portion where they said Dudas' wife was taking the lead

and was more actively participating in the sexual activity.

In several videos, Dudas' wife is heard complaining of pain in an injured shoulder, which she previously testified about. She told the court earlier this week that when she complained of pain, Dudas would ignore her or inflict greater pain by pressing on the shoulder to "teach her a lesson."

Twice, jurors were allowed to take a break from watching the videos. The majority of the 16 jurors did not appear severely affected. One of the female jurors cried and two men became nauseous, including one who requested a waste basket. Other jurors grimaced or closed their eyes.

At the beginning of the last video played, Dudas and his wife are heard arguing about finances, and he expresses frustration with her for not providing their records to him.

"Where are our financials? Why do I have to wait a few years to get them?" he says. "I can't even look at what I have because of you. Why do you do this to me?"

In the video, his wife apologizes. They then engage in sexual activities, but the wife is heard complaining of pain in her shoulder and asking for a pillow. Dudas tells her the shoulder isn't sensitive to the touch and tells her to put her arm down.

The state's two final

### ABOUT THE TRIAL

David G. Dudas, 49, of Dale, is accused of beating and sexually assaulting his wife from March 2012 to July 2013 in a series of increasingly violent episodes culminating in an incident on July 21 that led to his arrest and her hospitalization. He is charged with first-degree sexual assault, second-degree reckless injury, substantial battery, 14 counts of second-degree sexual assault and 12 counts of strangulation and suffocation.

He is also charged with misdemeanor counts of battery and intimidating a witness. The defense says that while the Dudas' sexual relationship was "extreme," it was consensual.

If convicted of all 31 charges, Dudas faces a maximum prison sentence exceeding 700 years.

His trial began Monday and has included testimony from his nowestranged wife, two of their five children and several medical professionals and police officers. The trial will continue Monday and is expected to conclude by Tuesday. Check live updates from the trial by following reporter Ariel Cheung on Twitter @arielfab.

Post-Crescent Media does not identify victims of sexual assault.

witnesses were Outagamie County Sgt. Michael Fitzpatrick, the lead investigator, and Jane Graham Jennings, executive director of a domestic violence shelter and a sexual assault agency that offers counseling and emergency shelter for victims of abuse.

Graham Jennings was asked to explain common behaviors of victims of sexual assault or domestic violence.

"Reporting sexual assault can be really difficult, because people often think it doesn't occur in a relationship," she said. "Some victims feel they are obligated to perform any kind of sex, and with

the fear they live in, they will just do whatever they can to stay safe."

Graham Jennings also said victims who have been through a traumatic experience might not recall every detail immediately afterward, and they may also be uneasy about disclosing the entirety of the abuse until they place their trust in a police officer or doctor.

The defense is scheduled to present its case on Monday. Jurors could begin deliberating on Tuesday.

— Ariel Cheung: 920-993-1000, ext. 430, or acheung@postcrescent.com; on Twitter @arielfab

### ► AROUND THE VALLEY

#### County's warning siren delayed

perCash! daily lotto game, state lottery officials announced Friday. The ticket, sold at Blue Moose Stores, 208 Bowen St., matched all six winning numbers in Thursday's SuperCash! drawing, according to a news release from the Wisconsin Department of Revenue. Thursday's winning SuperCash! numbers were 1, 14, 18, 26, 28 and 37.

The ticket, sold at Blue Moose Stores, 208 Bowen St., matched all six winning numbers in Thursday's SuperCash! drawing, according to a news release from the Wisconsin Department of Revenue. Thursday's winning SuperCash! numbers were 1, 14, 18, 26, 28 and 37.

The winner has 180 days from the drawing to claim their prizes at the Lottery's Madison or Milwaukee offices or by mail, according to the news release.

The odds of winning the SuperCash! \$350,000 top prize are about 1 in 1.64 million.

#### Sturgeon gather for spawning

NEW LONDON — Sturgeon spawning picked up Friday at the Sturgeon Trail on the Wolf River.

DNR biologist Ryan Koenigs says crews captured and tagged 100 fish, with some 65-inch to 70-inch males and multiple ripe females.

Koenigs says he expects sturgeon will still be spotted at New London this morning.

Cooler water temperatures have kept fish from spawning at other sites, but activity may be close, Koenigs said.

#### Oshkosh store sells \$350,000 winner

OSHKOSH — An Oshkosh convenience store sold a \$350,000 top prize-winning ticket in the Wisconsin Lottery's Su-

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# Dudas: 'Extreme' sex with wife was consensual

Husband says spouse's injury self-inflicted

**By Ariel Cheung**

Post-Crescent Media

**APPLETON** — David Dudas took the stand in his own defense Monday, describing a relationship far different from the one his wife depicted earlier in the trial.

Wiping away a tear as he spoke about his love for his wife, Dudas, 49, of Dale, said the couple had a happy marriage and a healthy, if "extreme" sexual relationship. He said their taste for dominate/submissive role-playing began early on in their marriage and evolved over the years.

"Sex was a real point of connection for the two of us from the very, very beginning," he said. "It didn't take long for us to start experimenting, and pretty soon, our sex life became what most people would describe as kinky."

Unlike his wife's testimony, Dudas said they often discussed boundaries and their comfort with various aspects of their sex life. He said they used a safe word or other signals if either wanted to stop the action.

Dudas said he and his wife had consensual sex on July 21, but he consumed more alcohol than normal and, as a result, made offensive comments that infuriated her and, his attorneys claim, served as the motivation for her to leave Dudas and claim he sexually assaulted her.

"She was dabbing her (injured) lip and I ridiculed her about it, calling her a baby," Dudas testified. "Then she said we have to finish up, and I said we would have finished up

a long time ago if you were any good at it." Later, following an unsatisfying session in their bathroom, he told her she was useless, prompting her to storm out.

The injuries Dudas' wife said he inflicted on her during two hours of sexual assault were, to him, a minor scrape and a self-inflicted injury. Dudas said his wife hit herself in the face as she angrily yanked open their bedroom door to leave, causing a large cut on her eyebrow.

"I was a complete drunk (expletive) to the woman I love," Dudas said. "I was as rude as someone could possibly be, and that set off a chain of events that shattered my family into a billion pieces."

He denied striking her face, strangling her or putting his fist down her throat.

Dr. Robert Corliss, a forensic pathologist called by the defense, said the woman's injuries were not likely caused by the repetitive slapping or strangulation she described to police. Corliss reviewed the hospital's sexual assault report and photos of the woman's injuries.

Corliss said blunt force trauma caused the cut, but he could not explain why photos showed Dudas' wife with black eyes and bruises on both sides of her face. The door striking her face could cause the large cut above her eye, Corliss said, but there was no way to determine what object struck her face from photos and the report.

At the hospital, the woman described the intensity of Dudas' grip while he strangled her as 10 out of 10. Corliss said a strangling that severe would leave finger-shaped bruises, crescent-shaped cuts from finger



David G. Dudas, 49, of Dale, testifies in Outagamie County court on during his jury trial Monday in Appleton. The Appleton attorney is charged with 31 counts of sexual assault and physical abuse stemming from a year of escalating sexual violence against his now-estranged wife. WM. GLASHEEN/POST-CRESCENT MEDIA

nails and pinpoint dots of red from tiny, hemorrhaging blood vessels — none of which were reported.

In the weeks following his arrest, Dudas said he was consumed by depression and wrote suicide letters to his family and loved ones. District Attorney Carrie Schneider instructed Dudas to read portions of his letters, mainly those to his wife.

"There are no words in this world to express how sorry I am for what I did to you Sunday night," Dudas read from one letter. "I can't believe in a billion years I would do that to you. My problem with sex was overwhelming, and even building a life with the kindest, most loving woman was not enough for me to overcome my flaws."

Dudas testified that he was apologizing for his rude comments at the time and was not in a normal state of mind. He told the jury he didn't know why he said he had an overwhelming problem with sex.

"You're asking me to rationally explain something I wrote during the most irrational moment," he said in response to a question from Schneider.

Testimony is expected to conclude today with Dudas' sister and audio portions from a sex video recorded at least 15 years ago. The judge said it is likely the jury will begin deliberations later in the day.

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## ABOUT THE TRIAL

Appleton attorney David G. Dudas, 49, is accused of beating and sexually assaulting his wife from March 2012 to July 2013 in a series of increasingly violent episodes culminating in an incident on July 21 that led to his arrest and her hospitalization.

He is charged with first-degree sexual assault, second-degree reckless injury, substantial battery, 14 counts of second-degree sexual assault and 12 counts of strangulation and suffocation. He is also charged with misdemeanor counts of battery and intimidating a witness. The defense says that while the Dudas' sexual relationship was "extreme," it was consensual. If convicted of all 31 charges, Dudas faces a maximum prison sentence exceeding 700 years.

His trial began April 21 and has included testimony from his now-estranged wife, three of their five children and several medical professionals and police officers. The defense is expected to wrap up its case Tuesday, with jury deliberations beginning shortly after.

Check live updates from the trial by following reporter Ariel Cheung on Twitter @arielfab. Post-Crescent Media does not identify victims of sexual assault.

# Wisconsin Claims Board will hear man's case again

**By Taylor W. Anderson**

Associated Press

**MADISON** — The family of a Wisconsin man who died soon after he was denied compensation for a wrongful conviction plans to press his case again before the Wisconsin Claims Board this week.

Forest Shomberg spent six years in prison for the 2002 sexual assault of a University of Wisconsin-Madison student before his conviction was overturned in 2009 on the basis of new DNA testing and other evidence. He sought \$102,500 in compensation, but the board voted unanimously to deny his claim in December 2012.

Shomberg petitioned the Eau Claire circuit court to review the board's decision, which the court reversed in June 2013. Byron Lichstein,

Shomberg's former defense attorney and co-director of the Wisconsin Innocence Project, said the circuit court ruling douses the state's argument that Shomberg shouldn't be paid because he hadn't been found innocent.

"The court definitely said he is innocent. He has proven his innocence by clear and convincing evidence so he" should be paid for the time wrongfully spent in prison, Lichstein said.

The circuit court decision included strong language against the Claims Board's vote against paying Shomberg. The ruling said the board provided "no analysis of the facts or rationale for its decision."

Robert Kaiser, assistant Dane County district attorney, still maintains

that he thinks Shomberg is guilty, but he said his office doesn't have time to continue the court battle against him.

"I've investigated his guilt and I am convinced that he is guilty," Kaiser said.

Shomberg had a lengthy criminal history before a judge convicted him of sexual assault in 2003. The court of appeals and Wisconsin Supreme Court both upheld the convictions in 2004 and 2006.

But DNA testing in 2007 and problems with the way Shomberg was identified by the victim showed Shomberg "has proven by clear and convincing evidence that he is innocent," circuit court judge Michael A. Schumacher wrote in his decision.

Shomberg was found dead in a parked car in

Madison two months after the circuit court decision.

Annette Bruner, Shomberg's mother, declined through her attorney to comment before the Claims Board ruled in the new case.

In 2011, Shomberg was charged as a felon in possession of a firearm. He told a judge he was thinking about killing himself when he fired a test shot into the front lawn and changed his mind.

Shomberg was sentenced to a year in prison and two years of supervised release in that case, court documents show.

His release was revoked in April 2013 after he violated conditions of his supervised release, and a judge ordered Shomberg to serve four more months in jail.

Shomberg was found dead in a parked car in

Madison 11 days after his release from jail and only weeks before his case was scheduled to be heard before the Claims Board in September last year. The board rescheduled that hearing until Wednesday.

Shomberg had asked for the state maximum \$25,000 for his wrongful conviction and \$77,500 for legal fees. An attorney for his family will restate his

case at the hearing.

The board's agenda showed no one for the state planned to attend Wednesday's hearing.

"My position and certainly the family's position is based on the court order, Mr. Shomberg, and now his estate, is entitled to some compensation," said Nathan Otis, an attorney for Shomberg's family.

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# Appleton city clerk Peterson resigns

By Nick Penzenstadler  
Post-Crescent Media



Appleton,"  
Peterson  
told Post-  
Crescent  
Media on  
Tuesday.

Sandy  
Behnke, the  
city's hu-  
man resources director,  
said Peterson was on  
paid leave during the  
week before she left.

The city clerk job is an

appointed position charged with administering elections and keeping records of city business. In late March, Peterson alerted city residents to an error on absentee ballots the office had distributed.

City officials declined to answer questions about her resignation.

Peterson, 48, served in the position since 2012

after being hired to replace longtime clerk Cindy Hesse. For 21 years before that Peterson worked as county clerk/risk manager in Manitowoc County and then city clerk in De Pere.

Mayor Tim Hanna this week declined to comment on Peterson's departure. Documents related to the resignation were not immediately

available.  
The clerk position was recently folded under the supervision of the city's legal services department led by City Attorney Jim Walsh, who also was unavailable for comment this week.

The city clerk had been an elected position in Appleton, but became an appointed post in 2012.

The city posted the clerk opening on the city's website last week. Peterson had been one of 62 applicants after Hesse left. The position pays about \$80,000 depending on experience.

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## Greenville student's doodle a finalist in Google contest

Third-grader could win a \$30,000 college scholarship

By Jen Zettel  
Post-Crescent Media

**GREENVILLE** — When third- and fourth-graders at Greenville Elementary School filed into the gym for an assembly Tuesday, they had no idea one of their classmates is up for the prize of a lifetime.

Third-grader Vinessa Verheyen is one of 10 finalists in the kindergarten through third grade division in Google's Doodle 4 Google Contest. The nationwide contest challenges students to create their own doodle for Google's home page based around a theme. This year's theme is, "If I could invent one thing to make the world a better place..."

Verheyen's doodle depicts a flying vehicle that plows clouds from the sky. Verheyen said in her entry that the cloud plow "can make it sunny out so people can use solar energy. It also can push the clouds to areas that need rain."

Greenville Elemen-

### HOW TO VOTE

» Vote for Vinessa Verheyen's doodle in the K-3 division at [www.google.com/doodle4google/vote.html](http://www.google.com/doodle4google/vote.html).

tary Principal Janna Cochrane said Verheyen and the other national finalists win a trip to Google headquarters in Mountain View, Calif., on May 21. The national winners for each age division receive a \$30,000 college scholarship and a \$50,000 technology package for their schools.

The public can vote until May 9 for their favorite doodles. The winning animated doodle will be displayed on Google's homepage June 9.

The 2013 U.S. winner also hails from the Badger State. Sabrina Brady, of Sparta, created a doodle that showed her reuniting with her father, a member of the military who served in Iraq.

— Jen Zettel:  
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## Appleton houses damaged by fire

Post-Crescent Media

**APPLETON** — A fire Tuesday afternoon destroyed a home and damaged another at 3601 and 3605 E. Edgemere Drive in Appleton.

The Appleton Fire Department was called to the scene around 2:30 p.m. Tuesday for the two structures and a nearby car on fire.

The radiant heat from the initial fire at 3601 E. Edgemere started the neighboring building, 3605 Edgemere, on fire. The fire spread from the siding up into the roof and attic space of the second residence.

The neighboring home

was saved, but sustained smoke and fire damage, said Ron Hockett, a battalion chief with the department.

"We sent crews to search in to search to see if anyone was in the homes," Hockett said. "At this point we don't have a cause of the fire."

No one was home at the two houses. No firefighters were injured fighting the blaze.

The residence at 3601 Edgemere was declared uninhabitable with extensive damage estimated at \$150,000. The second residence also has significant exterior and interior damage. Initial estimates are set at \$50,000. Occupants

of both homes will be displaced and are receiving assistance from the Red Cross.

Fire crews were actively involved in fire suppression activities for two hours.

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