

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having conviction(s), which remain of record and unreversed, during the five year period immediately preceding the commission of this offense, consisting of at least one felony, so the maximum term of imprisonment for the underlying crime may be increased by not more than **four years**.

And further, invoking the provisions of sec. 968.075(1)(a)1 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 3: STRANGULATION AND SUFFOCATION, REPEATER, DOMESTIC ABUSE - THREAT

The above-named defendant on or about Wednesday, January 02, 2019, at Adriatic Motel - 3438 Mormon Coulee Road #21, in the City of La Crosse, La Crosse County, Wisconsin, did intentionally impede the normal breathing by applying pressure on the throat or neck of another person, contrary to sec. 940.235(1), 939.50(3)(h), 939.62(1)(b), 968.075(1)(a)4 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.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having conviction(s), which remain of record and unreversed, during the five year period immediately preceding the commission of this offense, consisting of at least one felony, so the maximum term of imprisonment for the underlying crime may be increased by not more than **four years**.

And further, invoking the provisions of sec. 968.075(1)(a)4 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: MISDEMEANOR BATTERY, REPEATER, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY

The above-named defendant on or about Wednesday, January 02, 2019, at Adriatic Motel - 3438 Mormon Coulee Road #21, in the City of La Crosse, La Crosse County, Wisconsin, did cause bodily harm to Annette L Thompson, by an act done with intent to cause bodily harm to another, without that person's consent, contrary to sec. 940.19(1), 939.51(3)(a), 939.62(1)(a), 968.075(1)(a)1 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.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having conviction(s), which remain of record and unreversed, during the five year period immediately preceding the commission of this offense, consisting of at least one felony, so the maximum term of imprisonment for the underlying crime may be increased to not more than **two years**.

And further, invoking the provisions of sec. 968.075(1)(a)1 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.

and prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is:

The Defendant has been previously convicted of a felony, **Second Degree Reckless Endangerment while armed with a Dangerous Weapon**, in La Crosse County case 12CF5 on December 6, 2012. The Defendant received a prison sentence and was confined in the Wisconsin State Prison system from December 6, 2012 until February 14, 2016.

Officer Gilliam of the La Crosse Police Department states that on January 2, 2019 at approximately 2:00 AM he was dispatched to a "battery with a knife" at 607 7th St. S. in the City and County of La Crosse. While en route, he heard dispatch indicate the victim was being driven to Gundersen Medical Center. Officer Gilliam states that he drove to the hospital and met with [REDACTED] who had driven the victim Virgil Stewart to the hospital.

Officer Gregory states that Virgil Stewart was admitted to the ER at 2:07 AM. Numerous life-saving measures were attempted, but the medical staff were unable to resuscitate Mr. Stewart and he was pronounced dead at 2:49 AM.

Investigator Delap states that he attended the autopsy of Virgil Stewart. He observed a single, approximately 2 cm long puncture wound to Stewart's upper-right collarbone area, that went through several layers of clothing, leaving corresponding cuts to the clothing.

Investigator Brandl states that he interviewed [REDACTED] who stated that she was awoken at about 1:30 AM on January 2nd by Virgil Stewart asking for a ride. Virgil said he was "on 7th Street." [REDACTED] said by him saying this she knew he was at a particular address. [REDACTED] knew the female who lived at this residence was [REDACTED]. [REDACTED] said Virgil never sounded afraid and/or like he needed to leave for a particular reason.

[REDACTED] stated that she pulled up in front of the house to pick up Virgil and there was a cab parked in front of the house. [REDACTED] said the rear passenger door of the cab was directly in front of the walkway to the house. Virgil was "standing in the doorway to the house with the door open" and "the husband and wife were already down the steps." [REDACTED] said the two walked towards the cab and Virgil shut the door to the house and walked behind them. [REDACTED] said it appeared they were all talking but didn't appear aggressive.

[REDACTED] described the couple getting into the sliding passenger door to the cab. [REDACTED] couldn't recall who got into the cab first. Virgil was standing next to the open cab door and she observed "the guy" grab Virgil's arm pulling him towards the cab. [REDACTED] described the male grabbing onto Virgil's right jacket sleeve near his wrist pulling Virgil towards the cab. [REDACTED] described Virgil almost immediately leaning back away from the cab and was holding his right upper chest area with his left hand. [REDACTED] said she could see "blood squirting out" of his upper chest.

[REDACTED] believed Virgil was punched and as she got out of her vehicle she heard Virgil say, "He stabbed me, he stabbed me, call 911, call 911."

Sergeant Fitzgerald states that he spoke with [REDACTED], a driver for Bullet Cab Company.

[REDACTED] stated he had received a call to pick up a party at the Adriatic Motel, transport them to 607 7th Street, then back to the Adriatic. He drove to the Adriatic, picked up a female (later identified as Annette Thompson) and her child (later identified as ET) and transported them to 607 7th Street South.

[REDACTED] stated he parked in front of the residence, and the child stayed in the back while the Annette went into the residence. Approximately two to three minutes later, she came walking out of the residence with her husband (later identified as Anquin St. Junious). Another male (Virgil Stewart) was walking with them. They got to the cab and entered through the passenger side sliding door. Annette got in first and sat in the second row seat behind the driver. Anquin got in the passenger seat in the second row and Virgil stood outside of the cab.

██████ said the parties were yelling at each other when they were getting in the cab. ██████ heard Annette say "don't be touching my husband" or "don't be hitting my husband." I asked ██████ if there was a fight going on at this time and he said no. When Anquin was getting in Annette was saying "let's go." ██████ did not hear Virgil say anything during this incident. ██████ stated the argument was between the husband and wife (Annette and Anquin). He said "she was telling him to shut the door and told me to hurry up and leave."

██████ said he didn't see anyone fighting and didn't see anyone with anything in their hands.

██████ said the door closed, and he watched Virgil walk to the vehicle parked behind the cab. ██████ drove the cab to the Adriatic motel where he dropped off the male, female, and their son.

ANNETTE THOMPSON'S FIRST STATEMENT

Investigator Rosenow states that he spoke with Annette Thompson who stated her husband is Anquin St. Junious, and her son is ET (05/17/2011) and she is currently living at the Adriatic Motel at 3438 Mormon Coulee Road #21, in the City of La Crosse.

Annette stated, she took a cab to ██████'s house, got her husband out of the house and a "dude" swung a bottle at her so she swung a knife at him and closed the door and went back to the Adriatic Motel. Investigator Rosenow asked her who "dude" was and she stated, his name is Virgil.

Annette stated she brought the knife with her from her apartment and kept it in her boot. She stated the knife looks like a silver knife and the handle was black in color. Annette stated that she threw the knife she used out the window of the cab as they were driving back to the motel. She stated she threw it near a Kwik Trip on South Ave.

She stated she was scared because Virgil swung a bottle at her and she got scared and stabbed him and then the cab drove off.

INTERVIEW OF ANQUIN ST. JUNIOUS

Officer Lozano states that he made contact with Anquin St. Junious at the Adriatic Motel and transported him to the police department for questioning. Upon searching him prior to transporting him he located a knife approximately 9" long on his person.

Sergeant Fitzgerald states that he interviewed Anquin. Anquin was intoxicated and his version of events was not always in chronological order. During the interview Anquin stated that he and Annette Thompson are married, they are currently living at the Adriatic Motel. He advised that he showed up at the 7th Street address at approximately 10:00 p.m. The other people at the residence included ██████, ██████, Virgil Stewart, ██████, ██████, and ██████.

Sergeant Fitzgerald asked Anquin what happened. He said he was at ██████'s house, waiting for a ride, so he called his wife Annette. Annette told him "they" were going to jump him, because they already jumped him twice. Anquin asked her to call him a cab. When the cab came he jumped right in the cab. As soon as he jumped in the cab "they came running out." As soon as they ran out, Annette had a kitchen knife on her, she started swinging it around the cab the door. He told the cab driver "go, go, go, go, then they left."

Anquin said "as soon as I went out the door, they followed us out the door. It was like they was planning on doing something." When asked who followed him out the door Anquin said Virgil. Anquin said he saw Virgil coming behind him. Anquin said Annette snapped and kept saying, "leave my husband

alone." Virgil was trying to keep the door open and kept saying "I'll kill ya'all" Annette started waiving the knife around, she got his hands off the door and the cab pulled off.

Anquin said he got in first and sat in the very backseat, which is the third row, with his son. He said Annette got in the second row seat next to the sliding door and tried to close it.

Anquin said he thought the knife came from a kitchen and said he really didn't see it and didn't know where it was. He later said Annette had the knife on her when the police came.

Anquin said that during the struggle between Annette and Virgil to get the door closed Annette kept yelling "why, why, why." Virgil kept saying "I'll kill ya'all." Anquin said the cab driver was an older guy who was not paying attention. Anquin didn't see anyone else besides Virgil outside of [REDACTED]'s residence.

Anquin mentioned that Virgil and [REDACTED] were arguing at [REDACTED]'s house. Anquin said Virgil kept getting in [REDACTED] face and both were acting tough. He said [REDACTED] kept telling them "not in the house". He also said they were face to face for 30 minutes. Anquin told me [REDACTED] went to get a gun, Virgil called other people to bring him a gun but nobody came with a gun. Anquin then said [REDACTED] already had a gun on him, which he had shown to Anquin.

Anquin then said Virgil probably already had a gun on him. Anquin then said [REDACTED] never left to get a gun, but Virgil was trying to get a gun.

Sergeant Fitzgerald states that Anquin then changed his story, and he stated that Virgil and [REDACTED] both had guns at [REDACTED]'s house. He said Virgil had a Glock .40 and threatened to kill Anquin. He said that Annette saw Virgil with a gun. When asked how Annette knew he had a gun on him. He said that when Annette came in and got Anquin, Virgil displayed the gun and said he would "kill ya'all" and said "he beat him worse than his family did".

ANNETTE THOMPSON'S SECOND STATEMENT

Investigator Pataska states that on 1/4/19 she met Annette to go over her statement again.

Annette said once she got to [REDACTED]'s house she went inside she saw Virgil but didn't see Anquin. She stated he was using the bathroom and once he was done they walked out of the house. She said she walked out first, then Anquin behind her and Virgil behind Anquin. She said Virgil was pointing his hand and saying, "N[REDACTED] you must wanna die, you must wanna die," to Anquin. Annette said she was telling them to "get off that [REDACTED]."

She said Anquin pushed her into the cab first and once Anquin was also inside she told them to close the door and for Virgil to move back so they could pull the door shut and just leave. Annette said she wanted to prevent anything more from happening so she kept asking Anquin to shut the van door.

Investigator Pataska asked her what Anquin said to Virgil and she said Anquin said, "N[REDACTED] move back." She said Virgil kept on him and Anquin got in the car and Virgil said "he must wanna die." She said, "Next thing you know Q [Anquin's] hand went up and did that." As she said this she brought her right hand up in a fist and made a downward motion with it, showing a stabbing downward motion. Annette said she turned to him and said, "Man where the [REDACTED] you get the knife from?" Annette further stated she didn't know he had a knife in his hand. Annette said she thought Anquin was going to hit him; she said it didn't look like Anquin stabbed him that far and she described it as a nick.

She then began to visibly shake and tear up and she said she's scared Anquin's going to have people come after her and hurt her.

Annette said Anquin had the knife and she didn't see it anymore. She said she was still trying to wrap her head around the fact that he stabbed someone and she didn't know where it went. She also said she didn't know where he got the knife.

Annette said once they arrived back at the hotel room her and ET got out of the taxi van and went inside the room. She said she turned a movie on and ET sat on the couch and began watching it and they both began to eat some pizza. She said Anquin stayed outside the hotel room and smoked a cigarette and came inside once he was done.

Annette said once Anquin came inside the room, "He was saying I betta say um, I did it for self-defense. If you don't I'll beat yo [REDACTED] and I'm gonna have my sister beat yo [REDACTED]. You know stuff like that just; he choked me, he slapped me cuz I was saying I wasn't gonna say that." Investigator Pataksa asked Annette to describe when Anquin was choking her. She stated Anquin had one hand around the front of her throat and was pushing on her throat. She stated the front and back of her neck were still sore. She said while his hand was on her throat she couldn't breathe and after his hand came off of her throat she said it hurt to swallow and caused her pain. She said she didn't lose consciousness or black out. She said she would rate the pain from being strangled was a number 6 or 7.

Annette said he then hit her on the right side of her face once. She described this as his open hand hitting the right side of her face really hard. She stated on the same pain scale it was a number 10. Annette said she never gave him permission to hit or choke her. Annette stated Anquin has been physical with her in the past and she was afraid of him and she was afraid he would get someone else to come and hurt her.

Annette said the police then knocked on the door and Anquin left her alone. Annette described Anquin as being cautious because he had been jumped twice recently. Investigator Pataska asked her if Anquin normally carried a knife and she said no. Annette said that he hadn't talked about needing a knife or thinking something was going to happen.

At the conclusion of the interview Annette said she felt better for telling the truth. She again said she told police she stabbed Virgil because Anquin told her she had to say that.

Subscribed and sworn to before me on 01/09/19

Electronically Signed By:

Brittney A Wagner

Assistant District Attorney

State Bar #: 1101168

Electronically Signed By:

Deputy Cody Bernhardt

Complainant