

**CIRCUIT COURT**  
**STATE OF WISCONSIN      CRIMINAL DIVISION      MILWAUKEE COUNTY**

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STATE OF WISCONSIN

Plaintiff

CRIMINAL COMPLAINT

vs.

ELLIS, Walter E.  
LKA: 2827A W. Bobolink Ave.  
Milwaukee, Wisconsin 53209  
(D.O.B. : June 24, 1960)

Complaining Witness:

Det. Kathy Hein

DA Case Number:

Circuit Court Case Number:

Defendant(s)

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THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN SAYS THAT THE ABOVE NAMED DEFENDANT(S) IN THE COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

**COUNT 01: INTENTIONAL HOMICIDE, FIRST DEGREE**

On June 20, 1997, at 2940 N. 5<sup>th</sup> Street, City of Milwaukee, did cause the death of Joyce Mims, another human being, with intent to kill that person, contrary to Wisconsin Statutes Section 940.01(1)(a).

**COUNT 02: INTENTIONAL HOMICIDE, FIRST DEGREE**

On April 27, 2007, at 3128 N. 7<sup>th</sup> Street, City of Milwaukee, did cause the death of Outhreaun Stokes, another human being, with intent to kill that person, contrary to Wisconsin Statutes Section 940.01(1)(a).

**AS TO COUNT 01:**

Upon conviction of this offense, a Class A Felony, the maximum possible penalty is life imprisonment.

**AS TO COUNT 02:**

Upon conviction of this offense, a Class A Felony, the maximum possible penalty is life imprisonment.

The basis for complainant's charge of such offenses is upon information and belief upon a reading of the written reports of the City of Milwaukee Police Department which complainant believes to be reliable because those reports have proved reliable in the past and are used in the ordinary and regular course of business of the City of Milwaukee Police Department.

Complainant alleges that on the date of Friday, June 20, 1997, Detective Gordon Bradley, a homicide detective, was dispatched to a residence at 2940 N. 5<sup>th</sup> Street in the City and County of Milwaukee, State of Wisconsin. On arriving there Detective Bradley was advised that a female body had been found on the second floor of that residence. The body was just south of the living room in a small closet area. Detective Bradley then went to that area and observed the victim who was identified as Joyce Mims who was located in a small closet just off the living room. It was noted by Detective Bradley that the victim was lying on her back with her head to the east and her feet to the west. She was nude except for a pair of white socks. Detective Bradley looked at the body and observed that there was hematoma or bruising to the chest just to the left of the center and just to the top of the breast bone. She also had bruising on the right side of her face along the jaw line. There also appeared to be a small amount of purging coming from her mouth. That a picture of the body of Joyce Mims was then taken in the deceased state and shown to a woman by the name of Patricia Wilson who positively identified the deceased person in the picture as Joyce Mims who she has known from the neighborhood.

The body of Joyce Mims was then transferred to the Milwaukee County Medical Examiner's Office where an autopsy was performed on Joyce Mims by Dr. John Teggatz who was the deputy medical examiner for Milwaukee County on the date of June 20, 1997. The results of that autopsy revealed that

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Joyce Mims died from asphyxia due to manual strangulation. It was the finding of Dr. Teggatz that Joyce Mims had suffered multiple abrasions and contusions to the neck, hemorrhage within the neck muscles, a fracture of the left hyoid bone in the neck and petechiae in the eyelids and the eyes. That she had also suffered blunt force trauma to the left inferior neck and to the mid posterior neck and back. The opinion of Dr. Teggatz, the deputy chief medical examiner for Milwaukee County on the date of June 20, 1997, was that Joyce Mims died from asphyxia due to manual strangulation and that this opinion is to a reasonable degree of medical certainty.

Also present at the autopsy was Detective Gary Temp who observed the Milwaukee County Medical Examiner's Office obtain a vaginal swab from Joyce Mims. Detective Temp took this vaginal swab and inventoried it on inventory #0029890 of the City of Milwaukee Police Department property bureau. City of Milwaukee Police Department reports state that Detective Gary Temp transported the envelope containing the vaginal swabs of Joyce Mims which he had inventoried as inventory #0029890, Item 11, and that he transported this to the State of Wisconsin Crime Laboratory-Milwaukee on the date of June 23, 1997 and that it was given crime laboratory #R97-2200 and was marked as Item P in the crime laboratory case number.

Complainant further alleges that on the date of April 27, 2007, at 1:58 p.m., Detective Charles Mueller, a homicide detective for the City of Milwaukee Police Department was sent to an address at 3128 N. 7<sup>th</sup> Street in the City and County of Milwaukee, Wisconsin. On arriving there Detective Mueller observed a woman who was identified as Outhreaun Stokes lying on her back in the living room of the residence at 3128 N. 7<sup>th</sup> Street. She was wearing a jacket which was pulled up above her chest and also a shirt underneath which was also pulled up above her chest. Her panties were torn and her blue jeans had been partially removed with her left leg out of her pants and her right leg partially in her pants. There was blood on the floor near the victim's legs and on a can of pepper spray that was next to her. Arriving at the scene was Milwaukee County Assistant Medical Examiner Russell Alexander who pronounced Outhreaun Stokes deceased at the scene and that her body was then transferred to the Milwaukee County Medical Examiner's Office for autopsy purposes.

Complainant further alleges that an autopsy was performed on Outhreaun Stokes by Dr. Gregory Hess, an assistant medical examiner at the Milwaukee County Medical Examiner's Office on the date of April 28, 2007. The results of that autopsy revealed that Dr. Hess found abrasions and contusion to the face, mouth and neck. There was petechial hemorrhaging and there was pulmonary edema and congestion also found. It was the opinion of Dr. Gregory Hess, to a reasonable degree of medical certainty, that Outhreaun Stokes died of manual strangulation. The can of pepper spray that appeared to have a blood smear on it which was next to the body of Outhreaun Stokes was gathered by Detective Charles Mueller who was the scene detective on the date of April 27, 2007 at approximately 1:15 p.m. Detective Mueller inventoried this pepper spray bottle with apparent blood on it as inventory #373199, Item 2, and transported it to the City of Milwaukee Police Department Property Bureau. This item was then transferred to the Wisconsin Regional Crime Laboratory-Milwaukee by Detective Charles Mueller, where it was placed on Wisconsin Crime Laboratory case number R07-1497 as Item AB and AC, those being two swabs taken of the believed to be blood from the pepper spray container which was Item 1 and 2 that Detective Mueller retrieved from the crime scene in inventory #374104.

The reports of Detective Kavanagh reveal that he obtained during the course of the autopsy the right hand fingernail clipping and left hand fingernail clippings of Outhreaun Stokes that he placed on inventory #374056 and transported them to the Wisconsin Regional Crime Laboratory on May 3, 2007, as items #X and Y on the crime laboratory case number R07-1497.

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Complainant further alleges that on the date of August 29, 2009, Detective Keith Kopcha and other fellow City of Milwaukee police officers executed a search warrant at 2827A W. Bobolink Avenue in the City of Milwaukee. In executing that search warrant they talked to an adult citizen witness by the name of Tressie Johnson. Tressie Johnson states that she lives at that address with the defendant whose name is Walter Ellis with a date of birth of 06/24/1960. Tressie Johnson gave police consent to search along with the search warrant the police had. Detective Kopcha seized from the bathroom area a toothbrush which Tressie Johnson stated was Walter Ellis' toothbrush and that no one else used that toothbrush. Detective Kopcha also retrieved shaving razors that Tressie Johnson stated were only used by Walter Ellis who lives with her at that address and that Detective Kopcha then inventoried these items as inventory #486778, the toothbrush was marked as Item 16. Detective Hernandez later took custody of the toothbrush and transported that toothbrush to the Wisconsin Regional Crime Laboratory on the date of August 31, 2009 and that the crime lab gave it crime lab number R94-3204, Item AT.

Your complainant further bases this complaint upon numerous reports from the Wisconsin State Crime Laboratory in Milwaukee.

Your complainant states that on May 20, 2003, Sharon Polakowski, DNA analyst with the Wisconsin State Crime Laboratory, reported that semen had been identified on the vaginal swabs that were obtained by the medical examiner at the autopsy of Mims and that she performed DNA testing on these vaginal swabs. Polakowski reported that human DNA was isolated and extracted from these vaginal swabs and that a major male DNA profile was developed using the polymerase chain reaction (PCR) and typed for short tandem repeat (STR) genetic locations. Polakowski further reported that this STR DNA profile obtained from the major male component of the DNA profile found on the vaginal swab of Mims was entered into the Casework Index of the Wisconsin DNA Databank on April 30, 2003 for periodic searching against other cases. An initial search of this male profile in the DNA Databank resulted in no matches.

Your complainant states that on July 5, 2007, Debra Kaurala, DNA analyst with the Wisconsin State Crime laboratory, reported that she examined the swabs collected from a smear near the leg area of Stokes from the crime scene, the swabs collected from the pepper spray container from the crime scene, and the left hand fingernail clippings of Stokes obtained by the medical examiner. Kaurala reported that blood was identified on the swabs from the smear near the leg of Stokes and on the pepper spray container from the crime scene. Kaurala reported that human DNA was isolated and extracted from the blood near the leg area of Stokes, the pepper spray container, and the fingernail clippings from Stokes. Kaurala further reported that she performed DNA testing on these items and developed a STR DNA profile using the polymerase chain reaction (PCR) technique on each of these items. Kaurala reported that this same DNA profile was from a male individual.

Your complainant further states that Kaurala also reported that this STR DNA profile developed from the evidence in the Stokes case was entered into the Casework Index of the Wisconsin DNA Databank on June 13, 2007 and that this search revealed a match between the evidentiary STR DNA profile from the Stokes case and the evidentiary STR DNA profile from the Joyce Mims homicide case.

Your complainant states that Sharon Polakowski informed her on September 4, 2009 that she performed DNA testing on the toothbrush and isolated and extracted DNA and developed a STR DNA profile using the PCR technique. Polakowski stated that she developed a male DNA profile on the toothbrush. Polakowski further stated that she compared this male DNA profile from the toothbrush with the male evidentiary STR DNA profile from the Joyce Mims homicide case and with the male evidentiary STR DNA profile from the Outhreaun Stokes homicide case and determined that they

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matched. Polakowski stated that based upon the results of the DNA testing in this case, she concluded that the STR DNA profile from the toothbrush, the STR DNA profile from the Stokes case, and the STR DNA profile from the Mims case all have a common source. In other words, Polakowski stated that it is her opinion that these profiles originated from the same person. Complainant further states that this toothbrush was identified by Tressie Johnson as the toothbrush that is exclusively used by Walter Ellis.

Complainant further alleges the DNA profile from the toothbrush of Walter Ellis has been developed from evidence at numerous other homicide cases.

**\*\*\*\*End of Complaint\*\*\*\***

Subscribed and sworn to before me  
and approved for filing on this \_\_\_\_\_  
day of \_\_\_\_\_, 2009

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DEPUTY / ASSISTANT DISTRICT ATTORNEY      Complaining Witness

Norman A. Gahn/MH  
Mark S. Williams\MH

-- FELONY COMPLAINT --