

PROBABLE CAUSE REVIEW FORM FOR WARRANTLESS ARREST

FILED
CRIMINAL/TRAFFIC
DIVISION

JUN 23 2011

Name of suspect: Tommy V. Douvette

WAUKESHA COUNTY WISCONSIN

Date of Birth: 6/9/1969

Offense Committed/Statute Number: First Degree Intentional Homicide- 940.01(1)(a)

When did offense occur: Between June 21, 2011 and June 22, 2011

Where did offense occur: 14320 Golf Parkway Brookfield, Wisconsin

What is the evidence to support probable cause for an offense?*

Date and time the suspect was arrested: June 22, 2011 at 12:30 p.m.

Name and title of person providing the above-stated information:

Jennifer S. Lough, Assistant District Attorney

I have reviewed the above information and I hereby find there **is probable cause** to detain the above-named suspect.

June 23, 2011 3:25 PM
Date Time

Thomas J. Piepen
Name

Judge/Court Commissioner

I have reviewed the above information and I hereby find there **is insufficient information** to detain the above-named suspect.

Date Time

Name Judge/Court Commissioner

*This information is not necessarily a total summary of all the facts of the matter. The facts listed here are based on information and belief and are those that simply are given to support a probable cause finding pursuant to County of Riverside v. McLaughlin, No. 89-1817, May 13, 1991.

This probable cause section is based upon a review of information from several fellow law enforcement officers, to include Detective Levenhagen, Detective Gralinski, Officer Behling, Officer Warhanek, and Officer Foster, with whom your complainant has worked with in the past and has known to be truthful, competent, and reliable. On June 22, 2011, officers were dispatched to 14320 Golf Parkway in the City of Brookfield, County of Waukesha, in reference to a welfare check. Officers had received information from Jeremy Swenson, a citizen witness believed to be truthful and reliable in this instance, that his employer, John Aegerter, DOB: 12/8/1947, had not arrived for a work meeting. Officers then proceeded to Aegerter's residence, which is located on Golf Parkway. Officers then gained access to the residence, and they learned that Aegerter was deceased. Aegerter's body was found face down in his garage with his ankles tied with a black electrical cord. Further, there was a white electrical cord around his neck. Also, it appeared that his face had been wrapped with duct tape, and there were several grocery plastic bags placed over his head as well. There was blood on the garage floor, as well as blood on Aegerter's clothing. Finally, a sleeping bag was found over Aegerter's body, which appeared to be concealing the body to some degree. The victim was pronounced dead at the scene by Deputy Medical Examiner Mary McNeill.

Then, on June 22, 2011, Waukesha County Dispatch Communication Center received a phone call from Brenda Eddy, a citizen witness believed to be truthful and reliable in this instance, who is the cousin of Lynn M. Hajny, DOB: 10/21/1962. Eddy indicated that she received a phone call from Hajny, stating that she was scared and freaking out. Then, Hajny told Eddy that she had killed someone. At first, Eddy thought it was a joke, but Hajny then stated that she had possession of the victim's credit card. Further, Hajny asked Eddy if she should use the credit card, because she was "being chased," and she wanted to fill up her gas tank. Eddy had contacted the police to find out if anyone by the name "John" had been reported as a victim in a murder. After Eddy made that phone call to police, Lynn Hajny and Tommy V. Douyette, DOB: 6/9/1969, arrived in her driveway in a vehicle in the City of Slinger. Both Hajny and Douyette came inside of Eddy's residence, stating that they had gone to John's house in the middle of the night. Hajny's husband, Albert Hajny, was at one time employed by the victim. Hajny indicated that she talked with the victim about money that he owed her husband Albert, and Hajny also stated that John was in the garage "dead with his feet tied." Hajny indicated that she took the house keys, car keys, and \$75 in cash from the victim's wallet. She also stated that she had the victim's credit card.

Eddy also stated that Hajny and Douyette stated they were going to go the airport area to get a freezer, and they also wanted to find a person with hydrogen peroxide. Apparently, they were going to attempt to dissolve the body. Hajny and Douyette also planned to clean up the scene where the murder occurred. Hajny stated there were soda cans in the refrigerator with their prints, but they were going to go back and clean up. When asked how they killed him, Hajny stated, "Tom snapped his neck."

Then, officers took Tommy Douyette into custody, who was then advised of his Constitutional Rights, which he indicated that he understood and wished to waive. Douyette then made a statement that is reliable in as much as it is contrary to his penal interests. Douyette admitted going to the victim's residence "sometime after 9:00 p.m." He stated that his girlfriend Lynn asked him to go over there, and he stated, "we got in and I hit him." Douyette indicated that the altercation occurred in the garage, which is where several vehicles were located. Further, the detective asked Douyette what Hajny had asked him to do, and Douyette responded that she asked Douyette to hit him and hurt him. Further, Douyette indicated that he "used his bare hands." Also, Douyette stated that his hands were swollen.

Douyette indicated that he was inside the garage for longer than five to ten minutes. Further, Douyette admitted to consuming alcohol prior to arriving at the victim's residence. When asked what the plan was, Douyette stated that the victim was two to three months behind in paying Albert Hajny, so they went to his house.

When asked how many times Douyette had hit him, Douyette responded, "seven, eight, nine." When asked where he had hit the victim on his body, Douyette responded, "head, face, yeah." When asked if Douyette remembered placing a sleeping bag on top of the victim's body, his response was "kinda." Douyette also admitted to cleaning up a little, and he also stated that he had blood on his hands. Douyette also acknowledged that they had brought soda cans into the house, which they had left in the refrigerator. When asked if Douyette had any property, which would be missing from the house, he stated that he had John's house key on his key ring.

A preliminary examination of the victim's body was conducted at the Medical Examiner's Office, specifically by Dr. Linda Biedrzycki, who is a citizen witness believed to be truthful and reliable in this instance. A preliminary examination of the body showed a blunt force trauma to the facial area, as well as superficial wounds to the chest. There was some bruising to the victim's face, and it did appear that his nose was broken. At this time, the cause of death is still unknown, and a complete autopsy will be performed.

Capt James P. All
Complainant

Subscribed and sworn to before me
this 23 day of June, 2011.

Jennifer Jough
Assistant District Attorney
State Bar No. 1059492