

STATE OF WISCONSIN
COUNTY

CIRCUIT COURT KENOSHA

STATE OF WISCONSIN,
COMPLAINT

CRIMINAL

Plaintiff,

vs.

FILE NO. 02-CF-

PPPD 98-13932
Hon.

MARK D. JENSEN
1228 40th AVENUE
KENOSHA, WI 53144

M/W DOB: 10/05/59

Defendant.

District Attorney Robert J. Jambois, being first duly sworn, on oath says that on December 3, 1998, at the Village of Pleasant Prairie, in Kenosha County, the defendant did cause the death of another human being, specifically, Julie C. Jensen, with the intent to kill that person; contrary to Section 940.01, Wis. Stats., FIRST DEGREE INTENTIONAL HOMICIDE, a Class "A" felony punishable by life imprisonment.

On December 3, 1998, at 4:35 p.m., Sergeant Dan Reilly and Officer Laura Hoffman of the Pleasant Prairie Police Department arrived at the home of Mark and Julie Jensen at 9020 Lakeshore Drive. Upon entry to the home, they found the defendant, Mark Jensen, standing in the kitchen trying to use the phone. The defendant appeared to be "visibly upset." When Sgt. Reilly asked the defendant where the victim was, the defendant pointed down a hallway. Sgt. Reilly then entered the bedroom at the end of the hallway where he found the body of Julie C. Jensen, DOB: 6/26/58. Julie was lying in bed on her stomach with her face partially buried in a pillow.

During the three-week period preceding her death, Julie Jensen had told a variety of people who she trusted that her marriage was "in the toilet;" that she would be seeking a divorce from her husband and that she was concerned that her husband was going to try and kill her, possibly with poison. She said if anything were to happen to her, it would not be suicide, and they should suspect the defendant in the event of her death.

Forensic toxicology reports show that Julie Jensen died as a result of ethylene glycol poisoning. Furthermore, the tests conducted on her stomach contents, kidneys, blood and urine show that she received at least two doses and the final dose was administered just

shortly before her death when she would have been unconscious or at least, too weak to move or get out of bed herself. On the day of her death, despite a very thorough search, the police found no traces of ethylene glycol, most commonly used as antifreeze, anywhere in the Jensen bedroom, residence or garage.

On Wednesday, November 25, 1998, Julie Jensen was serving as a volunteer parent in her son's third grade class at Southport School, which was taught by Theresa DeFazio. Ms. DeFazio described a conversation that occurred that day between them:

"...when I coaxed her, she told me how she was afraid her husband was going to kill her last weekend. When I asked her why she thought such a serious thing was going to happen, she explained why. She had found a paper listing things to buy in her husband's stuff. She said it listed syringes and names of drugs on it. Then she said that she thought he might try to kill her with a drug overdose and make it look like a suicide. I asked her why she thought he would do this. She said that there were other things she couldn't explain. She also wondered aloud if the drugs were for himself, but she didn't ever see him taking drugs so she didn't think that was the reason for the list...One other time she had mentioned that it bothered her how every time she walked into the room when her husband was on the computer, he always turned it off or covered it quickly. She asked him why once, but he said he was doing business stuff, and he was done."

Tadeusz Wojt, Julie Jensen's friend and next-door neighbor, reported:

"about two weeks before Julie's death, Julie told us that something was going to happen. She suspected Mark was trying to poison her. Julie stated Mark would offer her some drink and Julie would not drink it because she thought it was poison...Julie gave me an envelope with my name on it. Julie asked that if anything happened to her, to give the envelope to the police. I did not know what was in the envelope when I handed over the envelope to the police after Julie died...On the weekend before her death, the Sunday before, I saw Julie, and she stated to me that she was afraid that Mark was putting poison in her food or drink, and she did not eat all weekend. Julie was shaking and crying. She was in bad shape...Julie also stated Mark would call up things on the Internet about poisoning on the Internet, and he would leave it on the screen for her to see. Some of the things were undetected poisoning that was on the computer."

Tadeusz Wojt turned over to Detective Sergeant Paul Ratzburg the sealed envelope that had originally been given to him by Julie Jensen. Detective Sergeant Ratzburg opened the envelope and found the following letter:

Pleasant Prairie Police Department, Ron Kosman or Detective Ratzenburg
(sic),

I took this picture and am writing this on Saturday, 11/21/98 at 7 a.m.

This 'list' was in my husband's business daily planner - not meant for me to see, I don't know what it means, but if anything happens to me, he would be my first suspect. Our relationship has deteriorated to the polite superficial. I know he's never forgiven me for the brief affair I had with that creep seven years ago. Mark lives for work and the kids; he's an avid surfer of the Internet...

Anyway - I do not smoke or drink. My mother was an alcoholic, so I limit my drinking to one or two a week. Mark wants me to drink more - with him in the evenings. I don't. I would never take my life because of my kids - they are everything to me! I regularly take Tylenol and multivitamins; occasionally take OTC stuff for colds, Zantac or Imodium; have one prescription for migraine tablets, which Mark uses more than I. I pray I'm wrong and nothing happens...but I am suspicious of Mark's suspicious behaviors and fear for my early demise. However, I will not leave David and Douglas. My life's greatest love, accomplishment and wish: 'my three D's' - daddy (Mark), David, plus Douglas.
Signature, Julie C. Jensen

The envelope and the letter signed Julie C. Jensen were submitted to the State Crime Lab along with known writing samples from Julie C. Jensen. Jane A. Lewis of the "Questioned Documents" section of the State Crime Lab concluded "based on the exemplars submitted, it was determined that Julie Jensen wrote this letter that Mr. Wojt had turned over to the Pleasant Prairie Police Department.

On December 4, 1998, Pathologist Michael Chambliss, MD, performed an autopsy upon Julie Jensen's body. On February 4, 1999, Dr. Chambliss produced a preliminary autopsy report and was unable to determine a cause of death. Subsequently, Kenosha County Medical Examiner Maureen Lavin, MD, had additional toxicological studies performed upon the kidneys, blood and gastric contents that were collected during the autopsy on Julie Jensen. These additional toxicological studies revealed that there was significant formation of oxalic acid crystals in the kidneys of Julie Jensen. Furthermore, tests performed upon the blood sample by Dr. Christopher Long, a forensic toxicologist at the St. Louis University Toxicology Laboratory, revealed the presence of ethylene glycol at 55 micrograms per milliliter in the blood, ethylene glycol at 720 micrograms per milliliter in the urine and 3094 microgram per milliliter of ethylene glycol in the gastric contents. Dr. Lavin then reviewed this entire case study with Dr. Jeffrey M. Jentzen of the Milwaukee County Medical Examiner's office. Dr. Jeffrey M. Jentzen then provided the following conclusion: "It is my opinion to a reasonable degree of medical certainty that Julie Jensen died as a result of homicidal poisoning with ethylene glycol. I arrived at this conclusion based on the totality of the investigation in addition to the clinical description of systems, the gastric contents, toxicology results, and microscopic slides demonstrating the classic findings of renal tubular and intravascular crystals."

The State had also consulted with Christopher Long, PhD, DABFT, a forensic toxicologist associated with the Department of Pathology, the Forensic Toxicology Laboratory at St. Louis University Health Sciences Center. Dr. Long concluded:

“Ethylene glycol was the cause of death in Ms. Jensen. The pathology shows crystals in the kidneys, and the toxicology demonstrates ethylene glycol. This compound was identified in the blood and large amounts were found in the stomach contents. There is no other reasonable explanation for Ms. Jensen’s death.

Ms. Jensen did not die from a single administration of ethylene glycol. The concentration in her blood was low, but the tissues had crystals. These crystals demonstrate that she survived the initial phase(s) of ethylene glycol poisoning. The stomach, having a large concentration of ethylene glycol, demonstrates an acute ingestion, at or near the time of death. The crystals in tissues define the first dose(s) at more than 12 hours earlier and the stomach concentration defines the second or final dose at her death. The autopsy/testing shows that there were at least two doses of ethylene glycol and this is further supported by her history. . . . This appears to be a homicide for the following reasons:

1. The ethylene glycol was not present in the house.
2. Her stomach contained significant amounts of ethylene glycol, showing her death occurred at or near the time of administration.
3. Ms. Jensen would have been too weak to drink the volume of ethylene glycol found in her stomach at autopsy, without help.
4. Ms. Jensen would have been too weak to hide the ethylene glycol after her final dose.
5. Multiple doses were administered.
6. Her reports to the police regarding the fear for her life from her husband.
7. Her letter ten days before her death.

This is a case of ethylene glycol poisoning with a fatal result. The chemical was administered at least two times prior to her death, which is inconsistent with a suicide.”

Detective Sergeant Paul Ratzburg reports that he obtained consent from the defendant to search the entire residence and seize whatever evidence was necessary to conduct an adequate investigation in this case. Among the items seized from the defendant’s residence was the defendant’s computer. Detective Sergeant Ratzburg sent the defendant’s computer to the State Crime Lab for analysis by computer evidence technician Brad W. Haller. Brad W. Haller reported that he was able to recover Internet communications between the defendant and his apparent girlfriend, Kelly Labonte. Furthermore, Brad Haller was able to recover from Mark Jensen’s hard drive the “Internet browser cache files.”

Very personal Internet e-mail communications between the defendant and Kelly Labonte

were first observed on September 3, 1998. The defendant replied (apparently from his home computer):

Defendant: "Thank you... Wish I hadn't been so tired, so little sleep the previous nights...was great just hangin out...definitely lucky...got a few looks and question about being in st louis...cute...all covered...then ron called...it was about Columbus...just funny the way it flowed...hey, came in this morning and my blinds were up...and I do like those knobs...idly, cheers..."

Kelly LaBonte: "When I heard Marcia say you were on the phone for Ron I was all ears...but not too concerned. It was funny though...you have knobs on your blinds?!"

Defendant: "Wouldn't mind knobs on my blinds...would prefer cheeks on my desk...cheers. Did you smile..."

Kelley LaBonte: "If you continue to be a good boy maybe you'll get what you wish for...I would enjoy participating!!!! Yes, I smiled-I always smile when talking with you."

According to the Internet access records recovered from the defendant's hard drive, the defendant began researching methods of poisoning on October 15, 1998 at 6:07 p.m., when he examined a site entitled "Botulism in low-acid canned foods."

On October 16, 1998 at 4:10 p.m., the defendant accessed a site regarding Mercury Fulminate. This site described the method and ingredients employed to create Mercury Fulminate which a "primary explosive in the fabrication of detonators."

On November 9, 1998 at 6:40 p.m., the defendant accessed on Yahoo! A site entitled "Physician-Assisted Suicide." On that same date at 6:00 p.m., the defendant accessed a site entitled "Toxicology."

On November 29, 1998 at 5:21 a.m., the defendant accessed a site entitled www.sierrantifreez.com.

On December 2, 1998 at 6:23 a.m., the defendant accessed a site on the Internet entitled "Ethylene Glycol," which among other things describes the effects and stages of Ethylene Glycol poisoning.

On December 2, 1998 at 6:36 a.m., the defendant accessed an additional Internet site also devoted to the subject of Ethylene Glycol and its toxic effects. On that same date at 10:47 p.m., the defendant accessed a site entitled "Antifreeze Poisoning."

On March 19, 2002, Kenosha County Medical Examiner Maureen Lavin, M.D., a Forensic Pathologist, prepared a preliminary autopsy protocol. Dr. Lavin concluded that Julie Jensen dies as a result of Ethylene Glycol poisoning and that the manner of death

was homicide.

Your complainant is a Kenosha County District Attorney and has knowledge of the above-alleged facts from having reviewed the reports of Detective Sergeant Paul Ratzburg, Sergeant Dan Rielly and Officer Laura Hoffman of the Pleasant Prairie Police Department. Your complainant considers the reports of these law enforcement officers to be reliable as they were prepared during the normal course of their duties as law enforcement officers. Further, your complainant has reviewed the statement of Theresa DeFazio. Your complainant considers the statement of Theresa DeFazio to be reliable as she purports to be an eyewitness to the facts alleged within her statement. Your complainant has also reviewed the statement of Thadeusz Wojt. Your complainant considers the statements of Thadeusz Wojt to be reliable as he purports to be an eyewitness to the facts alleged within his statement. Your complainant has also reviewed the reports of Dr. Jeffrey Jentzen, MD, Milwaukee County Medical Examiner; Dr. Maureen Lavin, Kenosha County Medical Examiner; and Chris Long, PhD, Forensic Toxicologist associated with the Department of Pathology at the Forensic Toxicology Lab at St. Louis University Health Sciences Center. Your complainant considers the reports of the foregoing professionals to be reliable since they purport to be eyewitnesses to the facts alleged within their respective reports.

Subscribed and sworn to before me and
approved for filing on March 19, 2002

Complainant

(Assistant) District Attorney

I find that probable cause (exists) (does not exist) that the crime was committed by the defendant and order that he be (held to answer thereto) (released forthwith).

Date: March , 2002

(Judge) (Court Commissioner)

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NOTICE TO DEFENDANT RE: DEMAND FOR DISCOVERY

Pursuant to Wis. Stat. §971.23(2m), the State of Wisconsin, plaintiff, demands that the defendant or the defendant's attorney, within a reasonable time before trial, disclose to the District Attorney and permit the District Attorney to inspect and copy or photograph all of the following materials and information, if it is within the possession, custody, or control of the defendant:

1. A list of all witnesses, other than the defendant, whom the defendant intends to call at trial, together with their addresses;
2. Any relevant written or recorded statements of a witness named on the witness list referred to above, including any reports or statements of experts made in connection with the case or, if an expert does not prepare a report or statement, a written summary of the expert's findings on the subject matter of his or her testimony, and including the results of any physical or mental examination, scientific test, experiment or comparison that the defendant intends to offer in evidence at trial;
3. The criminal record of a defense witness, other than the defendant, which is known to the defense attorney. If the defense attorney is uncertain if the witness has a criminal record, please provide the witness's full name, sex, race, and date of birth;
4. Any physical evidence that the defendant intends to offer in evidence at trial.

Robert J. Jambois
District Attorney