

CRIMINAL COMPLAINT

STATE OF WISCONSIN

DA Case No.:2009ML026047

Plaintiff,

vs.

Complaining Witness:

Det. Gilbert Hernandez

Fayne, Lorenzo
711 Kaskaskia Street
Menard, IL 62259
DOB: 04/02/1971

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: FIRST DEGREE INTENTIONAL HOMICIDE

The above-named defendant on or about Friday, September 15, 1989, at or about 1511 N. 13th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause the death of Rita D. Scott, another human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Felony, the defendant shall be sentenced to imprisonment for life.

The basis for complainant's charge of such offense is upon information and belief upon a reading of the written reports of the City of Milwaukee Police Department which your complainant believes 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 Friday, September 15, 1989, at approximately 6:49 a.m., Police Officer James Strohmayer of the Milwaukee Police Department was sent to a call of a deceased woman at 1501 W. Cherry Street in the City and County of Milwaukee, Wisconsin. On arriving there the Milwaukee Fire Department paramedic unit was in front of 1513 N. 13th Street which was near a loading dock and next to 1501 W. Cherry Street. There Officer Strohmayer observed the victim who was identified as Rita Scott. Ms. Scott was pronounced deceased at the scene by Dr. Jeffrey Jentzen who at that time was the medical examiner for Milwaukee County. Near the body was a loading dock and under that loading dock was found a piece of concrete with blood stains on it. On the sidewalk near 1501 W. Cherry Street was another piece of cement with blood on it and a key ring with keys on it. Officer Strohmayer also observed a trail of blood which led to the body.

The reports of Police Officer Mark Sikora revealed that on the date of Friday, September 15, 1989, at 6:53 a.m., Officer Sikora was sent to a homicide at 1513 N. 13th Street. On arriving there he observed a woman who was identified as Rita Denise Scott. Officer Sikora observed that it was apparent that Ms. Scott had been dragged from approximately 1501 N. 13th Street to the driveway at the side of 1513 N. 13th Street and that there was a long blood trail between those two points. That the victim was partially clothed and she had suffered apparent blows to

the head and that her head was covered with blood. That the sidewalk at 1501 N. 13th Street was splattered with blood. Under a loading dock near the victim's body was found another blood stained piece of concrete and several pieces of her clothing strewn about the area.

The reports of Inspector Edward Liebrecht on September 15, 1989 reveal that he was the scene detective. He proceeded to the area where the body was found and observed the victim Rita Scott at the rear of 1513 N. 13th Street. Rita Scott was in a half prone position lying in a large pool of blood. There was a blood trail that ran from the driveway at 1501 N. 13th Street to where Rita Scott's body was lying at 1513 N. 13th Street. This area extended approximately 102 feet. Under the loading dock area next to where Rita Scott was located, there was found a pair of women's shoes, a pair of pantyhose and a concrete piece of block with blood spatter on it. Rita Scott was pronounced deceased by Dr. Jeffrey Jentzen who at that time was the medical examiner for Milwaukee County.

On the date of September 15, 1989 at approximately 9:30 a.m. Dr. Jeffrey Jentzen did an autopsy on Rita Denise Scott. The results of that autopsy revealed that Rita Scott had suffered a fractured upper jaw which was completely fractured from any surrounding bones, a fracture to the left side of her skull and other injuries to the head. There was also abundant blood loss. It was the opinion of Dr. Jentzen to a reasonable degree of medical certainty that Rita Scott died of trauma to the head and face area and that this opinion is to a reasonable degree of medical certainty. At the autopsy vaginal swabs were taken from Rita Scott by Dr. Jeffrey Jentzen. Those vaginal swabs were given to Milwaukee Police Officer Victor Rivera on Friday, September 15, 1989, and that the sexual assault kit including the vaginal swabs were carried by Officer Rivera to the Milwaukee Police Department and placed on inventory 1264247.

Complainant alleges that on Monday, September 18, 1989, Police Officer Fred Rehorst of the City of Milwaukee Police Department Property Control Division took the sexual assault kit including the vaginal swabs to the Wisconsin Regional Crime Laboratory. They were given to analyst Kathy Ripp who is an analyst in the serology department of the Wisconsin Regional Crime Laboratory in Milwaukee. Ms. Ripp examined the sexual assault kit on October 11, 1989, and found semen on the vaginal swabs taken at the time of autopsy.

On January 30, 2009, Detective Hernandez transferred the sexual assault kit taken from Rita Scott during the autopsy, to the Wisconsin Regional Crime Lab for DNA testing, this being MPD inventory number 1264247, which kit included crime lab item number C4A1. Complainant alleges that on the date of April 27, 2009, the vaginal swab that was examined previously by analyst Kathy Ripp on October 11, 1989, which had been given MPD inventory number 1264247 and assigned item #C4A1 by the Wisconsin Regional Crime Laboratory was then subjected to a short tandem repeat (STR) DNA analysis by forensic analyst Diane Guzman who is employed at the Wisconsin Regional Crime Laboratory. Diane Guzman has had training in the development of DNA profiles. Diane Guzman was able to develop from the sperm fraction of the vaginal swab item C4A1, that came from the vaginal swab of Rita Scott at the time of autopsy, a STR DNA profile. On May 6, 2009, a routine search of CODIS which is a national DNA databank of convicted felons throughout the United States revealed a match between the evidentiary profile developed from the sperm fraction of the vaginal swab portion item C4A1 and the profile of a convicted offender in the Illinois DNA databank in Springfield, Illinois. This DNA profile of the sperm fraction of vaginal swab portion in item C4A1 matched that of a Illinois inmate named Lorenzo Fayne, DOB 04/02/1971, who has been convicted of five homicides in the State of Illinois.

Complainant further alleges that on the date of Friday, October 23, 2009, Detective Katherine Hein and Detective Gilbert Hernandez traveled to the Menard Correctional Institution in Chester, Illinois and after arriving there advised Lorenzo Fayne, DOB 04/02/1971, of his Miranda rights

and after being advised of his Miranda rights gave a statement which was believed to be reliable because it is against his penal interest. Lorenzo Fayne stated to Detectives Hein and Hernandez that he wanted to speak about the homicide that he did in Milwaukee, Wisconsin in 1989. Mr. Fayne stated that he is now serving a life sentence for five homicides that he did in East St. Louis, Illinois in the early 90's. Regarding the death of Rita Scott, Mr. Fayne stated that he was involved in her death. He stated that he cannot remember the exact date but believed that it was in the fall of 1989. Fayne stated that the homicide of Rita Scott occurred in the evening hours when it was dark outside. He stated that he left a house that was right around the corner from where the murder occurred. He stated that the house may have been on Galena Street. Mr. Fayne stated that he committed this homicide in the area of 13th and Cherry Street in the area of the welfare building, near a factory. He stated that he had walked down the stairs of the home near Galena Street and was leaving. He stated that he then saw the victim walking in a southbound direction on the street and that when she turned the corner he approached her. He stated that he then picked up a rock that he had found and that he approached her from behind and that she did not see him coming. He stated that he then struck her on the head with a rock and that she fell to the ground and was unconscious. He stated that when he hit her the rock broke in two pieces with one of them falling to the ground and the other still in his hand. He stated that he then dragged the victim, who was unconscious, into a gangway between the factory and a house. He stated that he dragged the victim through the gangway and that she then began to wake up and that she was making gurgling sounds so he then struck her three or four more times with the piece of rock that he still had in his hand until he knew she was dead. He stated that he then placed her next to a house and that her head was facing the house. He stated that he removed the bottom half of her clothes and then had vaginal sex with her after she was deceased. He stated that after he had sex with her he threw part of the rock under the loading dock of the factory next to the house and that he then left the area. He stated that the victim did not say anything to him and he did not take anything from the woman. He stated that he regrets committing this homicide as well as the other homicides and that he is glad he is locked up because he would still be doing it if he was not. Detectives Hein and Hernandez showed Mr. Fayne pictures of the scene of Rita Scott's homicide and he identified the area in which he first approached Rita Scott. He also identified the loading dock where he threw the rock after striking Rita Scott, which is the address of 1511 N. 13th Street. That this statement is on audio tape.

Complainant alleges all these events occurred in the City and County of Milwaukee, State of Wisconsin.

****End of Complaint****

Subscribed and sworn to before me and approved for filing this ____ day of October, 2009.

Mark S. Williams
Assistant District Attorney
1017937

Complaining Witness

MSW\mh

-- Felony Complaint --