

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

S.V.

Plaintiff,

-vs-

Case No. 10-cv-919

KENNETH KRATZ

Defendant.

DECLARATION OF PLAINTIFF S.V.

I, S.V., declare:

1. I am the plaintiff in the above-entitled action and have personal knowledge of the matters stated herein and could competently testify about them if called upon to do so at trial.

2. In approximately July-August 2009 I was beaten and strangled at home by S.K., the man with whom I had been living. S.K. and I were not married. We had one child. I was then 25 years old.

3. During the time I had lived with S.K., he had repeatedly subjected me to violent domestic abuse, including beatings and strangulation. I had never reported those past instances of abuse to the police because I was reluctant to invite law enforcement authorities to intervene in what I considered to be a private family situation.

4. S.K.'s last attack on me was so violent, however, that I became genuinely frightened for my life and for the safety of my child if S.K. were to attack again. Despite my reluctance to involve law enforcement, therefore, I felt that I had no choice but to report S.K.'s attack to the police, which I did.

5. I complained to the police in this way in the hope that S.K. would be punished for the attack and would be forced by the authorities to stop his abusive and violent behavior and prevented from repeating it in the future. I was also very concerned, however, that reporting S.K. to the police would only anger him further and end up increasing the risk of even more serious attacks in the future if he was freed before trial or was not successfully prosecuted and put in jail. I was placing my trust in the law enforcement authorities not to let this happen.

6. As a result of my police complaint, a felony charge of strangulation and suffocation and a misdemeanor charge of disorderly conduct were brought against S.K. by the Calumet County District Attorney on August 12, 2009.

7. At that time, defendant Kenneth Kratz was the District Attorney for Calumet County. I understood him to be the head of that office, in charge of all prosecutions for the County. I was informed that Mr. Kratz would be personally responsible for the prosecution of S.K.

8. I met with Mr. Kratz three times in October 2009 regarding the prosecution. In the first two of these meetings, another woman who was a victim-witness coordinator was present. In the third meeting, on October 20, 2009, Mr. Kratz and I met alone in a conference room at his office.

9. In that meeting I described to Mr. Kratz my relationship with S.K. and his previous abuse. I also explained my current personal circumstances, telling Mr. Kratz that I was not in another relationship at that point, that I was living with my mother and struggling to make ends meet and care for my child, and that I had extremely low self-esteem.

10. During the meeting, Mr. Kratz confirmed that he would be in charge of the prosecution of S.K. I understood from this that I would be relying on him directly for assistance regarding my participation in that process as the victim of the crime and the complaining witness in the prosecution. I also understood that, as the prosecutor responsible for the case, Mr. Kratz

would have substantial influence and control over whether and how S.K. would be released before trial and over the actual conduct of the prosecution and the sentencing process, and that as a result I would be heavily dependent on Mr. Kratz to protect me and my child from retaliation and further harm by S.K. When Mr. Kratz asked if I would object to lowering the felony charge against S.K. to a misdemeanor, I responded that I would.

11. I also understood, at the meeting with Mr. Kratz, that he and the other law enforcement authorities involved would protect my identity and privacy as much as possible if I cooperated with the prosecution of S.K., and that the contact information I provided—including my cell phone number—would be kept confidential and would be used only for law enforcement purposes.

12. Beginning shortly after this meeting on the afternoon of October 20, 2009, however, and continuing over the next three days, Mr. Kratz sent 30 text messages to me on my cell phone insistently urging me to enter into a secretive sexual relationship with him. Attached to this Affidavit as Exhibit A is a transcription of these messages that is accurate to the best of my recollection, knowledge, and belief, with one exception. The message from Mr. Kratz to me at 10:33 a.m. on October 22, 2009, is incomplete on Exhibit A. The full message said: “Are you serious? Ok? That’s it? Are you busy? Are you in a board meeting? You are beautiful and would make a great young partner someday. But I won’t beg!”

13. While some of the messages from Mr. Kratz, when considered alone, were not explicitly sexual and appeared only to convey compliments and concern about me, there was no question in my mind that the purpose of the whole series of messages was to express Mr. Kratz’s sexual attraction to me and to pressure me into agreeing to engage in a covert sexual relationship with him. Along with describing me as “pretty” and “beautiful,” for example, the messages referred to me as “hot,” as a “tall, young, hot nymph,” and as a woman who is “blonde, 6ft tall,

legs and great bod[y].” Mr. Kratz told me I “would make a great young partner someday” and asked, “are you the kind of girl that likes secret contact with an older married elected DA . . . the riskier the better?” He referred to a relationship requiring “passion,” being a “risk taker,” and living “close to the edge,” and said, “I would not expect you to be the other woman. I would want you to be so hot and treat me so well that you’d be THE woman! R U that good?” He also urged me not to disclose his behavior, asking if I “can keep [my] mouth shut” and telling me, “its maybe not the wisest thing I can do, but you are awfully sweet. Just don’t tell anyone, ok?”

14. Several of the messages also attempted to use personal information that I had disclosed to Mr. Kratz to increase the pressure he was putting on me to comply. One said, “Hey.. Miss Communication, what’s the sticking point? Your low self-esteem and you fear you can’t play in my big sandbox?” Other messages suggested that, given my limited financial circumstances, I would benefit from the relationship with Mr. Kratz. He asked what kind of job and house I could expect to have in five years and said, “I’m serious! I’m the atty. I have the \$350,000 house, I have the 6-figure career.”

15. Mr. Kratz also suggested a direct link between the sexual relationship he was urging on me and the prosecution of S.K. He said, “Quite frankly I don’t know what would happen. It [the sexual relationship] would go slow enough for [S.K.’s] case to get done. Remember, it would have to be special enough to risk all.”

16. I found all of these messages and what they were saying about me and urging me to do completely unwelcome and offensive. I believe these messages were directed toward me because I was a financially dependent woman with few resources to protect myself from abuse related to my sex. I was upset, uncomfortable, injured, and humiliated by Mr. Kratz’s behavior.

17. I also felt frightened, threatened, and intimidated by the pressure Mr. Kratz was putting on me in these messages and the difficult position they put me in. I felt that I had taken a

great risk for myself and my child by reporting S.K. to the police and that I was very dependent on Mr. Kratz for protection from that risk through the course of the prosecution of S.K. As Mr. Kratz's messages continued, I became fearful that if I confronted him too directly it would have an adverse effect on the prosecution or cause him to retaliate against me in some other way.

18. Mr. Kratz continued sending me a steady stream of messages for three days. I concluded that I would not be able to trust him or participate properly in the prosecution of S.K. under these circumstances. Because Mr. Kratz was himself the Calumet County District Attorney, I did not believe that there was any superior law enforcement official in Calumet County that I could complain to about his conduct.

19. After anguishing about what to do, I went with my mother to the Kaukauna Police Department on the afternoon of October 22, 2009, and reported Mr. Kratz's conduct. I gave the Kaukauna police the text messages he had sent and my replies. I told them that I wanted him to stop pressuring me to have a sexual relationship but I was concerned that if I did not comply, Mr. Kratz would act in some way that continued and potentially increased the danger to my personal safety. Mr. Kratz sent the last of his string of 30 text messages to my cell phone while I was at the Kaukauna Police Department.

20. After I had reported Mr. Kratz's conduct to the Kaukauna police, I insisted that I not be required to attend any proceeding in Calumet County that was related to the prosecution of S.K. I did this because of the revulsion I felt, as a result of Mr. Kratz's conduct, for anything associated with Calumet County law enforcement.

21. At some point after I had reported Mr. Kratz's conduct to the Kaukauna police, I learned that the prosecution of S.K. was taken over by a prosecutor from the Wisconsin Department of Justice.

22. It is my understanding that in April 2010, S.K. pleaded no contest and was convicted on the felony charge of strangling and suffocating me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 1, 2011.

s/ S.V.