

**2004 Wisconsin High School
Mock Trial Tournament Case Materials**
[Changes incorporated 1/8/04]

STATE vs. JOHNSON

PROSECUTION WITNESSES

Captain H. Davenport
Martin/Magdeline Lemberger
Selma/Sam Johnson

DEFENSE WITNESSES

Sheriff A. Brown
Bertie Johnson
Mae/Mark Sorenson

Adapted from:

Balousek, Marv, Balousek, Mary and J. Allen Kirsch. *50 Wisconsin Crimes Of The Century*. Waubesa: Waubesa Press, September 1997.

Lemberger, Mark. *Crime of Magnitude*. Madison: Prairie Oak Press, 1993.

SPECIAL THANKS

The mock trial case writers want to thank Marv Balousek and Brian Root for allowing us to use their material for our mock trial this year. The primary sources for the development of these case materials are *50 Wisconsin Crimes Of The Century* by Marv Balousek and *Crime of Magnitude* by Mark Lemberger with adaptations provided by Brian Root, Charlie Fuller, attorneys Steve Zach and Tim Fenner.

BACKGROUND

The background is provided for informational purposes only and may not be used during trials for any purpose. For purposes of relevance and realism some individuals and/or events have been modified in order to present a more balanced case. While this mock trial case is based on a real incident in Wisconsin history, it has been altered to fit the requirements of a mock trial. In reality "Dogskin" was a male. For mock trial purposes, any witness role may be played by either gender, and liberties have been taken with the material in order to present a more gender-neutral case while attempting to maintain the integrity of the original material.

STIPULATIONS

1. Deputy Chuttie is not testifying as he recently retired from the department and is currently living in Mexico during the winter months. He is unavailable for testimony.
2. Dogskin's admission was documented in the jailer's notes/log that all jailers are required to complete at the end of their shift.
3. Prior to this trial, Johnson's attorney filed a motion seeking suppression of Johnson's statements to the jailer and the District Attorney. The judge ruled there was no constitutional or statutory violation; however, the judge indicated that the parties must still overcome various hearsay issues before admitting the statement. The judge also indicated that issues of credibility and reliability of the statements could be addressed by the parties through questioning and arguments.
4. All notes written by J.A. Johnson are authentic but may or may not be admissible.
5. Sorenson's allegations are against the testifying spouse [Lemberger].
6. The State must pursue all charges.

INTRODUCTION

Murders, however lurid, tend to get loud but brief coverage. There is always a new murder to bump yesterday's off page one. Why has the Annie Lemberger case never gone away? In part, because it has never been solved. In part, also,

because the aftermath of the crime included some fascinating and bizarre twists that continued to capture the imaginations of newspaper writers across all of twentieth-century America. This is a fascinating and subtle mystery. So, imagine yourself as a resident of Madison, Wisconsin in 1911. Imagine that a little girl has disappeared without a trace.¹

STATEMENT OF FACTS

It is Madison, Wisconsin in 1911. Little Annie Lemberger, with her long, light-brown hair tied back in a pretty white bow, skipped merrily home from school on September 5, 1911. It was her first day in the second grade and she couldn't wait to show her mother the prize she'd been given for her good work.

The family lived in a small frame house at 2 South Frances Street in the old Madison Italian neighborhood of Greenbush or, more commonly, the Bush. Annie's father, Martin, worked as a laborer and Annie, age seven, slept with her sister and two brothers in a tiny, eight-foot-square bedroom. Despite its small size, the twenty-foot by twenty-foot house was well-kept, freshly painted with neatly trimmed vines and trees outside in the small yard. The family kept a gray cat and a small fox terrier that barked at anyone who came near the house, especially after dark.

On that first day of school, Annie's mother put the children to bed about 7:00 p.m. But they were allowed to get up for awhile when Lemberger's brother-in-law dropped by so they could play with their four-year-old cousin. The company left about 9:00 p.m. and Lemberger went to bed about a half hour later. Then, Mrs. Lemberger said she locked the doors and windows, including the one above Annie's bed, before going to bed herself. Nothing eventful seemed to happen that night. The family slept soundly and the fox terrier was silent. In the morning, Mrs. Lemberger went to check on the children.

"I went in there and I felt cold air and I see the window was open and Annie was not in her bed," she said. "I looked under the boys' bed to see if she walked there in her sleep and under the other bed, too, and in the closet but could not find her."

Mrs. Lemberger woke her husband, and then continued the search for the little girl outside. When Annie couldn't be found, he called the police.

As word of the girl's disappearance began to spread, a crowd gathered at the Lemberger house. Annie's father showed police officers how someone must have torn the mosquito netting on the outside, then removed a piece of cracked glass from the window above Annie's bed and reached inside to open it. Then, the culprit must have propped up the window with a lath and quietly grabbed Annie from her bed and through the window. A band of gypsies was in town and police

¹ *Crime of Magnitude*, Mark Lemberger, Prairie Oak Press, Madison, WI 1993

searched their camp south of the city. Searchers combed vacant buildings, boxcars, and storm sewers but found no sign of the missing girl.

Newspapers raised questions about the case. What was the motive? Annie's parents were too poor to pay ransom. Was she snatched by a child molester? If that was the case, then why would he risk breaking into the house when he could more easily grab Annie or another girl on the street? How could Annie be awakened by a stranger without screaming, especially when police found no evidence that an anesthetic had been used to subdue her? Why did Lemberger and his wife report hearing nothing when the door to the room where they slept was ajar that night? And why was the noisy dog silent, keeping the intruder's secret? The *Wisconsin State Journal* reported:

"The curious part of the disappearance is that absolutely no clue to the supposed kidnapping can be found, or any motive for a kidnapping or secretion of the child."

Rumors abounded about Annie's disappearance. By Saturday, September 9, public sentiment was reaching a white heat. On his way to work that day, George Younger, a cement worker, passed by Brittingham Park on the shores of Lake Monona. As he approached the park, he noticed something floating in the bay near the foot of Erin Street. It was the nude body of the missing girl.

An autopsy performed that same day found no water in the girl's lungs, indicating she had been strangled or suffocated before she was dumped in the water. Bruises were found behind her left ear and over her left eye. Smaller bruises were found on other parts of her head. There was no direct evidence of a sexual assault. The autopsy was interrupted three times by the intrusion of an uninvited spectator, John A. "Dogskin" Johnson. Because of this and other suspicious behavior, Johnson became a suspect in the murder. Johnson, who lived down the block from the Lembergers, helped the family search for Annie on the day of her disappearance. But Johnson also had a criminal record. He had once damaged a train and assaulted three young girls. He had spent time in prison and an insane asylum. He was questioned about Annie's disappearance and then released. But on the day of the autopsy, Johnson was taken into custody again and grilled intensively.

After four days of interrogation, Johnson finally had enough. From his jail cell, he summoned the guard and confessed to the murder of Annie Lemberger.²

² In the actual case, Johnson appeared before Judge Anthony Donovan that same day. He plead guilty to Annie's murder and was immediately sentenced to life in prison. He was ordered to spend every September 5 in solitary confinement to reflect on his crime. Johnson's attorney, Ole Stolen, (who eventually became a judge but was later removed from office for bribery) continued to pursue Johnson's innocence. In September 1921, Stolen petitioned Governor John J. Blaine for a pardon. After a hearing concerning Johnson's guilt or innocence, the Governor pardoned Johnson and he was freed.

940.01 First-degree intentional homicide.

(1) Offenses.

(a) Whoever causes the death of another human being with intent to kill that person or another is guilty of a Class A felony.

940.02 First-degree reckless homicide.

(1) Whoever recklessly causes the death of another human being under circumstances which show utter disregard for human life is guilty of a Class B felony.

940.31 Kidnapping.

(1) Whoever does any of the following is guilty of a Class C felony.

(a) By force or threat of imminent force carries another from one place to another without his or her consent and with intent to cause him or her to be secretly confined or imprisoned or to be carried out of this state or to be held to service against his or her will.

**JURY INSTRUCTIONS: 1018 FIRST DEGREE INTENTIONAL HOMICIDE;
FIRST DEGREE RECKLESS HOMICIDE- § 940.01(1)(a); § 940.02(1)**

Crimes To Consider

The defendant in this case is charged with first degree intentional homicide, and you must first consider whether the defendant is guilty of that offense. If you are not satisfied that the defendant is guilty of first degree intentional homicide, you must consider whether or not the defendant is guilty of first degree reckless homicide which is a less serious degree of criminal homicide.

Intentional and Reckless Homicide

The crimes referred to as first degree intentional and first degree reckless homicide are different types of homicide. Homicide is the taking of the life of another human being. The degree of homicide defined by the law depends on the facts and circumstances of each particular case.

Both intentional and reckless homicide require that the defendant caused the death of the victim. First degree intentional homicide requires the State to prove that the defendant acted with the intent to kill. First degree reckless homicide requires that the defendant acted recklessly, under circumstances which show utter disregard for human life. It is for you to decide of what type of homicide the defendant is guilty, if guilty at all, according to the instructions which define the two offenses.

Statutory Definition of First Degree Intentional Homicide

First degree intentional homicide, as defined in § 940.01 of the Criminal Code of Wisconsin, is committed by one who causes the death of another human being with the intent to kill that person or another.

State's Burden of Proof

Before you may find the defendant guilty of first degree intentional homicide, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following two elements were present.

Elements of First Degree Intentional Homicide That the State Must Prove

1. The defendant caused the death of Annie Lemberger.

"Cause" means that the defendant's act was a substantial factor in producing the death.

2. The defendant acted with the intent to kill Annie Lemberger.

"Intent to kill" means that the defendant had the mental purpose to take the life of another human being or was aware that his/her conduct was practically certain to cause the death of another human being.

When May Intent Exist?

While the law requires that the defendant acted with intent to kill, it does not require that the intent exist for any particular length of time before the act is committed. The act need not be brooded over, considered, or reflected upon for a week, a day, an hour, or even for a minute. There need not be any appreciable time between the formation of the intent and the act. The intent to kill may be formed at any time before the act, including the instant before the act, and must continue to exist at the time of the act.

Deciding About Intent

You cannot look into a person's mind to find intent. Intent to kill must be found, if found at all, from the defendant's acts, words, and statements, if any, and from all the facts and circumstances in this case bearing upon intent.

Intent and Motive

Intent should not be confused with motive. While proof of intent is necessary to a conviction, proof of motive is not. "Motive" refers to a person's reason for doing something. While motive may be shown as a circumstance to

aid in establishing the guilt of a defendant, the State is not required to prove motive on the part of a defendant in order to convict. Evidence of motive does not by itself establish guilt. You should give it the weight you believe it deserves under all of the circumstances.

Jury's Decision

If you are satisfied beyond a reasonable doubt that the defendant caused the death of Annie Lemberger with the intent to kill, you should find the defendant guilty of first degree intentional homicide. If you are not so satisfied, you must find the defendant not guilty of first degree intentional homicide, and you should consider whether the defendant is guilty of first degree reckless homicide in violation of section 940.02(1) of the Criminal Code of Wisconsin, which is a lesser included offense of first degree intentional homicide.

Make Every Reasonable Effort to Agree

You should make every reasonable effort to agree unanimously on the charge of first degree intentional homicide before considering the offense of first degree reckless homicide. However, if after full and complete consideration of the evidence, you conclude that further deliberation would not result in unanimous agreement on the charge of first degree intentional homicide, you should consider whether the defendant is guilty of first degree reckless homicide.

Statutory Definition of First Degree Reckless Homicide

First degree reckless homicide, as defined in § 940.02(1) of the Criminal Code of Wisconsin, is committed by one who recklessly causes the death of another human being under circumstances that show utter disregard for human life.

State's Burden of Proof

Before you may find the defendant guilty of first degree reckless homicide, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following three elements were present.

Elements of First Degree Reckless Homicide That the State Must Prove

1. The defendant caused the death of Annie Lemberger.
"Cause" means that the defendant's act was a substantial factor in producing the death.
2. The defendant caused the death by criminally reckless conduct.
"Criminally reckless conduct" means:

- the conduct created a risk of death or great bodily harm to another person; and
- the risk of death or great bodily harm was unreasonable and substantial; and
- the defendant was aware that his/her conduct created the unreasonable and substantial risk of death or great bodily harm.

3. The circumstances of the defendant's conduct showed utter disregard for human life.

In determining whether the conduct showed utter disregard for human life, you should consider all the factors relating to the conduct. These include the following: what the defendant was doing; why the defendant was engaged in that conduct; how dangerous the conduct was; how obvious the danger was; and whether the conduct showed any regard for life.

Jury's Decision

If you are satisfied beyond a reasonable doubt that the defendant caused the death of Annie Lemberger by criminally reckless conduct and that the circumstances of the conduct showed utter disregard for human life, you should find the defendant guilty of first degree reckless homicide.

If you are not so satisfied, you must find the defendant not guilty.

You are not, in any event, to find the defendant guilty of more than one offense.

1280 KIDNAPPING - § 940.31(1)(a)

The defendant is also charged with kidnapping. This charge is separate and distinct from the homicide charge.

Kidnapping, as defined in § 940.31(1)(a) of the Criminal Code of Wisconsin, is committed by one who, by force or threat of imminent force, carries another person from one place to another without her consent and with intent to cause her to be secretly confined or imprisoned or to be held to service against her will.

Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following four elements were present.

The first element requires that the defendant transported Annie Lemberger from one place to another. The second element requires that the defendant transported Annie Lemberger without her consent.

"Without consent," as used here, means that there was no consent in fact or that consent was given by Annie Lemberger because of fear caused by the defendant's use or threat of imminent use of physical violence on Annie Lemberger, on another person in the presence of Annie Lemberger, or on a member of Annie Lemberger's immediate family.

The third element requires that the defendant transported Annie Lemberger from one place to another forcibly. "Forcibly" means that the defendant actually used force or threatened the use of imminent force to overcome or to prevent the victim's resistance to being transported. "Imminent" means "near at hand" or "on the point of happening."

This element is satisfied if the use of or threat to use force is directed at a third person in the presence of Annie Lemberger or at a member of her immediate family and such use of or threat to use force results in the transporting of Annie Lemberger from one place to another .

The fourth element requires that the defendant transported Annie Lemberger from one place to another with intent that Annie Lemberger be secretly confined, secretly imprisoned, or held to service against her will.

Intent to cause a person to be secretly confined, secretly imprisoned, or held to service against her will must be found as a fact before you can find the defendant guilty of kidnapping. You cannot look into a person's mind to find out his or her intent. You may determine such intent directly or indirectly from all the facts in evidence concerning this offense. You may consider any statements or conduct of the defendant which indicate his or her state of mind. You may find intent from such statements or conduct, but you are not required to do so. You are the sole judges of the facts, and you must not find the defendant guilty unless you are satisfied beyond a reasonable doubt that the defendant transported Annie Lemberger with intent to cause her to be secretly confined, secretly imprisoned, or held to service against her will.

If you are satisfied beyond a reasonable doubt that the defendant transported Annie Lemberger from one place to another and did so by force or threat of imminent force and without the consent of Annie Lemberger and with intent to cause Annie Lemberger to be secretly confined, secretly imprisoned, or held to service against her will, you should find the defendant guilty. If you are not so satisfied, you must find the defendant not guilty.

Dane County Superior Court
State of Wisconsin

| | | |
|--------------------------------|---|---------------------------|
| State of Wisconsin, |) | |
| |) | |
| Plaintiff, |) | CRIMINAL COMPLAINT |
| vs. |) | Case No: 11 CF 0050 |
| |) | |
| J.A. Johnson, a/k/a "Dogskin", |) | |
| |) | |
| Defendant. |) | |
| |) | |

The complainant, being duly sworn, states that the above named defendant in the County of Dane, State of Wisconsin did:

Count 1: On or about September 5, 1911 in the City of Madison, intentionally cause the death of another person with the intent to kill that person, contrary to Wis. Statutes, sec. 940.01 (1)(e). The maximum possible penalty if convicted of this Class A felony is life in prison.

Count 2: On or about September 5, 1911 in the City of Madison, by use of force or threat of imminent force carry another from one place to another without her consent and with the intent to cause her to be secretly confined, imprisoned or held to service against her will contrary to Wis. Statutes, sec. 940.31 (1)(a). The maximum possible penalty if convicted of this Class C felony is a fine of \$100,000 and or 40 years in prison.

Complainant states that s/he is a captain at the Madison Police department and bases this complaint upon his/her personal investigation which includes statements from witnesses to the events they relate as well as police reports of other law enforcement officers that are prepared in the normal course of their duties as police officers. It is also based upon the statements made by the defendant that are contrary to his/her penal interests.

As a factual basis for the above charges, the complainant states that:

On September 6, 1911, at approximately 5:05 a.m., Annie Lemberger was reported missing by her family. Magdeline/Martin Lemberger reported that Annie was last seen at approximately 9:00 p.m. on September 5, 1911 when she was put in bed. I arrived at the Lemberger home at 2 South Frances Street in the city of Madison at approximately 5:15 a.m. Standing out in front of the house were Mr. and Mrs. Lemberger and others. J. A, "Dogskin" Johnson arrived a few minutes after I got there. Magdeline/Martin Lemberger indicated that s/he had gone into Annie's bedroom and did not find her, and that Annie was missing. The

Lembergers state that no one gave anyone consent to take or harm their daughter.

An inspection of the outside of the house revealed a bedroom window which was located over Annie's bed. There was a rough triangular hole in one of the small six panes of glass on the lower sash of the window and some wood had been cut away and enough putty pried out to allow the removal of the triangular piece of glass. I was able to put my arm through the hole and get my arm in far enough to reach the window catch. The putty and wood around the hole in the glass had been whittled as if with a knife. The piece of glass removed from the pane was sitting on the ledge, but there was no other debris outside the house. The window was closed. On the ground outside the window I noted some footprints. The heel marks of these footprints were clean and sharp.

Early on Saturday, September 9, 1911, Annie Lemberger's body was found on the shore of Lake Monona at the foot of Erin Street. An autopsy was performed on the body. The forensic pathologists concluded that the victim was suffocated to death and then her body was dumped in the lake. There were numerous bruises to the victim's head and to her vagina. During the autopsy, the defendant intruded three times. Johnson was finally forcibly removed and taken into custody.

The defendant admitted to a jailer and the District Attorney that s/he took Annie from her home and killed her.

Subscribed and sworn to before me
and approved for filing on this 14th day
of September, 1911.

District Attorney

Complainant

CAPTAIN H. DAVENPORT

1. My name is Captain H. Davenport. I am second in command of the City of Madison Police Force. I have served as a police officer in Madison for a period of 13 years.

2. As a captain in the police department, I am the lead investigator at crime scenes. It is my responsibility to make sure the crime scene is not tampered with and that the other police officers do their jobs. I also talk to witnesses and collect evidence from the crime scene.

3. On Wednesday, September 6, 1911, at approximately 5:05 a.m., I received a telephone call from a Martin/Magdeline [testifying spouse] Lemberger indicating that his/her daughter Annie was missing. Lemberger was calling from his/her neighbor's house because the Lembergers had no telephone.

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4. I arrived at the Lemberger home at 2 South Frances Street in the city of Madison at approximately 5:15 a.m. Standing out in front of the house were Mr. and Mrs. Lemberger and others. J. A. "Dogskin" Johnson arrived a few minutes after I got there. Martin/Magdeline [Non-testifying spouse] Lemberger indicated that s/he had gone into Annie's bedroom and did not find her, and that Annie was missing.

5. I inspected the outside of the house, particularly the bedroom window which was located over Annie's bed. I saw a rough triangular hole in one of the small six panes of glass on the lower sash of the window. Martin/Magdeline [testifying spouse] Lemberger indicated that the pane had been cracked for some time and pointed to a place where some wood had been cut away and enough putty pried out to allow the removal of the triangular piece of glass. I was able to put my arm through the hole and get my arm in far enough to reach the window catch. The putty and wood around the hole in the glass had been whittled as if with a knife. The piece of glass removed from the pane was sitting on the ledge, but there was no other debris outside the house. The window was closed. On the ground outside the window I noted some footprints. The heel marks of these footprints were clean and sharp, which led me to conclude that these footprints were probably made by new shoes.

6. After talking to Martin/Magdeline [testifying spouse] Lemberger, s/he and Johnson left to search for Annie in the railroad yards near the Lemberger home. I did not see either of them again that day. I went into the house with Martin/Magdeline [non-testifying spouse] Lemberger. The Lemberger's small Fox Terrier was in the house and barked at me. Lemberger told me the dog barks constantly at strangers.

7. I searched the house. The house is very small, only about 400 square feet (20 feet x 20 feet). I went into Annie's bedroom and that was only about 64 square

feet (8 feet x 8 feet). I saw her bed, sheets and pillows. I saw no blood stains on any sheets or pillows. I did see a broken window latch on the floor in her bedroom. When I looked in the kitchen, I also saw a laundry tub under the kitchen sink, but it was empty.

8. When I was at the house that morning, there were a number of people who were in the Lemberger home. Specifically, there were two deputy sheriffs, the brother of one of the deputies, and a few neighbors in the house. I might not have seen everyone though, there were several people milling about. None of these individuals pointed out to me any blood spots on the bed linen or elsewhere. I was at the Lemberger house most of the morning, leaving at about 11:00 a.m. I do not recollect seeing Mae/Mark Sorenson on that Wednesday. While I was at the house, I do not recollect that anyone fainted, however, the Lemberger's were very distraught.

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Deleted: Martin/Magdeline Lemberger fainted. However, s/he was very distraught over Annie's disappearance.

9. Early on Saturday, September 9, 1911, Annie Lemberger's body was found on the shore of Lake Monona at the foot of Erin Street. I was working that morning and when the call came in that the body had been found, I drove a patrol wagon with the Coroner to the lake. Once the body had been pulled from the lake and put in the wagon, I then drove over to the Lemberger house. The Lemberger's came out and identified Annie's body. The Lembergers asked me to take Annie's body to the Hoeveler Undertaking Parlor and I did so.

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10. The Coroner called two physicians, Dr. Harry Purcell and Dr. Joseph Dean, to conduct an autopsy on the body. The doctors arrived and then proceeded to do the autopsy. During the course of the autopsy, Dogskin Johnson intruded into the examination room three separate times. Each time Dogskin was put out and asked not to return. The Coroner asked the Chief of Police to take Dogskin in for questioning after the third visit into the examination room. The Chief left the funeral parlor and walked Dogskin downtown to the Police Station. The autopsy continued. Upon completion of the autopsy, Drs. Dean and Purcell prepared the autopsy report, which was given to me and is part of the police file. I read the report.

11. Following the conclusion of the autopsy, I returned to the police station. Chief Shaughnessy asked me to do a background check on J. A. "Dogskin" Johnson. A copy of Johnson's criminal history is included with this affidavit. I reported these findings to the Chief.

12. The Chief then directed me to go out and arrest J. A. Johnson. I went to Johnson's home and made the arrest. I then drove Johnson to the police station. Once there, I searched Johnson. The only thing I found was a pocketbook and a knife. The knife was rusty, except for the tip of the blade on the knife. It was bright and shiny, like it had been used to dig something out. After the search, I put Johnson in a cell.

13. The next dealing I had with Johnson was on September 13, 1911. I received a call from the District Attorney's Office to go right over to the jail. I was told Johnson had confessed to the jailer. The jailer showed me a note that Johnson wrote. I've included that note with my affidavit.

14. After the jailer gave me the note, I went into the room where Johnson was being interviewed by District Attorney Nelson. The DA and Johnson were talking in Norwegian. I've heard Johnson's parents were from Norway and s/he speaks Norwegian better than English. But I think his/her English is pretty good. Because there is such a big population of Norwegian immigrants in Madison, I was trained by the police department in basic conversational Norwegian. So, I can speak a little bit of Norwegian. I heard DA Nelson ask, "Why in the world did you do it?" Johnson replied, "When a person is full of beer and whiskey, what devilish things won't s/he do?" I also heard Nelson explain to Johnson that it would be a calamity if Johnson confessed to something s/he didn't do because then the real murderer would be walking free and able to kill more people. I heard Johnson say something like, "I fully appreciate that, but there is no one else." The DA seemed skeptical as he continued to press Johnson. The DA warned Johnson that whoever killed Annie would go to prison for the rest of his/her life. Johnson insisted that s/he killed Annie and that no one else had done it.

15. Some people have said Johnson confessed because we told him/her that there was a mob waiting to kill Annie's killer. I also heard that Johnson now claims s/he only confessed because s/he was afraid to be out in public where everyone thought s/he was guilty. All I can say is that when Johnson was being interviewed by the DA s/he seemed nervous, as anyone would who has just killed a little girl. But Dogskin also seemed calm and rational. I did not hear anyone mention a mob.

Captain H. Davenport

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Subscribed and sworn to before me
on this 15th day of September, 1911.

Notary Public
My commission expires _____

I here by confes. I'll plead guilty. I kild the
girl and there was no other won. I am the
won. I did not enter the hous but liftd the
windowe from the outside

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Johnson

AUTOPSY REPORT

Subject name: Annie Lemberger
Date of Autopsy: September 9, 1911
Location of Autopsy: Hoeveler Undertaking Parlor,
Madison Wisconsin
Cause of Death: Asphyxiation
Drs. conducting Autopsy: Dr. Harry Purcell and Dr.
Joseph Dean
Present during Autopsy: Drs. Purcell and Dean,
Dane County Coroner, Chief Shaughnessy, Captain
Davenport, Sheriff A. Brown, Dogskin Johnson
(uninvited intruder - removed during autopsy by
Chief Shaughnessy)

On today's date, Annie Lemberger, age 7, was found dead in Brittingham Park on the shores of Lake Monona by a citizen named George Younger. Lemberger's nude body was found floating in the bay. The body was identified by her parent and transported to the funeral home for an autopsy.

The following observations were made during the autopsy. It should be noted that the autopsy was interrupted three times by an uninvited spectator, Dogskin Johnson. Johnson was eventually removed from the area by the Chief of Police. Both Drs. Purcell and Dean concur in these observations and findings.

The deceased was 51 inches high and weighed approximately 75 pounds. Upon an external examination of the body, a bruise by the scalp over the left forehead at the hair line was discovered. There was also another bruise over the left eye. There were a number of other bruises over the left eye and left cheek bone. There was another bruise, more marked, on the right side. The girl's hair was matted and contained several burrs. Her face was swollen and had a bluish discoloration. Her lips were parted, the tongue swollen and somewhat protruding. We turned over the body looking for other abrasions. The abdomen was swollen and somewhat bluish, in fact, all her body was bluish. Except for two little black and blue spots on her left side, there were no other marks on her body. Upon opening her eyes we

observed there had been hemorrhaging in both eye chambers. The hemorrhage under her left eye was so marked as to obliterate the cornea and iris. The bulk of the injuries were to her head. There was no direct evidence of a sexual assault, although there was minor bruising by her vagina.

An internal examination was conducted. There was hemorrhaging between the covering of the brain and the skull. The abdomen was opened but yielded nothing remarkable. From the evidence, the child was dead before she was thrown into the lake because the lungs floated. In other words, there was no water in the lungs to indicate a drowning.

Cause and Time of Death

Based upon the condition of her body the estimated time of death is late Tuesday night. Her body was dumped in the lake shortly after she died.

Annie Lemberger was smothered to death. There were no marks of strangulation; however, she could have been strangled by holding the hand over the mouth. While it is possible that Annie died because of the bruises and resulting hemorrhages, it is not probable.

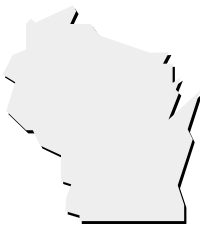
This report is based upon the personal observations of the undersigned. It is a true and accurate report of our findings. This report is prepared in the normal course of our duties as forensic pathologists.

Dated this 9th day of September, 1911.

Dr. Henry Purcell

Dr. Joseph Dean

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**State of Wisconsin
Criminal Investigations Agency
Records Bureau
111 N. Main Street
Madison, WI**

Wisconsin Arrest History

J.A. Johnson, a/k/a "Dogskin" Johnson

Date of Birth: June 15, 1856

1. January 20, 1901 - Darlington, Wisconsin
J. A. Johnson had attempted to derail a train. Guilty plea withdrawn when confession was recanted. A jury convicted Johnson, sentenced to two years prison.
2. June 3, 1903 - Madison, Wisconsin
J. A. Johnson was arrested for attempting to chloroform spouse. Spouse withdrew complaint on June 6, 1903.
3. June 13, 1903 - Madison, Wisconsin
J. A. Johnson began to call young girls on the telephone. Johnson attempted to sexually assault two girls, ages six and ten. Johnson claimed insanity due to alcohol. Two doctors agreed and Johnson was sent to Mendota Asylum for the Insane until April 15, 1904.
4. October 12, 1904 - Madison, Wisconsin
Arrested by Madison Police for accosting two people and attempting to rob them. Charges reduced to Drunk and Disorderly. Sentenced to 75 days in the county jail.
5. August 20, 1906, - Monroe, Wisconsin
J. A. Johnson sexually assaulted an eight year old girl. Johnson found to be insane by two doctors and sent to the Mendota Asylum. Released three months later.
6. June 18, 1909 - Madison, Wisconsin
Spouse swore a complaint charging Johnson with Family Abandonment. Spouse later dropped the charge.

7. June 6, 1910 - Madison, Wisconsin
Spouse swore a complaint charging Johnson with Family
Abandonment. Johnson convicted and sentenced to one
year in prison.

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STATEMENT OF MARTIN/MAGDELINE LEMBERGER

[This affidavit is the testifying spouse; the witness accused by Sorenson of being Annie's "real " killer.]

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1. My name is Martin/Magdeline Lemberger. [If female playing part, "My friends call me "Lena".] I was born in Munich, Germany on August 12, 1877. I moved to Madison with my parents when I was four. We settled into Greenbush, the immigrant neighborhood known as the "Bush," because it was where all the Germans and Italians and Russian Jews were "supposed to live." Like almost everyone else in the Bush (other than the Jews) we are Catholic. I attended The Holy Redeemer School for eight years. I graduated from the eighth grade and then went to work. I was fourteen. Most of us did not go on to high school, because we had to help out the family by making money.

2. Thirty years later and I still live in the Bush—I guess I'll probably die here. I married my spouse 10 years ago. We live at 2 South Frances Street. My spouse grew up in the Bush, too, and was born in Germany just like me.

3. Annie was our second child. She was just seven, but she was a delight. Curious, engaging, and full of life. She loved to read and listen to stories from her grandparents about the old country. She had an older brother, Louis, two younger brothers, Martin and George, and a younger sister, Marie. We all miss Annie. It's hard explaining to her younger brothers, and especially to little Marie, that Annie is gone. They are really scared that Dogskin will come back and kidnap them, too. They still wake up sometimes in the middle of the night screaming that they saw Dogskin at the window. I have to assure them that Dogskin will never get out of jail.

4. I work very hard to support my family. It's not easy, but I want to give them the opportunity to get out of the Bush. I make \$2.25 a day, working ten hours a day as a cook at Webb's diner downtown. I also make some extra money bartending a couple of nights a week at Behnke's, a local bar. It isn't much, but we get by. We even manage to save a little money for our dream of moving out of the Bush. There are some houses for sale over by the zoo, about a mile from our tiny house on South Frances Street. It gives us something to dream of trying to save up for a larger house. With Annie gone it helps to have a dream and something to live for. Dogskin stole everything else.

5. On Tuesday, the day after Labor Day, I went to work as usual. We have been pretty busy the last few years at the diner with all of the workers working on the construction of the new Capitol. It really makes work hectic and stressful. By the end of the day, I'm a wreck. They say that the construction is about half way done now, but it seems to be taking forever—its been five years already. These public projects always seem to drag on and on. But, back in

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Germany it used to take decades to build some of those castles. At least it doesn't take decades to build anything over here.

6. Tuesday was Annie's first day at school as a second-grader. She was so excited to be starting second grade. Annie wanted to be a lawyer. Even though she was only seven, she had strong opinions on things. She had found a picture of that Lavinia Goodell woman who eventually got admitted as a lawyer. And she was cutting out newspaper stories about marches and demonstrations for women's right to vote. I had hoped she would settle down as she grew up and lose those fancy ideas. Just get married, have kids, and raise a family like her mama. I guess it doesn't matter anymore—Dogskin ended all of those hopes.
7. After work I came home, had dinner with the family, and talked to Annie and Louis about their first days in school. After dinner I tucked them in bed and then a little later I went out to buy some beer. I bought ten cents worth of beer, seven or eight glasses. Prices are getting bad—ten cents used to buy nine or ten glasses worth. Dang inflation. My brother-in-law, John, dropped by with his daughter Katie later in the evening. Although the kids were in bed because it was a school night, I let them get up to play awhile with their cousin—Katie never seems to sleep much. We each had a glass of beer and talked about the continuing problems back in Germany. It's hard to understand way over here in America, but from newspapers and letters from family in Germany, we are all quite concerned that some major war will happen. Ich verstehe nicht. First Germany seemed to be friends with Russia; now Russia, France, and the English are acting together. It's that Balkan area—Serbia and Croatia—that seems to be in all the articles. Every country wants part of it. I try to keep up by reading the papers, but I don't know what will happen. I can't imagine a war between all of those countries—who can, but its been getting worse and worse. At least this country won't be involved; I always thought that my children and family would be safe here, until that monster came into our lives.
8. After talking about politics and other things for a bit, John and Katie left. Our children then went back to bed. I remember that Annie, as usual, was wearing her nightdress with a little undershirt when I sent her to bed. This must have been around 9:00. I went to bed around 9:30, and I heard my spouse come to bed a short time later, maybe 10:00 or so. Everything seemed peaceful in our little home. Who knew a monster lurked just down the street.
9. Some people are saying that we had a wild German beer party that night. That is nonsense. We only had one beer each. It's just those bigots and prohibitionists from outside the Bush. They think they are so high and mighty, because their families came over here a couple of generations ago. Most of them are Protestants and don't like us because we are Catholic, and either

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Germans or Italians (forget the Jews—they like them even less). They are saying I was drunk and killed Annie myself, that I hit her with a beer bottle or a poker or something. That is just an outright lie! I never laid a hand on Annie or any of her brothers or sister. I dare any one of those yellow-bellies to say it to my face. I'd show them.

10. The next morning, Wednesday, September 6, my spouse got up before 5:00, as usual. Shortly after that, my spouse woke me yelling, "Mein Gott, wo ist Annie. Mein Gott, someone stole Annie." My spouse was running all over the house screaming and crying that Annie was gone. I had no idea what my spouse was talking about. I was still groggy without having had any coffee. Eventually my spouse's screaming shook me awake and I got up and went to Annie's room. I found a piece of the pane of glass broken out of the window, not quite a triangle shape. That pane had been cracked for some time. We kept meaning to fix it, but you know how it is. The lath was there on top of the window to keep the window frame up. The kidnapper must have gotten his/her hand in and pulled the stop out, broke the lath in two, and then opened the window. I can't imagine why none of us heard anything though. I knew that the metal latch was too worn to lock the window. That's why I set the lath diagonally across the top half of the window. The kidnapper must have reached through the hole in the glass, removed the lath, raised the lower half of the window, and then used the lath to prop it open while s/he took Annie. I found the lath in the window in the morning. The screen was all torn and our little girl was gone.

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11. As I said, I was not really awake yet, and I wasn't thinking straight. I began to panic. Some fiend had snatched Annie from her bed. Mein Gott. Mein Gott. All I could think to do was to run to the police station, four or five blocks away. We have no telephone. My spouse had calmed down and was thinking better and told me to go next door to the Jefferson's house and use their telephone. After making the call I began searching the bushes in the yard and around the neighborhood—I couldn't just stand around and wait for the police.

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12. Dogskin came by just then, which seemed an odd time for him/her to be up and about. It sort of looked like Dogskin hadn't been home that night, which wasn't unusual for him/her. I told Dogskin what had happened and s/he didn't seem shocked at all—just had a pained look on his/her face. I thought maybe Dogskin was still hung over. Everyone knows that s/he is a drunken bum. If only I knew it was guilt on his/her face and not just a hangover. Dogskin went home and told Bertie. Dogskin immediately returned and began searching with me, which seemed pretty strange since we never have gotten along. In fact, Dogskin was always down right nasty and rude to me. Now that I look back on it, I should have known that something was odd about it. We went over to the railroad yard across the street and looked around there for a few minutes, and then Dogskin said s/he had to go to work. A few minutes later, about 5:15, Captain Davenport arrived, and a few minutes after that Dogskin

showed up again—I guess s/he didn't have to go to work after all. Captain Davenport asked me if I had heard anything during the night, and I said, no.

13. My spouse was very upset. I suggested that my spouse call a friend to come and stay with us. Later in the day, I remember that there were a few neighbors in the house. I don't remember who all was there though because there were several people milling about.

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14. I can't believe we didn't hear anything during the night. The children's room is just across the hall from our room, only five or six feet away, near the kitchen. I have included a sketch of the floor plan of our house with this statement. My spouse always hears the children if they cry or anything; but didn't hear a thing that night. Dogskin must have put his hand over Annie's mouth and kept her from crying out. We have a dog, too, which sleeps inside. He barks at any disturbance; he would even bark at me if I came in, because the kitchen is dark. I think that he could hear any noise in the children's bedroom, but he didn't bark that night. I don't know why. Maybe Dogskin drugged the dog. I heard Dogskin once used chloroform on Bertie.

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15. The only thing I know for sure is what I seen that morning, I seen the window open. It had to be Dogskin. No one else in the neighborhood would do such a thing. Dogskin has been in trouble before. I heard from several neighbors, too late, that Dogskin has a thing for young girls and has been in trouble with the law because of it. I don't understand why the authorities never told any of us this when s/he moved into the neighborhood. We had a right to know. There are so many kids in the neighborhood. People like Dogskin don't belong in neighborhoods with kids. Perverts like Dogskin belong in jail.

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16. As far as I know, Dogskin was never in my house. But s/he knew where the children slept because s/he has walked by lots of times when they were in there. Annie's bed was only about eight or nine feet from the sidewalk. Dogskin always seemed to be walking by, looking in like we were some kind of animals at the zoo. I don't know why s/he was so interested in us, especially the children. Dogskin always seemed to be looking at the children. If it wasn't Johnson, why did s/he show up just then? Nobody else was up and about at that time of the morning—only the milkman finishing his rounds. They always say that the criminal comes back to the scene of his/her crime. Some psychological compulsion or something.

17. I had some trouble with Dogskin before, but so did everyone else in the area. Dogskin is a no good useless drunk—and now I find out a fiend and a pervert, too. I feel sorry for his/her family. Once, I was at the French Battery factory in the next block from my house. The night watchman there named Jimmy Burke hollered at me and asked me if I wanted some kindling wood. I said, yes, and went and got a wheelbarrow and got a load of the kindling and was bringing it home. When Dogskin saw me s/he came over there and was going

to help himself/herself to the kindling wood too. Jimmy Burke said, "You will let that wood alone or I will blow you full of holes. I did not give you the wood." Dogskin said that s/he had just as much right to this kindling wood as I did and then Johnson and Mr. Burke started calling one another names, bad names, and I did not go after any more but took the wheelbarrow home where I got it. When I was coming back Dogskin said, "You heard what he called me?" and I said I didn't. Dogskin said, "I'm going to have that man Burke arrested in the morning." Then Dogskin said s/he would have me subpoenaed to tell what Burke said. I said that I did not hear anything and Dogskin got mad and then called me a bad name. I called Dogskin out to settle this in the road. The yellow-belly coward wouldn't come out of the safety of his/her yard.

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18. I want to say this about Sorenson. Sorenson is a bit touched, if you know what I mean. I went to school with him/her, so I know how Sorenson can be! I never had any conversation with him/her about the crime—never! My spouse never called Sorenson; s/he is lying about that, too. This Sorenson is a pest, a busybody, and a liar. The day after Annie's disappearance Sorenson hung around our house and refused to leave. I had to have a policeman remove her/him from the house.

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19. Approximately 10 days later, I did run into Sorenson leaving Webb's diner after work. I said "Hello". We walked in the same direction but didn't talk. I have nothing to say about what Sorenson says Louis told her/him. Louis never had any such conversation with Sorenson! I know my son. He never told Sorenson any such lies. Louis never lies. Sorenson, however, would lie at the drop of a pin. Sorenson is just making it up to get attention. Another loser. Sorenson begged to take a test on a new fangled truth-telling machine and failed. Liar. It's bad enough that Dogskin murdered our little Annie, but now I've got Sorenson lying and claiming that I did it.

20. Our lives will never be the same. We won't get to see Annie grow up into a young woman, marry, and raise a family. Nothing could be worse. I wish Wisconsin had the death penalty. Dogskin deserves to be hanged.

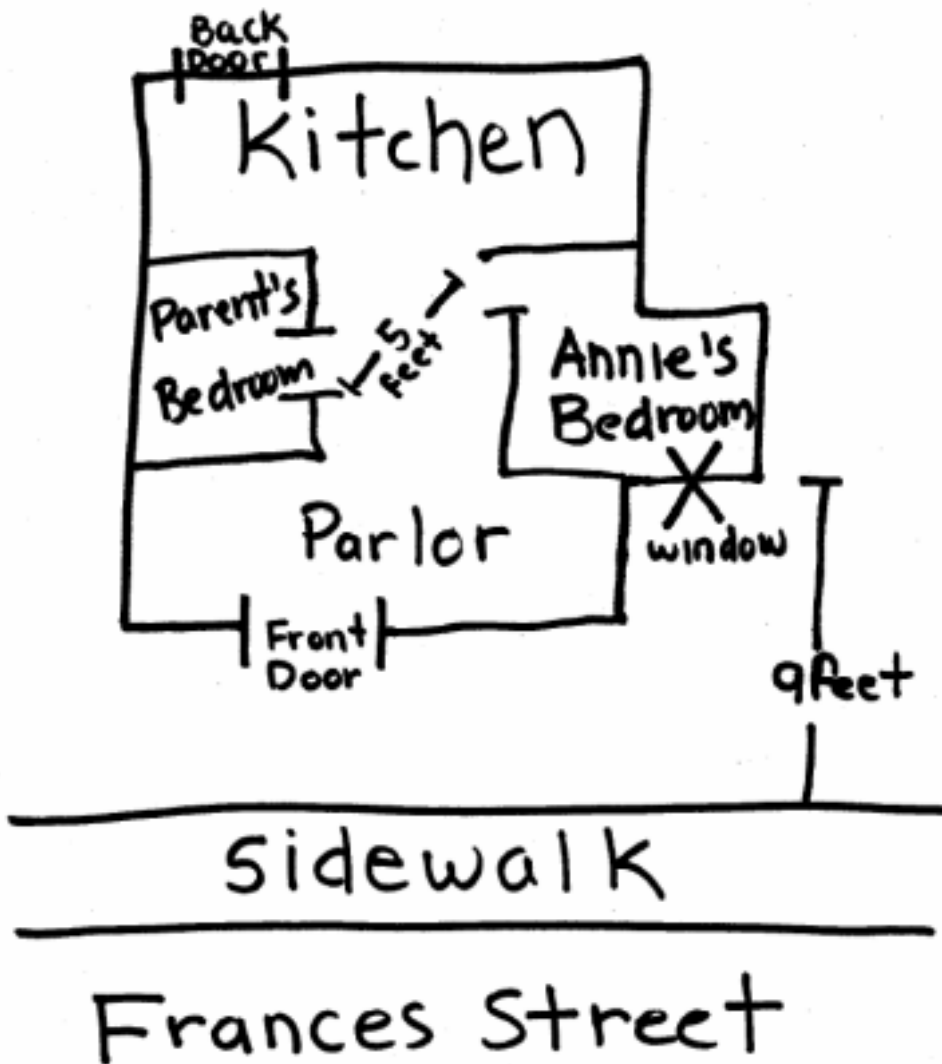
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Martin/Lena Lemberger

Subscribed and sworn to before me
on this 20th day of September, 1911.

Notary Public, Dane County, Wisconsin
My commission expires _____

Lemberger House



STATEMENT OF SAM/SELMA JOHNSON

STATE OF WISCONSIN)
) ss
COUNTY OF DANE)

The undersigned being duly sworn on oath deposes and states:

- 1. My name is Sam/Selma Johnson and I am 17 years old.
- 2. My father/mother, "Dogskin" Johnson, is the Defendant in this case.
- 3. I live at 14 South Frances Street, Madison, Wisconsin, with my father, mother, and my sister, Bertha.
- 4. I am employed as a tobacco stripper at the American Cigar Company. My job responsibilities are to strip the veins out of the tobacco leaves before they can be processed. My sister is a stripper, too. Being a stripper is a good job, requires good skills, and gives me the opportunity to make decent money.

5. While Dogskin currently lives with us, that could change at any moment. Dogskin is a bum, and sooner or later my mother/father will throw him/her out again. Last time s/he threw him out real good - all the way to prison for a year for not supporting us. Dogskin hasn't done any better at supporting us since getting out of prison, so it is just a matter of time before my mother/father throws him out again.

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6. All summer, all Dogskin has done is drink; drink and call children on the telephone. Dogskin has a thing for children, and it gives me the creeps. Dogskin has been in trouble for it before, but doesn't stop because s/he gets away with it. Dogskin makes the cops and lawyers believe s/he's insane, so they send him/her to the hospital instead of jail and in no time s/he's out trying to make contact with children again.

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7. I want to be perfectly clear. Although Dogskin is a bad person and acts crazy, s/he's not stupid. Dogskin can't read or write so good, but s/he's real cunning. Dogskin's real good at getting people to believe what s/he wants them to believe. Dogskin's got a fancy lawyer, Ole Stolen, eating right out of his/her hand, thinking s/he's an innocent victim of a great injustice and all. Ole Stolen thinks Dogskin is something like the village idiot. It's Ole Stolen who's the idiot. Same goes for my mother/father. My mother/father thinks Dogskin is a fool, but s/he's the one who has been playing my mother/father for a fool. The more incompetent people think you are, the less they expect from you, and the less

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you have to do. Lots of lazy people have figured that out. I see it all the time at work. Dogskin is also a master of manipulation.

8. On the night Annie Lemberger disappeared, I was home sick with a cold. I had spent the night before, Labor Day night, at a party across the lake. I was out real late dancing in the cold air and got sick. So Tuesday I didn't go to work. Tuesday night after supper, my mother/father said s/he would make up some medicine to make me feel better so I could get a good night's sleep for work the next day. My mother/father has her/his own homemade remedy where s/he fills a big glass half way with brandy, pours in some boiling water, and then sprinkles in sugar and some other stuff. The only problem was we did not have any brandy around, so my mother/father gave Dogskin some money to go buy some bootlegged liquor from the Sicilians in the basement of the Trumpf Hotel. (Real good idea, don't you think, to send a drunk to buy booze?!) Anyway, that was between 7:00 and 8:00 p.m. and Dogskin didn't get back until just before 9:00 p.m. In the meantime, about half that bottle of moonshine had somehow evaporated into the night air. (By the way, the Lemberger's house is on the way to the Trumpf Hotel.)

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9. By the time Dogskin got back from buying the booze, my mother/father had gone over to Mrs. Bittney's house to talk about some work or something. When my mother/father returned home, s/he took the half empty bottle of booze from Dogskin and used it to make the medicine. I drank the medicine right down, all of it. Meanwhile, Dogskin was in the sitting room fixing his/her shoes with some nails, a hammer, and a pocket knife.

10. About 10:00 or 10:30 p.m., I went upstairs to bed. My sister and I share one of the two bedrooms upstairs, and she came up and laid down with me for a while to talk. Dogskin sometimes sleeps in the other bedroom on bedsprings with no mattress or frame. It is very noisy and squeaks and squeals every time Dogskin gets in or out of bed. It's even more annoying because there are no doors on either bedroom. My mother/father sleeps downstairs on a small iron bed.

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11. I am sure that Dogskin never came up to bed on the night Annie Lemberger disappeared. I never heard him/her come up those creaky, ramshackle old stairs. I never heard him/her lay down on those rickety old bedsprings. There is no way I would not have heard that. Not that I was surprised that s/he didn't sleep upstairs. A lot of nights my mother/father makes Dogskin sleep on the front porch and I just figured the night Annie Lemberger disappeared it was just one of those nights.

12. The next morning after I got up, my mother/father told me about Annie Lemberger missing. I went over to the Lemberger's house to see what was going on. I got there just in time to see a cop yelling at Dogskin, who looked pretty ragged and was dressed in the same clothes s/he had on the night before.

The cop was cussing him/her out for snooping around the house where s/he had no business. This was just the beginning of Dogskin's bizarre behavior. Dogskin seemed obsessed; I can't say I'm real surprised about that, since it involved a child. Dogskin hung around the Lemberger's house that whole day. Dogskin followed the bloodhound around when the cops brought it in to look for the missing child later in the day. Dogskin kept this up for the rest of the week. My friend, Martha, said she saw Dogskin twice the day before the child's body was found. Once Dogskin was coming out of an old shed over by the railroad roundhouse, and the other time s/he was in some bushes on the lakeshore very near the spot where the body surfaced the next day.

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13. When the body was found it was put into a patrol wagon and taken over to Lemberger's house for identification. That was a Saturday, and my father/mother, my sister, and I were all at home when the patrol wagon pulled up in front of Lemberger's. Dogskin watched everything real closely, and then followed the patrol wagon when it took the body to the undertaking parlor. I heard they had to kick him/her out while they were conducting the autopsy and that they finally just arrested him/her.

14. Dogskin is no good. Most people look at him/her and think s/he's stupid. Dogskin kind of looks like a monkey. His/Her head hangs forward, his/her face is flat, and s/he is slack-jawed. His/Her shoulders stoop, and s/he has long arms and big hands. Dogskin has a dull look in his/her eyes, and s/he never, ever will look straight at you. People just assume s/he is feeble-minded and a half-wit. That is a mistake. Dogskin maybe crude, but s/he is clever.

Sam/Selma Johnson

Subscribed and sworn to before me
on this 18th day of September, 1911.

Notary Public, Dane County, Wisconsin
My commission expires: _____

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STATEMENT OF SHERIFF A. BROWN

1. I am the Sheriff of Dane County. Prior to becoming Sheriff, I served as both an officer and a detective in the Milwaukee Police Department. I have been a police officer for almost 20 years. The Madison Police Department has jurisdiction inside the city limits, and my department is concerned with law enforcement in the rest of the county. Although our departments try to maintain a good working relationship, personal differences and professional jealousies are inevitable. I was called into this case soon after the girl's disappearance was reported.

2. I supervised the search for the missing girl, and we looked through several weedy empty lots and boxcars along the railroad tracks near the Lemberger home. We also secured the services of a bloodhound from Joseph Barto of Richland Center. The dog sniffed Annie's bed and window, picked up a scent and made several runs through the neighborhood. As the dog tracked the trail around the Frances Street, Lake Street and Milton Street area, it was closely followed by a crowd of spectators, including J. A. Johnson. Eventually, the dog led us to the shores of Lake Monona at Brittingham Park, just three blocks from the Lemberger home. We found no blood or other clues along the way. I thought at the time from the behavior of the bloodhound that the girl's body probably had been weighted and dumped in the lake. A few days later, a worker from the university found her body floating in the lake where I thought it might be.

3. I was present at an autopsy of the girl conducted by Dr. H.E. Purcell and Dr. Joseph Dean. No water was found in the girl's lungs, indicating she had been strangled or suffocated before she was dumped in the water. Bruises were found behind her left ear and over her left eye. Smaller bruises were found on other parts of her head. Dr. Purcell has "some doubt" as to whether the head injuries caused death. Dr. Dean said it was "possible". The doctors said they found no direct evidence of sexual assault.

4. My department coordinated our efforts with the Madison Police Department in an effort to identify possible suspects. After the girl's body was found, the investigation began to focus on J. A. "Dogskin" Johnson, a neighbor of the Lembergers. Johnson had drawn attention to himself/herself by repeatedly interrupting the autopsy, and a brief look at his/her record increased the suspicion. Johnson had been admitted to the Mendota Asylum for the Insane on two occasions, once for assaulting a young girl and the other time for attempted assault of two girls, ages six and ten. Johnson also had served two terms in prison, once for damaging a train and once for trying to knock out his/her spouse with chloroform. When this record was discovered, the Madison Police Department focused in on Johnson as their prime suspect and took Johnson into custody.

5. I was not convinced that Johnson was the murderer, and continued to pursue the investigation even after the Madison police arrested him/her. My doubts concerning Johnson's guilt were based on several things. For one thing, I don't believe there was an intruder that night at the Lemberger home. I saw the hole in the window pane that Captain Davenport maintains was the point of entry into the house. I don't believe it. The hole I saw was not large enough to admit a person's hand. No way; I tried it myself. I put on a leather glove so I didn't get all cut up, and tried to squeeze my hand into that hole. It didn't fit. If Captain Davenport says s/he put his hand in that hole, then all I can say is that some people are much smaller than others. I believe the so-called window evidence was staged.

6. Besides that, even if the killer had somehow managed to get his/her hand in that small hole, reach in and undo the window latch and then open the window, s/he'd still have to prop the window open, lean in and lift the seventy-five pound girl out, all without making enough noise to stir the other children in the tiny bedroom or the Lemberger's yappy Fox Terrier. What do you think the odds of that happening are? Have you ever had a Fox Terrier? And while I'm on the subject of dogs, what about the bloodhound? It was right next to Johnson on several occasions, but didn't react to Johnson's scent at all. If Johnson had taken Annie Lemberger, the dogs would have picked up her scent on him/her.

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7. As I continued to investigate the crime, I had several interesting conversations. One of these conversations was with my deputy, Otto Burmeister, who is the second-in-command of the department. Otto and his brother Carl were at the Lemberger house on the morning Annie disappeared. Several days later, Carl reported to Otto that he saw three bloodstains, each about the size of a quarter, on Annie's pillow. Otto asked Carl why he hadn't brought it to the attention of police on the scene. Carl just said he "didn't think it was his job."

8. Another interesting conversation I had was with Lemberger's next door neighbor, John White. White told me that on the night of Annie's disappearance there was a party at the Lemberger house with beer, whiskey and homemade wine. He described a quarrel between Martin/Lena [testifying spouse] Lemberger and a brother, George, in which the latter, after being pushed out of the home, invited Martin/Lena [testifying spouse] out for a thrashing.

9. I continued to work closely with detectives from the Madison Police Department and my own department. A private detective from the Pinkerton Agency in Chicago was even sent in to assist us. When word that we were holding a possible suspect got out, an angry mob gathered outside the jail and the Pinkerton detective tried to make Johnson afraid that they would lynch him/her. At first, Johnson refused to admit that s/he kidnapped the girl, so the police really got after him/her. Jailers rattled the bars on Johnson's cell to keep him/her nervous about the mob. They also planted men on the rooftops of adjacent buildings and told him/her they were armed assassins. Before long, Johnson was jumpier than a long-tail cat in a room full of rocking chairs.

10. The strategy worked and Johnson finally admitted to one of the jailers, Deputy Chuttie, that s/he had kidnapped and killed the girl. The District Attorney and Captain Davenport were immediately called in. Before they interviewed Johnson, I heard him/her tell Deputy Chuttie s/he wasn't guilty—s/he just wanted to get away from the mob. The District Attorney conducted his interview in Norwegian, I couldn't understand them. They talked about 20 minutes. Johnson seemed very upset and confused and the D.A. didn't seem really convinced at first. The D.A. seemed to have pressed Johnson pretty hard. I tried to interview Johnson myself after they left, but s/he would not talk to me. Johnson said s/he would write a statement for me. The next day, Deputy Chuttie handed me the note. The note said that Johnson wanted to get out of Dane County as soon as possible!

11. I was ordered to escort the prisoner immediately to the Clearwater County Jail for his/her own safety.

12. On the way to Clearwater, Johnson had plenty to say. Johnson told me of seeing a lynching in Darlington some twenty years ago, and of how horrible the sight was. Johnson had been a witness while an infuriated mob caught a man, cut him to pieces and then hung him from a telegraph pole. The memory of that, Johnson said, had remained with him/her always, and when the police told Johnson that s/he was the object of another such mob, which was thronging about the jail, s/he felt it better to confess. Johnson hoped to be freed by the discovery of the true murderer. I had no reason to believe Johnson wasn't telling me the truth. Johnson seemed at all times to be absolutely himself/herself, absolutely genuine. On the way to the jail, Johnson remained on the floor of the back seat of my patrol car, under a blanket, until we got to Sun Prairie. Even then s/he was jumpy. Johnson pointed to a dark clump of trees and asked me if that was the mob. Johnson was really spooked!

13. When we arrived at the Clearwater County Jail, Johnson said, "Well, the mob didn't get me. And I didn't murder Annie Lemberger. It's better to stay here for a short time than to be hung by that mob in Madison."

Sheriff A. Brown

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Subscribed and sworn to before me
on this 20th day of September, 1911.

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Notary Public, Dane County, Wisconsin
My commission expires: _____

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Sept.14, 1911

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Sharif Brown

Regards the charge against me, I am not guilty. I toald
the jailor and attorney that to get away from the mob.
You got to safe mee until God takes mee.! You will see I
didn't do it!

I swear I don't know nothin!

Johnson

STATEMENT OF BERTIE JOHNSON

1. My name is Bertie Johnson. I was born in Norway in 1852. I live at 14 South Frances Street with my two children, Selma/Sam, and Bertha as well as my spouse, Johnson. Right now, I am the main provider. The children inherited my work ethic—they're tobacco strippers at the American Cigar Company. Unfortunately my spouse is not such a good laborer, when it comes to hard work Johnson is pretty much a good-for-nothing and does not offer much by way of support. Since arriving home from prison six weeks ago, Johnson's only brought home about two dollars. I married him/her, so Johnson can stay with us as long as s/he works and stays sober, but we'll see how likely that is--Johnson's abandoned us before. So anyway, I am hard working and I have lots of troubles.

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2. On the night of Tuesday, September 5, I was at home. I went over to Mrs. Bitney's after supper to find out when she wanted me to wash her linens. I had left the dishes to do for when I came home. Johnson was home when I got there. S/He was sitting beside our precious Sam/Selma. Sam/Selma was sick; s/he had caught a cold. I gave Johnson some money and I sent him/her to fetch some brandy for Sam/Selma so I could make something hot for the child to drink. Johnson returned with the brandy and I don't think s/he drank any of it that I know of. I only gave him/her 15 cents, and I'm pretty sure you can't get a full bottle for that. After Johnson got back, s/he stayed at home all night. Johnson was fixing his/her shoes with some new heels s/he got that day.

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3. Johnson went to bed around 10:00 p.m. or 11:00 p.m., I think. Many nights I make Johnson sleep on the porch, outside, when s/he is full of the devil. You see Johnson takes a likin' to the liquor and sometimes the stuff makes him/her act a bit like lightening. But Johnson did not sleep outside that night; there was a fall chill in the air so it was too cold to be on the porch. So Johnson slept in the upstairs bedroom that I know of. I washed the dishes after Johnson went to bed. I was so tired I fell asleep standing up with my hands in a pan of dishwater. When I woke up and found my hands in the dishwater, I went to bed. I sleep downstairs on a little iron bed and I leave the door open because I am so nervous. Since Johnson slept upstairs that night, I could hear him/her if s/he came downstairs because the stairs are old and make all kinds of noise. I don't sleep so well. I slept but I don't know how long. I was awake most of the night.

4. I get up before 5:00 in the morning on the 6th. Johnson got up around 5:00 and came downstairs while I was making pancakes for breakfast. I saw Johnson go in the sitting room and put on his/her shoes. Johnson always leaves his/her shoes in the sitting room at night. In the morning s/he puts them on in the chair before going out.

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5. I do not think that Johnson came down the stairs and went outdoors that night. I am going to tell the truth before God. It would not have been possible for Johnson to leave the house without me knowing because surely I would have heard him/her, get out of bed, walk down the stairs and then through the sitting room to put on shoes and go out the door. I am so nervous and I am a light sleeper and often do not sleep much. I'm getting old. I can't remember so very well. My brains are tired. However, if Johnson left that night I know I would have heard the stairs and the floor creak and make noises.
6. After Johnson left the house that morning, s/he walked over to the stockyard like always. But then I heard Johnson calling me out to the porch. Johnson said, "Come out here!" I went and left my pancake pan on the stove and went out, that's when Johnson told me about the child. Johnson said s/he saw the Lemberger mother come out of the house barefooted and learned that the Little Annie girl was taken. Pretty thing, it was such a pity. I got lost in thought about the children of ours.
7. I won't say Johnson is the world's best person. Johnson ain't no saint but Johnson's weak-minded, with frail people like him/her, they are taken as fools many times. Johnson's been arrested many times, sometimes for things s/he didn't do, like that time in Monroe with the eight year old girl. Johnson was having a fight with someone and then a girl ran up to interfere and got hurt a little but she was a big girl. Anyway, the people targeted Johnson; it's always blame the different outsider when a scapegoat is needed. I don't think Johnson did this either; that's what s/he told me. Johnson wrote me a letter from prison, and I have included it with my statement. As you can see, Johnson can be easily scared and lead in the wrong direction. Again, I am not saying Johnson's an angel, lord knows I have reason to be afraid of him/her, but s/he's still a bit of a dim-wit which makes him/her easy prey in this case.
8. Johnson did not do this crime. Why do they call him/her "Dogskin"? First, they hustle him/her off to the jail and then they insult our family by this name, "Dogskin". It is not right. They started calling him/her this bad name years ago when Johnson's friend killed a dog and skinned him. The skin was hung up to dry and it was stolen. They blamed Johnson for that, too, and took him/her to jail. But they found out later s/he had nothing to do with that, either. But they called Johnson "Dogskin" just the same, makes him/her sound like a madman/madwoman. It is not right to always automatically blame Johnson. This is America and you're supposed to be innocent until proven guilty.
9. The children and I have suffered because of Johnson's abandonment over the years. Our family does not need more bad news. If Johnson is put back

in jail for a crime s/he did not even commit, it's the children and I who would suffer, getting no support and companionship. It's not fair to punish us to a life of misery by locking Johnson up; this family has already bore its share of burdens.

10. All I have left to say is that I am a god-fearing man/woman and have tried always to do the best by everyone. I expect to appear before the Almighty someday and I am going to tell nothing but the truth and have done nothing less than that.

| _____
Bertie Johnson

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Subscribed and sworn to before me
on this 21st day of September, 1911.

Notary Public, Dane County, Wisconsin
My commission expires:_____

Sept. 17.

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Dear Bertie and Children, well i am glad that i am alive but if I would not got here I would not been alive. Wouldn't it been awful to seen me brought home cut and slit to peces by a mob when I was not guilty of that crime. T'aint no way to die. I will tell you on the 11 of Sep about 8 o'clock and until 10 or more I did not expect to live long. The mob wanted the Police to open the dower so they could get me an they tried to talk them over to let mee out on the street to the mob and the mob sed they would make them open the dower so they could get to mee and when the man refuest the mob sed they would shoot mee thru the windo. i was on the top floor and they got on the roof of the building that stud close up to the Police station and tried to pry the bars from the windos so they could get me. i had all lights turned out they could not see mee but when I hird them trying to pry the bars from the windos i croid on my hands and knees into the bath room and set in a corner on the floor, and put my right arm over my eyes so I would not see them fire at me. i tell you it was something awful and to be kild in such a way i did not expect to see daylight no more. i hird some one order them off that rufe and I hird the mob say that they would get a bigger mob som other night and it was to be the 13th. it was an awful thing for mee to say that I was guilty when i was not, but that was the only way i seen to save my life. well it is a shame a persun's got to plead guiltay to some one elces crime in order to save his/her own life.

But it will leek out who the guilty partay is someday. You cant blame me now i will live until god takes mee away and it probly wont be long befor it will bee found out who did the crime. Never was a crime commetted that wasent found out. well you 3 and god no i am inocent so let the rest of the people talk i havnt lost no

sleep over that crime for i want and i would bee one off the
happayest angels god got in heaven if i was as free from sin and i
am free from that crime. I don't think i will be here long when
the Bord of controle finds out that i had naughting to do with it
or no aneything about it and now sence i am here i think it will be
found out soon and i hope so well dear children and husband/wife
don't forget god and mee in your prayers i know i ain't always
been the best fatha/matha and wife/husband but i am innocent
Well you must answer at once and let mee no all news. well when
they get the guilty partay there will bee something deuing you will
see. i must close with a kind good by!

Johnson

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AFFIDAVIT OF MAE/MARK SORENSON

1. My name is Mae/Mark Sorenson. I was born on March 10, 1877, in Sparta, Wisconsin. I was an orphan and grew up as a ward of the State of Wisconsin. I moved to Madison around 1885. I joined St. John's Lutheran Church in Madison when I moved here and have been a member since that time.

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2. I currently clean the Orpheum Theater on State Street after shows. I have worked there since January of 1911. I have been alone and had to take care of myself since my no-good spouse left me.

3. I married Alfred/Freda Sorenson in November of 1907 but we divorced years later. I lost everything in the divorce and even lost custody of my one dear child to Alfred/Freda.

4. In September of 1911, I lived on East Washington Avenue in Madison. That was about a mile and a half, 16 or 17 blocks, from the Lemberger house on South Frances Street

5. I have known Martin/Lena [testifying spouse] Lemberger for many years because we were students together at Holy Redeemer School. I have known his/her spouse, Martin/Lena, [non-testifying spouse] for approximately 15 years. I often was a visitor to their house; and I knew their children, Annie and Louis.

6. On Wednesday, September 6, Lena/Martin [non-testifying spouse] Lemberger called me to tell me that Annie had disappeared. I went to the Lemberger house to try to help in any way that I could see fit. I arrived at the house sometime between 9:30 and 10:00 that morning and could see that Lena/Martin [non-testifying spouse] was very upset. I asked her/him what happened. S/He told me that Annie was missing.

7. The little boy, Louis, was crying. I took him aside and sat him on my lap. I asked him why he was crying. He told me he didn't want to tell because his parent had threatened to kill him if he told. I begged the boy to tell me. Finally he told me that his parents had a drinking party at the house the night before. Sometime after going to bed, Annie got up for a drink of water and went out into the living room where they were drinking. Martin/Lena [testifying spouse] Lemberger told Annie to pick up the poker for the stove. Annie bent down to pick it up but couldn't lift it and Martin/Lena got mad and hit her over the head with a bottle. Annie then fell on the stove. Martin/Lena [testifying spouse] Lemberger picked her up and carried her to her bed in her room. A few minutes later, Annie died. Martin/Lena [testifying spouse] then carried her body to the cellar and put it under a big tub.

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8. After talking to Louis, I went into Annie's bedroom. There was a window that was closed. I saw no hole or even a break in it large enough for a man's hand to

fit through. I didn't see a lath which could have been used to prop the window open. When I looked at the bed, I saw blood on Annie's sheets and pillows. The blood was near the head of the bed and on top of the pillow on the bed. There were about five blood spots of the size of a quarter. I took the sheets and pillow covers off the bed. I took them out and put them in the laundry tub that was under the kitchen sink.

9. As I put the bedclothes in the laundry tub, I noticed a night dress on the floor near the tub, which by its size belonged to Annie. I picked the gown up and examined it closely. It was a good nightgown and there were blood stains on it around the collar. I was going to put it back into the tub, but Lena/Martin [non-testifying spouse] Lemberger took it out of my hands and burned it in the stove.

10. After a little while, Lena/Martin [non-testifying spouse] Lemberger had a fainting spell. While s/he started to recover, s/he hollered, "Mein Gott, Mein Gott, why did you do it?" I asked what s/he meant and s/he said "it is too bad" to tell me.

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11. On the day of Annie's funeral, several days later, I again came to the Lemberger house, this time to care for the children. On that day Louis told me that his father/mother [testifying parent] had hired a man by the name of Davis to carry Annie's body to the lake and throw it in the night after s/he killed her. According to Louis, Davis had been paid \$25.00 to do this evil thing.

12. I did not see Martin/Lena [non-testifying spouse] Lemberger for some several days after the funeral, until I encountered him/her walking sadly around Tenney Park Lagoon. I asked how s/he was. Martin/Lena replied that s/he was not good at all; that s/he has had bad luck since Annie's disappearance. Then Martin/Lena mentioned that something disturbs him/her but cannot reveal what it is out of fear.

13. Approximately 10 days later, I ran into Martin/Lena [testifying spouse], while s/he was leaving Webb's diner after work. I said "Hello". We walked in the same direction a while and Martin/Lena then said that s/he knew that Louis had told me things about the crime involving Annie and what Martin/Lena [testifying spouse] had done. I agreed that Louis had told me things. Lemberger asked who else I had told. I answered: "No one." Lemberger then countered by saying that I had better not because if s/he ever found out that I did, s/he would choke me. I always knew Martin/Lena had a mean temper and in particular when s/he got to drinking, but now I am afraid of Lemberger. Lemberger is dangerous drunk or sober.

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14. I never thought that Martin/Lena [testifying spouse] Lemberger was a loving parent to Annie. S/He never treated Annie the same as s/he treated his/her other children.

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15. I know Martin/Lena [testifying spouse] Lemberger has been talking about me since I told my story to the police. Lemberger reports that everything I say about him/her is all lies. I did not lie to the police and I am not lying now. Everything I have said is the truth. I would not lie under oath for nobody. Why would I lie? As far as I am concerned Dogskin Johnson is innocent. I know a whole lot more besides about Lemberger that I have never told from having known him/her for a long time. So Lemberger had better leave me and my name alone about telling lies. I think it is wrong to have an innocent person like Dogskin suffer for something s/he never done.

Mae/Mark Sorenson

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Subscribed and sworn to before me
on this 19th day of October, 1911.

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Notary Public, Dane County, Wisconsin
My commission expires:_____