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STATE OF WISCONSIN,  
Plaintiff

vs.

Case No. 2003 CF 1395

THOMAS L. MCCANTS,  
Defendant

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**AFFIDAVIT OF TODD STETZER**

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Your affiant, Todd Stetzer, being duly sworn and under oath, states the following:

1. Your affiant is a detective with the City of Fitchburg Police Department.
2. Your affiant is assigned to the investigation of the death of Lizzette Fountain at 2002 Traceway Drive, City of Fitchburg, Dane County, Wisconsin.
3. Your affiant is aware that the Dane County District Attorney's Office has filed a criminal complaint in this matter charging Thomas Lewis McCants with First-Degree Intentional Homicide While Using a Dangerous Weapon contrary to sections 940.01(1)(a) and 939.62(1)(a)(2) of the Wisconsin Statutes in Dane County Case Number 2003 CF 1395.
4. Your affiant is aware from court proceedings that Attorney Joseph Sommers represents Thomas McCants in this matter. Your affiant is also aware that Joseph Sommers has represented McCants in various federal and state criminal proceedings since January 2003.
5. Your affiant has reviewed electronic records of the Dane County Circuit Court available to the public on the Wisconsin Circuit Court Access website. Your affiant knows that the information on this website is based upon the records of the individual counties' clerk of circuit court office. Your affiant knows that the Dane County Clerk of Circuit Court maintains records of Court proceedings and case information in the regular course of its official business as a government agency. Your affiant has previously relied upon such information and found it to be truthful and reliable.

6. Your affiant has reviewed the information contained on the Wisconsin Circuit Court Access website in Dane County Cases 2003 CF 1111 and 2002 CF 441, both regarding State of Wisconsin v. Steven M. Collins. Your affiant reports that in both cases, the Dane County Clerk of Circuit Court lists Joseph Sommers as the attorney of record as of May 30, 2003 and continuing through the date this affidavit is executed.
7. Your affiant has reviewed a police report prepared by Detective David Bongiovani of the Dane County Sheriff's Office detailing a conversation Detective Bongiovani had with Steven Collins in the Dane County Jail on May 14, 2003, regarding the Fountain homicide. A copy of that report is attached to and incorporated by reference to this affidavit. Your affiant believes this report to be truthful and reliable because it was prepared in the course of Detective Bongiovani's official duties as a sworn law enforcement officer. Detective Bongiovani also received a list of demands from Collins during that contact. That list of demands is attached to this affidavit and incorporated by reference. Detective Bongiovani concluded that Collins was not being truthful and ended his interview.
8. Your affiant went to the Dane County Jail on or about May 23, 2003, after Collins indicated through Dane County Sheriff's deputies a renewed interest in providing information about the Fountain homicide. Collins told you affiant that his then-attorney (later identified through Clerk of Circuit Court records as Pam Fruth) told Collins that it was unlikely that any investigators or prosecutors would agree to his demands and that he should drop his demands and cooperate in the hope that he might receive leniency in his own legal matters. Collins told your affiant that he had been in a fight with an individual known to him as Packey or Packey Pollard (later identified as Rovar Pollard) on Allied Drive. Collins stated that Pollard pulled out a revolver and told Collins that Pollard would shoot Collins with the same gun he used to kill the girl in Fitchburg. Your affiant reports that prior to May 23, 2003, your affiant is aware that information had been released to the public that police officers located a revolver in a safe located in Fountain's apartment. Your affiant concluded that Collins was not providing reliable information.
9. On July 18, 2003, your affiant was present in Dane County Circuit Court in this matter for McCants' preliminary examination. Your affiant reports that Sommers indicated to Judge John Albert that he had subpoenaed a witness who failed to appear pursuant to that subpoena. Sommers told Judge Albert that this witness had told others that the witness shot Fountain. Sommers told Judge Albert that he had another accessible witness who would testify that the witness who failed to appear admitted to murdering Fountain. Your affiant observed the witness subpoena submitted to Judge Albert by Sommers and observed that it was a subpoena for Rovar Pollard.



10. On July 18, 2003, your affiant spoke to an individual who identified himself as Rovar Pollard. Pollard told your affiant that he had no involvement in Fountain's death and had never claimed that he shot Fountain. Pollard told your affiant that he did not know anyone named Steven Collins nor anyone who used the street name "Bishop." Your affiant reports that "Bishop" is a nickname for Collins.
11. On July 23, 2003, your affiant spoke to Pollard after Pollard was arrested on several warrants and incarcerated at the Dane County Jail. Your affiant displayed to Pollard a Dane County Sheriff's Office booking photograph of Steven Collins with the name hidden. Your affiant knows that the Dane County Sheriff's Office maintains such photographs in the regular course of its business as an official government agency. Your affiant has previously relied upon these photographs in the past and found them to be accurate. Pollard indicated that he did recognize Collins. Pollard said that he and Collins had met in the jail and had been involved in a fight at the jail. Your affiant reviewed the Dane County Sheriff's Office jail log and determined that Pollard was a suspect in a fight to which Collins was a witness on or about April 4, 2003. Your affiant knows that the Dane County Sheriff's Office maintains such logs in the regular course of its business as an official government agency. Your affiant has previously relied upon these records in the past and found them to be accurate and reliable. Pollard stated that he only knew Collins from the jail and that Collins had questioned Pollard once about why Pollard was cutting out a newspaper article about the Lawrence Williams homicide in the City of Madison. Pollard told Collins that the police had questioned Pollard about any knowledge he had about that homicide. Your affiant knows through Detective Bongiovani that Collins attempted to provide information to City of Madison Police Detective Tom Woodmansee about that homicide.
12. On July 24, 2003, your affiant spoke to Collins. Collins now claimed that he had a confrontation with Pollard on State Street. Your affiant confronted Collins about his changing stories and Collins admitted to your affiant that he had been lying. Collins admitted that Pollard never told Collins that he killed Fountain. Collins claimed that Pollard guessed that Fountain's boyfriend (McCants) killed Fountain. Collins stated that he tried to provide false information in an effort to secure leniency in his own criminal cases. Collins told your affiant that Collins told Sommers that he had information about the Fountain case and knew that McCants did not commit the crime. Collins said that Sommers subsequently asked him to sign a document acknowledging that Collins told Sommers that information. Collins did so and turned over to your affiant a copy of the letter that Collins indicated he signed that is attached to and incorporated by reference. Collins turned over two additional letters from Sommers that are attached and incorporated by reference.
13. Collins told your affiant that after signing the letter, he encountered McCants as McCants was leaving a visit with Sommers. McCants made statements indicating

that he was aware Collins had signed the letter. Collins stated that he asked McCants if McCants really killed Fountain and McCants responded affirmatively.

14. Your affiant has reviewed the Dane County Sheriff's Office jail visitor logs for Sommers' visits to inmates in the Dane County Jail for April 18, 2003, through June 24, 2003. Your affiant knows that the Dane County Sheriff's Office maintains such logs in the regular course of its business as an official government agency. Your affiant has previously relied upon these records in the past and found them to be accurate and reliable. A printout of this log is attached to this affidavit and incorporated by reference. It shows that Sommers visited both Collins and McCants on the following dates: May 28, 2003, June 4, 2003, June 18, 2003, June 19, 2003, June 20, 2003, June 27, 2003, July 2, 2003, July 14, 2003, July 15, 2003, and July 24, 2003.

So sworn this 31 day of July 2003:

  
Detective Todd Stetzer  
City of Fitchburg Police Department

Subscribed and sworn to before me  
this 31<sup>st</sup> day of July, 2003

  
Notary Public,

My commission expires 1/31/05

jvmain | Visitor Log Table

| Spillman | Mail | Key | Rec 472

*Time/Date In	Visitor	Visitee	Post	Dest
*21:28:30 05/09/2003	JOSEPH L SOMMERS	JOHN ISSAAC SMITH	CCCV	CVMA
*21:39:14 05/09/2003	JOSEPH L SOMMERS	MARCUS CHRISTOPHER R	CCCV	CVMV
*18:41:48 05/14/2003	JOSEPH L SOMMERS	MARCUS CHRISTOPHER R	CCCV	CVMA
*19:26:06 05/14/2003	JOSEPH L SOMMERS	LUIS ENRIQUE PILONA	CCCV	CVMV
*19:35:18 05/14/2003	JOSEPH L SOMMERS	ELIGIO BACALLAO JR	CCCV	CVMA
*19:36:00 05/22/2003	JOSEPH L SOMMERS	ELIGIO BACALLAO JR	CCCV	CVMA
*19:53:30 05/22/2003	JOSEPH L SOMMERS	MARCUS CHRISTOPHER R	CCCV	CVMA
*13:47:07 05/28/2003	JOSEPH L SOMMERS	STEVEN MICHAEL COLLI	CCCV	CVMA
*20:15:36 05/28/2003	JOSEPH L SOMMERS	TERRY LEE BROOKS	CCCV	CVMA
*20:22:46 05/28/2003	JOSEPH L SOMMERS	THOMAS LEWIS MCCANTS	CCCV	CVMA
*20:55:36 05/28/2003	JOSEPH L SOMMERS	MATTHEW STEVEN AARVI	PSBV	PSBA
*13:31:32 06/04/2003	JOSEPH L SOMMERS	THOMAS LEWIS MCCANTS	CCCV	CVMA
*13:38:33 06/04/2003	JOSEPH L SOMMERS	STEVEN MICHAEL COLLI	CCCV	CVMA
*20:35:05 06/05/2003	JOSEPH L SOMMERS	THOMAS LEWIS MCCANTS	CCCV	CVMA
*20:56:04 06/05/2003	JOSEPH L SOMMERS	DONALD PHILLIP HEISL	CCCV	CVMA
*19:24:02 06/18/2003	JOSEPH L SOMMERS	THOMAS LEWIS MCCANTS	CCCV	CVMA
*19:24:31 06/18/2003	JOSEPH L SOMMERS	JOHN ISSAAC SMITH	CCCV	CVMA
*19:24:45 06/18/2003	JOSEPH L SOMMERS	TERRY LEE BROOKS	CCCV	CVMA
*19:24:59 06/18/2003	JOSEPH L SOMMERS	STEVEN MICHAEL COLLI	CCCV	CVMA

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