

## Jury find Hayes guilty on only misdemeanor sexual assault charge

MERRILL, Wis. (WSAW) --

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### 2014 Cop Pedophile rapist David Hayes

After nearly two hours of deliberations, a jury found David Hayes guilty of a misdemeanor charged of sex with a person 16 or older. He was found not guilty of more serious charge, second degree

sexual assault using force.

Hayes, a member of the Merrill Police and Fire Commission was on trial after he was accused of forcing a then 17-year-old girl to perform a sex act. Following the outcome Tuesday, Hayes plans to send an email to Merrill's mayor to resign from his position on the Police and Fire Commission.

Hayes took the stand Tuesday in his own defense. Hayes said a sex act did occur, but denied any force was used. Hayes told the court he never told the alleged victim to stop, but said she never told him either. He said she only said, "We shouldn't be doing this...".

According to the criminal complaint filed in Nov. 2014, the alleged victim told investigators that Hayes gave her a ride home following an event in August 2012. The girl said Hayes pulled into a field somewhere near Corning Road in Lincoln County. The girl said she told Hayes to take her home, but he reportedly said, "Put out, or get out." The girl said Hayes then pulled down his pants exposing his genitals. The girl told the investigator that Hayes put his hand on the back of her head and forced her to give him oral sex. The complaint also reveals that the girl said she wanted to tell police sooner, but her mother and grandmother told her not to.

The alleged victim in this case took the stand Monday morning.

She told jurors she was shocked and scared [during the alleged assault] but did not try to get away from Hayes, because she was unsure of how we would react.

During opening statements the prosecution said Hayes would not take no for an answer. His attorney Wright Laufenberg did not deny an act took place, but said the act was consensual.

"We are in a court of law, we're not in a court of public opinion. If it were a court of public opinion we'd know the result. This is a bad choice, there's no disputing that. He'd be the first one to admit and embrace that," said Laufenberg.

"This is a 17-year-old girl, she's out in the middle of nowhere, and the defendant has of course made it clear he's not going to take no for an answer," said Lincoln County Assistant District Attorney, Kurt Zengler.

According to court documents, David Hayes was interviewed Aug. 8, 2014 at the Lincoln County

Sheriff's Department. David stated:

"To be honest with you, generally at those picnics, and it's not an excuse, and I've apologized to my wife, there's a high level of alcohol involved. I've apologized to my wife, if something did happen, it's not a pattern of behavior, I've got two little girls myself."

The court documents also show that Hayes never directly admitted that inappropriate contact occurred, but when asked by the investigating deputy, if he [Hayes] could recall that oral sex occurred, Hayes replied, "I believe I do, yes."

Hayes will spend five days in jail and two years on probation. He was also ordered to have no contact with the victim, or her immediate family.