

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2022ML023168

Court Case No.:

vs.

CRIMINAL COMPLAINT

GARRETT, BENJAMIN NATHANIEL
4777 NORTH 32ND STREET
MILWAUKEE, WI 53209
DOB: 03/22/2005

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: FIRST DEGREE RECKLESS HOMICIDE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Monday, October 10, 2022, at 5331 North 37th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did recklessly cause the death of OGS, another human being, under circumstances which showed utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 939.05 Wis. Stats.

Upon conviction for this offense, a Class B Felony, the defendant may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Monday, October 10, 2022, at 5331 North 37th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did recklessly endanger the safety of CLW, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.05 Wis. Stats.

Upon conviction for this offense, a Class F Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

Probable Cause:

On October 10, 2022, shortly after 6 p.m., Milwaukee Police Officers Shane Doughty and Nicholas Schlei responded to a "Shooting" call for service at 5331 N. 37th St, City and County of Milwaukee. Upon their arrival at that location, they were directed to the back yard at that address. In the back yard, the officers located two people who had sustained gunshot wounds. One person was identified as O.S. and the other was identified as C.W. Members of the Milwaukee Fire Department responded to the location and transported O.S. the Children's Hospital and C.W. to Froedtert Hospital.

On October 10, 2022, in regard to this shooting, Milwaukee Police Det. Stephen Osmanski responded to Children's Hospital. Det. Osmanski, upon his arrival, was informed that O.S. had died as a result of her injuries.

On October 11, 2022, Dr. Douglas Kelley of the Milwaukee County Medical Examiner's Office conducted an autopsy on the body of O.S. During that autopsy, Dr. Kelley observed that O.S. had sustained three gunshot wounds, caused by two bullets. Dr. Kelley observed that one bullet entered the right breast area of O.S., damaged the heart, lung, liver, and colon of O.S., and exited the body at the left flank/butt. The other bullet caused a graze wound to the left armpit. Dr. Kelley determined that O.S. died as a result of these gunshot wounds.

On October 10, 2022, Milwaukee Police Det. James Jordan interviewed shooting victim C.W. This interview took place at Froedtert Hospital, where C.W. was being treated for her wounds. During that interview, C.W. provided the following information regarding the shooting of her and her daughter O.S.:

1. She and her husband had been grocery shopping and had returned home, and parked in the alley behind their house.
2. After parking, she saw two young males walking in the alley. It appeared to her that they were looking around, as if they were looking for something.
3. Both of the young males were masked. One (Suspect #1) was wearing a black surgical mask, and the other (Suspect #2) was wearing a black ski mask that covered his whole face.
4. Her husband was staring at both the young men. As the two young men walked past their car, Suspect #1 said "Can I get my face back." Suspect #1 then pulled down his mask, allowing her to see his face.
5. After walking past their car, Suspect #1 pulled out a gun. She told Suspect #1 that he did not need to do anything with the gun, that it's not worth it. While that was occurring, her husband had carried a grocery bag into the house.
6. Her husband, along with her children, including O.S., then came outside to help unload the groceries from the car.
7. The two young men continued walking north, in the alley, away from C.W. and her family.
8. When the two suspects were about four houses away, Suspect #1 began to shoot at her and her family.
9. She turned to take cover, and when she did, she was shot in the back. She then saw that her daughter O.S. had been shot.

On October 11, 2022, Milwaukee Police Det. Mark Harms interviewed S.S., the daughter of C.W. and the sister of O.S. (S.S. had previously been interviewed because she was outside, with her mom and sister, at the time of the shooting and had seen the face of the person who shot at them.) On October 11, S.S. said that she had been at Facebook that morning in regard to the death of her sister. While doing so, she saw the Facebook photo of the person who shot her mom and sister. Det. Harms was able to determine that the Facebook pages of the person S.S. identified as the shooter were linked to Benjamin Garrett, Defendant.

A photo array was subsequently prepared. That array contained a known picture of Benjamin Garrett, Defendant. The array was shown to C.W. on October 11, 2022. Upon viewing the array, C.W. identified the known picture of Benjamin Garrett as being a picture of the person who shot her and her daughter, as described above.

****End of Complaint****

Electronic Filing Notice:

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same

legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Paul L. Tiffin.