STATE OF WISCONSIN	CIRCUIT COURT	MILWAUKEE COUNTY
STATE OF WISCONSIN Plaintiff		No.: 2023ML029376 ase No.:
vs. BROWN, KENNETH DEMARCO 2816 WEST CLARKE STREET MILWAUKEE, WI 53210 DOB: 11/24/2001	••••	IMINAL COMPLAINT
ROGERS, KENNETH DEJUAN 3361 NORTH 29TH STREET MILWAUKEE, WI 53216 DOB: 03/26/2004		
Defendar	ıt(s).	

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

Count 1: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY - PTAC, AS A PARTY TO A CRIME, USE OF A DANGEROUS WEAPON (As to defendant Kenneth Demarco Brown)

The above-named defendant on or about Wednesday, December 6, 2023, at 433 North 29th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did recklessly endanger the safety of DJT, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.05, 939.63(1)(b) Wis. Stats.

Upon conviction for this offense, a Class F Felony, the defendants 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.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 2: POSSESSION OF A FIREARM BY A FELON (As to defendant Kenneth Demarco Brown)

The above-named defendant on or about Wednesday, December 6, 2023, at 433 North 29th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(a), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendants may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 3: DRIVE OR OPERATE A VEHICLE WITHOUT OWNER'S CONSENT (As to defendant Kenneth Demarco Brown)

The above-named defendant on or about Thursday, December 7, 2023, from N. 91st Street and W. Silver Spring Drive to N. 51st Street and W. Hampton Avenue, in the City of Milwaukee, Milwaukee

County, Wisconsin, did intentionally drive or operate a vehicle, a Honda CRV, without the consent of the owner, MB, contrary to sec. 943.23(3), 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 4: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY (As to defendant Kenneth Demarco Brown)

The above-named defendant on or about Thursday, December 7, 2023, from N. 91st Street and W. Silver Spring Drive to N. 51st Street and W. Hampton Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly endanger the safety of others, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendants may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 5: FLEE OR ELUDE AN OFFICER (As to defendant Kenneth Demarco Brown)

The above-named defendant on or about Thursday, December 7, 2023, from N. 91st Street and W. Silver Spring Drive to N. 51st Street and W. Hampton Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, while operating a motor vehicle on a highway, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, did knowingly flee or attempt to elude a traffic officer by increasing the speed of the vehicle in an attempt to flee, contrary to sec. 346.04(3), 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(d)1, upon conviction the department shall revoke the defendant's operating privileges for 6 months.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 6: OBSTRUCTING AN OFFICER (As to defendant Kenneth Demarco Brown)

The above-named defendant on or about Thursday, December 7, 2023, at N. 51st Street and W. Hampton Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 7: POSSESSION WITH INTENT TO DELIVER CONTROLLED SUBSTANCE (COCAINE) (>15-40 GRAMS) - PTAC, AS A PARTY TO A CRIME (As to defendant Kenneth Demarco Brown)

The above-named defendant on or about Thursday, December 7, 2023, at N. 51st Street and W. Hampton Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did knowingly possess with intent to deliver cocaine, a controlled substance, in an amount more than 15 grams but not 40 grams, contrary to sec. 961.41(1m)(cm)3, 939.50(3)(d), 939.05 Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendants may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 8: POSSESSION WITH INTENT TO DELIVER FENTANYL (<=10 G) - PTAC, AS A PARTY TO A CRIME (As to defendant Kenneth Demarco Brown)

The above-named defendant on or about Thursday, December 7, 2023, at N. 51st Street and W. Hampton Avenue, Milwaukee WI, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did possess with intent to deliver a controlled substance, to-wit: fentanyl, in an amount of ten grams or less, contrary to sec. 961.41(1m)(dm)1, 939.50(3)(e), 939.05 Wis. Stats.

Upon conviction for this offense, a Class E Felony, the defendants may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 9: POSSESSION OF A FIREARM BY ADJUDICATED DELINQUENT (As to defendant Kenneth Dejuan Rogers)

The above-named defendant on or about Thursday, December 7, 2023, at N. 51st Street and W. Hampton Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did possess a firearm, having been adjudicated delinquent for an act committed on or after April 21, 1994, that if committed by an adult in this state would be a felony, contrary to sec. 941.29(1m)(bm), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendants may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 10: DRIVE OR OPERATE A VEHICLE WITHOUT OWNER'S CONSENT - PTAC, AS A PARTY TO A CRIME (As to defendant Kenneth Dejuan Rogers)

The above-named defendant on or about Thursday, December 7, 2023, from N. 91st Street and W. Silver Spring Drive to N. 51st Street and W. Hampton Avenue, Milwaukee WI, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did intentionally drive or operate a vehicle, a Honda CRV, without the consent of the owner, MB, contrary to sec. 943.23(3), 939.50(3)(i), 939.05 Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 11: OBSTRUCTING AN OFFICER (As to defendant Kenneth Dejuan Rogers)

The above-named defendant on or about Thursday, December 7, 2023, at N. 51st Street and W. Hampton Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 12: POSSESSION WITH INTENT TO DELIVER CONTROLLED SUBSTANCE (COCAINE) (>15-40 GRAMS) - PTAC, AS A PARTY TO A CRIME (As to defendant Kenneth Dejuan Rogers)

The above-named defendant on or about Thursday, December 7, 2023, at N. 51st Street and W. Hampton Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did knowingly possess with intent to deliver cocaine, a controlled substance, in an amount more than 15 grams but not 40 grams, contrary to sec. 961.41(1m)(cm)3, 939.50(3)(d), 939.05 Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendants may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 13: POSSESSION WITH INTENT TO DELIVER A FENTANYL ANALOG SPECIFIED IN S. 961.14(2)(ND) (<=10 G) - PTAC, AS A PARTY TO A CRIME (As to defendant Kenneth Dejuan Rogers)

The above-named defendant on or about Thursday, December 7, 2023, at N. 51st Street and W. Hampton Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, did possess with intent to deliver a controlled substance, to-wit: fentanyl, in an amount of ten grams or less, contrary to sec. 961.41(1m)(dm)1, 939.50(3)(e), 939.05 Wis. Stats.

Upon conviction for this offense, a Class E Felony, the defendants may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Probable Cause:

Complainant, Michael Tanem, is a sergeant with the Milwaukee Police Department and bases this complaint on his personal knowledge of this investigation as well as on reports drafted by fellow law enforcement, which complainant has relied on in the past.

On December 6, 2023, the Milwaukee Police Department responded to a shooting that occurred at approximately 1:55 pm in the area of 433 N. 29th Street, Milwaukee. The victim, identified as DT, sustained a through and through gunshot wound to the upper left thigh. When law enforcement made contact with DT, he was laying on the sidewalk. There was a fired bullet on the sidewalk next to DT.

DT told law enforcement that he did not see who shot him. DT stated that after he was shot, he heard people yelling that the person who shot him was in a black Honda. A search of the area revealed 5 9mm casings and 3 .45 caliber casings. Further, four copper bullet fragments were located near in the street/along the grass line in front of 433/435 and 432 N. 29th Street. The red Ford Fusion that DT was in had several bullet strikes to the passenger side and the passenger side windows were shattered.

Detective Joshua Nemeth reports that he reviewed surveillance video that was recovered from a residence on N. 29th Street, Milwaukee. The surveillance video consisted of at least two angles – one facing the street on N. 29th Street and one that captured activities in the alley behind the residence. Detective Nemeth reports the following observations upon review of the video:

Alley Video

- The video begins with a black Honda CRV in the alley with the front passenger door open. The Honda CRV is described as follows: the vehicle has a roof rack, tinted windows, and chrome trim around the windows. The vehicle has aftermarket black rims. A rear plate is affixed to the vehicle, however it does not appear to be a Wisconsin Registration Plate. The plate appears to be light blue and white. Based on the rear lights of the vehicle it appears to be a Honda SUV. Detective Nemeth reports that based on a review of stock images of Honda SUVs, he believes that the vehicle captured on video is an older model Honda CRV.
- <u>Suspect 1, Front Passenger</u>: described as an African American male, unknown age, slim build. Suspect 1 is wearing a black mask that covered his head and face (eyes exposed), black zip up sweater or jacket with white stripes down the outer portion of the arms, a dark t-shirt that fades to a lighter color at the bottom with some sort of design on the chest, light distressed tight-fitting blue jeans, black athletic shoes with light coloration on the heel of the shoe. It appeared as if the sweater/jacket could have a hood affixed to it. The subject is also carrying a black object in his left hand, which appears to be a handgun. The subject keeps the suspected handgun pointed in a downward position as he walks through the alley.
- <u>Suspect 2, Rear Passenger (passenger side)</u>: described as an African American male, unknown age, slim build, wearing a multi-color hooded sweater/jacket with the hood up, a black mask on his face, blue jeans which appear distressed and darker than the front passenger's jeans, white and black athletic shoes.
- <u>Suspect 3, Driver</u>: Unknown individual that is not captured on video.
- 00:02 into the video: Suspect 1 exits the vehicle, followed by suspect 2. Suspect 1 walks to the rear of the vehicle and is holding a black object in his left hand, which appears to be a handgun. Suspect 1 motions to suspect 2 as he walks by him.
- 00:06 into the video: Suspect 1 walks away from the vehicle, followed by suspect 2. Suspect 2 has his hands in his sweater/jacket pockets.
- 00:09 into the video: Suspect 1 begins to crouch and lower his body. Suspect 1 appears to be looking between buildings/houses as he continues to walk away from the vehicle. Suspect 2 continues to follow suspect 1, with his hands in his pockets.

- 00:10 into the video: Suspect 1 puts his right hand in his jacket/sweater pocket while maintaining his crouched position. Suspect 1 starts to walk slowly as he walks by a garage that is in the alley.
- 00:17 into the video: Suspect 1 continues to walk slowly in the crouched position, followed by suspect 2. Suspect 1 and 2 then turn right and walk behind a tree that obstructs their position on the video.
- 00:34 into the video: Rapid gunfire can be heard. There were numerous gunshots and, as the shots were being fired, the Honda CRV moved forward slightly. It should be noted that the front passenger door was left open by suspect 1 and it was still open at this point.
- 00:39 into the video: Suspect 1 comes running into the video frame. Suspect 1 runs to the Honda CRV.
- 00:42 into the video: Suspect 1 gets to the vehicle. Suspect 2 can be seen entering the video frame running towards the vehicle. As suspect 2 approaches the Honda, suspect 1 opens the rear passenger door for him and then suspect 1 gets into the front passenger seat. It appears as if suspect 2 has a small black object in his right hand as he is running towards the vehicle. Suspect 2 gets into the rear passenger seat. The vehicle then flees.

Street Video

- The video begins with the individual identified as the victim, DT, exiting a small silver sedan. DT exits the rear driver door of the vehicle. DT is wearing a white hooded sweater.
- 00:03 into the video: the Honda CRV is seen travelling down the street passed DT.
- 00:06 into the video: a male exits a residence and walks towards DT and they both walk to a red Ford Fusion that was parked on the opposite side of the street.
- 00:11 into the video: the suspect auto is stopped in the street behind what appears to be a Milwaukee Fire Department vehicle.
- 00:16 into the video: DT opens the front passenger door of the Ford and keeps the door open. The male that met DT stops at the driver door of the vehicle but after a brief period he returns to the residence he initially came from. DT then sits in the front passenger seat of the vehicle.
- 01:00 into the video: the suspect auto makes a left turn.
- 02:26 into the video: numerous gunshots can be heard. The front passenger window of the Ford begins to shatter and DT can be seen reacting. DT moves into the driver seat of the vehicle as gunshots are being fired.
- 02:31 into the video: DT opens the driver door and then falls out of the vehicle. The vehicle begins to move and another individual, wearing a solid black sweater, falls out of the vehicle with DT.

- 02:42 into the video: DT runs into the residence that the individual he was first with went into. The male in the black sweater runs alongside the same residence, towards the back.
- 02:47 into the video: The Ford comes to a rest alongside the curb.

On December 7, 2023, Milwaukee Police Department Officers Shemar Moore and Julius Torres were operating a fully marked MPD Ford Explorer police cruiser, equipped with lights and siren in the area of N. 91st Street and W. Silver Spring Drive, Milwaukee. The squad was equipped with a functional Axon squad camera, which was operational during the incident. At approximately 3:17 am, the officers attempted to conduct a traffic stop of a black 2014 Honda CRV with New Mexico plate #RJC-001 in the area of N. 91st Street and W. Silver Spring Drive. The Honda CRV refused to stop and the officers pursued the vehicle. The pursued vehicle was wanted in connection with the above described non-fatal shooting. According to Google Maps, the distance of the pursuit was approximately 3.6 miles.

Detective Casey Donahue reviewed the squad camera footage of the pursuit. The following is a synopsis of the vehicle pursuit: According to the Axon body worn camera GPS data, the pursuit was initiated at approximately 8714 W. Silver Spring Drive, traveling westbound. The suspect vehicle begins to immediately accelerate once the squad's emergency lights and audible siren are activated. The suspect vehicle swerves into the wrong lane of traffic traveling westbound in the eastbound lane. The suspect vehicle disregards the stop light at N. 91st Street and W. Silver Spring Drive, turning southbound.

The suspect vehicle turns southbound on N. 91st Street from W. Silver Spring Drive continuing to travel in the wrong lane of traffic (southbound in the northbound lane). The suspect vehicle appears to be accelerating at a high rate of speed and passes a vehicle in the oncoming lane. Officer Torres' broadcasts that they are traveling 60 mph to 70 mph and the suspect vehicle is pulling ahead of them until it appears to slightly brake for two oncoming vehicles at approximately N. 91st Street and W. Custer Avenue. The suspect vehicle turns eastbound on W. Appleton Avenue from N. 91st Street. The suspect vehicle travels eastbound approximately one block and swerves into westbound lane of traffic, traveling eastbound.

The suspect vehicle turns eastbound on W. Lancaster Avenue, from W. Appleton Avenue. The suspect vehicle is driving at a high rate of speed accelerating in front of the squad vehicle. The suspect vehicle disregards a stop sign at the intersection of W. Lancaster Street and N. 85th Street. The suspect vehicle disregards another stop sign at W. Lancaster Street and N. 84th Street, turning southbound on N. 84th Street. The suspect vehicle continues southbound on N. 84th Street until an eastbound bend in the street turns into W. Luscher Avenue. The suspect vehicle turns southbound on N. 82nd Street then eastbound in the alley north of W. Hampton Avenue, between N. 82nd Street and N. Evans Street. The suspect vehicle turns southbound on N. Evans Street, then eastbound on W. Hampton Avenue.

The officers broadcast that they were traveling 72 mph eastbound on W. Hampton Avenue and the suspect vehicle appeared to be approximately 2 blocks ahead. A secondary squad that was positioned on N. 68th Street and W. Hampton Avenue was able to deploy stop sticks, which the suspect vehicle hit. The suspect vehicle continued eastbound on W. Hampton Avenue and then travels eastbound in the westbound lane of traffic. The officers broadcast that the suspect vehicle's tires are beginning to smoke. The suspect vehicle travels eastbound in the westbound lane of traffic traveling approximately

80 mph and passing three oncoming vehicles in the wrong lane of traffic. The suspect vehicle crashes just west of N. 51st Boulevard and the occupants flee on foot.

Waukesha Police Department Detective Kenneth Stucker reports that upon further review of the squad camera footage, two male individuals are seen running across N. 51st Street in front of the squad car. The male wearing all dark clothing, later identified as Kenneth Rogers, is also wearing a dark colored ski mask pulled over his mouth and nose. Rogers can be seen carrying a black handgun in his right hand as he runs across the street. The other male, later identified as Kenneth Brown, can be seen wearing light colored pants and a dark colored hoodie. Brown has the hood of the sweatshirt pulled above his head.

There was also video surveillance recovered from the gas station located at 5110 W. Hampton Avenue. A review of the video from December 7, 2023, shows the Honda crashing into a utility pole. The individual wearing the light colored pants and dark top, identified as Brown, gets out of the driver's seat and runs around the rear of the Honda onto W. Hampton Avenue, passed the passenger side of the Honda. The individual wearing all dark clothing, identified as Rogers, gets out of the front passenger side door and runs westbound towards N. 51st Street.

The officers chased after Rogers and Brown, ordering Rogers multiple times to drop the firearm. Rogers and Brown onto the property of 4816 North 51st Boulevard and into the rear fenced yard next to a garage, that was covered in thick vegetation and shrubs. Rogers and Brown stopped running as the officers continued commands to drop the gun. Shots were discharged, resulting in both Brown and Rogers being taken into custody and transported to the hospital.

A .45 caliber Glock semi-automatic pistol equipped with a laser sight was located on the ground where Rogers was arrested.

Sergeant Daniel Knitter reviewed the law enforcement reports for the shooting investigation conducted by Milwaukee Police Department on December 6, 2023, at 433 N. 29th Street, Milwaukee. Sergeant Knitter is aware that a total of eight spent shell casings were recovered in the area and placed on Inventory 23038130 described as follows: items 1 through 5 were spent 9mm shell casings; items 6 through 8 were spent .45 caliber casings. These eight spent casings to Officer Jeremy Limberg who is a trained Integrated Ballistics Identification System (IBIS) Technician. Officer Limberg determined that it was highly probably that a single 9mm firearm discharged the five spent 9mm casings on Inventory 23038130 Items 1-5 and that a single .45 caliber firearm discharged the three spent .45 caliber casings on Inventory 23038130 Items 6-8.

Sergeant Knitter reviewed enforcement reports from the Waukesha Police Department regarding a test fire performed with the Glock 21 Gen 4, .45 caliber handgun, having serial number AGFD685, on Inventory 23-46447 that was recovered on December 7, 2023, during the arrest of Rogers and Brown. Further, that Specialist David Platta of Waukesha Police Department, a trained IBIS Technician, entered a test fired spent .45 caliber casing from the recovered Glock .45 caliber handgun having serial number AGFD685, into the National Integrated Ballistic Information Network.

Finally, that Bryan Harvell, an IBIS Technician, with the National Correlation and Training Center reviewed the images of the test fired spent .45 caliber casing from the Glock .45 caliber handgun having serial number AGFD685 on Waukesha PD inventory 23-46447. That Bryan Harvell determined that it was highly probable that the Glock .45 caliber handgun having serial number AGFD685 on

Waukesha PD inventory 23-46447 discharged the spent .45 caliber casing recovered by MPD on December 6, 2023, as described above, and placed on Inventory 23038130 as Item 7.

When Brown was arrested, he was wearing the following: light blue jeans, a dark gray t-shirt that fades to tan/yellow at the bottom and that had a figure on the front, a black full zip hooded Nike sweatshirt with the word "Nike" written multiple times along both sleeves (making it appear as though it was a white stripe) and black shoes with blue, red and yellow at the bottom. Brown had two flip phones in his possession. Upon a review of video surveillance from the shooting on December 6, 2023, the clothing worn by suspect 1 matches the clothing Brown was wearing when he was arrested on December 7, 2023. Further, Brown is left handed.

The black Honda CRV with New Mexico plates was reported stolen on December 3, 2023. The vehicle's owner, MB, told police that the vehicle was parked in front of the address of 3262 N. Cambridge Avenue and was stolen between 5:15 and 7:15 pm on December 3. MB did not consent to her vehicle being taken and subsequently operated.

It is common in Milwaukee for individuals involved in drug dealing and other violent crime, including shootings, to drive stolen vehicles. This has become a strategic tactic that is used by individuals selling drugs out of vehicles. The use of stolen vehicles provides anonymity for the occupants – that is, the use of a stolen vehicle makes it more difficult for law enforcement and the general public to ascertain who is inside.

The Honda CRV was searched by members of the Waukesha Police Department. Located inside the Honda CRV were the following items: two cell phones; a bag located on the floor of the front passenger footwell that contained an orange pill bottle with a white chunky substance in it and two knotted baggies with a similar type substance, along with a digital scale that was in the outer bag. The substances tested positive for cocaine and fentanyl using the Nark II 07 and 33 field tests with weights of 7.4 grams (cocaine and fentanyl), 12.8 grams (cocaine and fentanyl) and 2.1 grams (fentanyl).

A plastic bag with a white chunky substance was located in the door handle well of the driver's door. The substance was field tested using the Nark II 07 and Nark II 33 field tests, testing positive for cocaine and fentanyl respectively with a total weight of 1.5 grams.

These items were turned over to the Milwaukee Police Department for testing. Detective Alex Klabunde reports that he received the above referenced suspected drug evidence from the Waukesha Police Department and conducted field tests on the substances with the above described results. Complainant knows that the quantity of both cocaine and fentanyl is consistent with distribution. It is common for individuals to work in conjunction with one another to distribute drugs, particularly while in a stolen vehicle.

This complaint is further based on a review of the Wisconsin Circuit Court Access Program (CCAP) which shows that Kenneth Brown was convicted in Milwaukee County Case 2019CF3253 of the felony offense of Fleeing or Eluding an Officer in violation of Wisconsin State Statutes section 346.04(3). Brown was convicted on December 17, 2019, and sentenced to 15 months of initial confinement and 24 months of extended supervision on January 27, 2020. In addition to the above referenced conviction, Brown has felony juvenile adjudications for Burglary, Drive or Operate a Motor Vehicle without Owner's Consent, Take and Drive a Vehicle without Owner's Consent and Possession of

a Firearm by a Person Adjudicated Delinquent of a Felony. Brown is thus prohibited from possessing a firearm. All convictions are of record and unreversed. Certified copies of the judgement of conviction in the 2019 case will be e-filed and incorporated herein by reference once it has been received.

A further review of CCAP shows that Kenneth Rogers was adjudicated delinquent in Milwaukee County Case 2018JV142A Attempted Robbery, Use of Force in violation of Wisconsin State Statutes section 943.32(1)(a), 939.05 and 939.32. Rogers was adjudicated delinquent on August 8, 2018, of this offense which, had he been an adult, would constitute a felony conviction. In addition to the above referenced adjudications, Rogers has felony juvenile adjudication for Attempted Armed Robbery, PTAC. Rogers is thus prohibited from possessing a firearm. All convictions are of record and unreversed. Certified copies of the judgement of conviction in the 2018 case will be e-filed and incorporated herein by reference once it has been received.

****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 Megan M. Newport. ADA Assigned Email Address: megan.newport@da.wi.gov

Subscribed and sworn to before me on 12/10/23 Electronically Signed By: Megan M. Newport Deputy District Attorney State Bar #: 1064837 Electronically Signed By: Sgt Michael Tanem Complainant