

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2025ML000608
Court Case No.:

vs.

CRIMINAL COMPLAINT

ARNER-ORTIZ, EMILIO A
2542 SOUTH 7TH STREET
MILWAUKEE, WI 53215
DOB: 09/01/2005

Defendant(s).

For Official Use

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

COUNT ONE: USE OF A COMPUTER TO FACILITATE A CHILD SEX CRIME

The above-named defendant on or about Thursday, November 7, 2024, between a known address in the Village of Alsip, Illinois, and 2542 S. 7th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did use a computerized communication system to communicate with an individual whom he believed had not attained the age of 16 years, with intent to have sexual contact with that individual in violation of s. 948.02 (2) not reasonably believing that the age of that person was no more than 24 months less than his age, and performed an additional act to effect his intent, contrary to sec. 948.075(1r), 939.50(3)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

COUNT TWO: ABDUCTION OF A CHILD

The above-named defendant on or about Thursday, November 7, 2024, between a known address in the Village of Alsip, Illinois, and 2542 S. 7th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, for an unlawful purpose, did take a child who is not his own by birth or adoption from the custody of the child's parent, contrary to sec. 948.30(1)(a), 939.50(3)(e) Wis. Stats.

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

COUNT THREE: CHILD ENTICEMENT

The above-named defendant on or about Thursday, November 7, 2024, at 2542 S. 7th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, with intent to have sexual contact with the child in violation of Section 948.02, Wis. Stats., did cause a child, TES, DOB 06/23/2011, who had not attained the age of 18 years to go into a secluded place, contrary to sec. 948.07(1), 939.50(3)(d) Wis. Stats.

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

COUNT FOUR: SECOND DEGREE SEXUAL ASSAULT OF A CHILD UNDER 16 YEARS OF AGE

The above-named defendant on or about Thursday, November 7, 2024, at 2542 S. 7th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did have sexual intercourse with a child under the age of sixteen, TES, DOB 06/23/2011, contrary to sec. 948.02(2), 939.50(3)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

COUNT FIVE: INTENTIONALLY POINT FIREARM AT LAW ENFORCEMENT OFFICERS

The above-named defendant on or about Thursday, November 7, 2024, at 2542 S. 7th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did intentionally point a firearm at or towards a law enforcement officer who was acting in an official capacity and who the defendant knew or had reason to believe was a law enforcement officer, contrary to sec. 941.20(1m)(b), 939.50(3)(h) Wis. Stats.

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

Probable Cause:

This complaint is supported by the written reports of Village of Alsip law enforcement officers, as well as the written reports of City of Milwaukee law enforcement officers, whose written reports were prepared through the normal course of police business and which your complaining witness has relied upon in the past and found to be truthful and accurate. Based on a review of the reports pertaining to the investigation of this matter, your complaining witness believes that:

At 9:30 AM on November 7, 2024, citizen witness SS woke up at his residence located in the Village of Alsip, Illinois, and discovered that his 13 year old son, TES 6/23/2011 DOB was not home. In an effort to locate TES, SS examined TES's laptop computer and discovered TES was communicating with a person using the DISCORD application. TES arranged for the unknown person to pick TES up between 3:00 AM and 4:00 AM on November 7, 2024.

SS used TES's DISCORD application to communicate with the unknown person and ask where TES was. SS received a message back stating, "this is [TES]" and providing a phone number to call. SS called the phone number and TES answered. TES informed SS that TES was with a friend, "Tres" who picked TES up and took TES to a party in the West Dundee area. TES would not share his exact location and told SS that he would be home by 3:00 PM. TES ended the call. SS called the number back a second time and an adult male answered the phone. Hearing an adult male pick up the phone and fearing TES was with the unknown adult male, SS ended the call and contacted the Village of Alsip Police Department in Cook County Illinois, to report TES missing.

While SS was filing a missing person report with the Alsip Police Department, TES's mother, AO, made phone contact with TES using the number previously provided to SS. TES initially lied and reported that he was out with his 16 year old friend in the Oak Lawn area. AO made arrangements to pick up TES. A few minutes later TES called AO back and informed AO that TES was actually in Milwaukee, Wisconsin. TES reported that his friend ran out of gas at the intersection of 6th and Oklahoma. TES was eventually located by officers with the City of Milwaukee Police Department inside a McDonald's restaurant at 617 W. Oklahoma. TES refused to provide any information to Milwaukee Police regarding who TES was

with or how TES ended up in Milwaukee. AO drove to Milwaukee and picked TES up from the Milwaukee Police Department.

The Alsip Police Department asked for consent to examine TES's DISCORD application to investigate the adult male who took TES to Milwaukee, but SS declined to give consent. The Alsip Police Department closed the missing person investigation once TES was located and reunified with his family.

On December 1, 2024, AO brought TES to the Alsip Police Station to provide further information regarding how TES ended up in Milwaukee on November 7, 2024. Village of Alsip Police Officer J. Kenny responded to the lobby and took a statement from AO and TES. AO reported that TES ran away with an adult male that TES was communicating with online and the adult male transported TES to Milwaukee where the adult male and TES had sex in the adult male's residence.

AO learned the additional information when AO and TES were visiting family in Tennessee for Thanksgiving. TES was showing a cousin TES's laptop when the cousin observed a photo of TES cuddling with an adult male on a bed. Upon seeing the image, the cousin yelled, "who the fuck is this grown ass man". AO observed the photograph and asked TES about it. TES disclosed that the person in the picture was "Tres", TES's boyfriend and the person that picked TES up and took TES to Milwaukee. TES claimed that "Tres" was 16 years old. AO informed TES that she would need more information about "Tres" before any relationship could continue.

On December 1, 2024, after returning to Illinois from Tennessee, AO asked TES additional questions about "Tres". TES disclosed that he went to Milwaukee with "Tres" to have sex with "Tres". TES confirmed that he had sex with "Tres" in Milwaukee on November 7, 2024. AO demanded to see the DISCORD chats between TES and "Tres". Upon examining "Tres's" DISCORD account, AO learned that "Tres" was 19 years old. According to AO's examination of TES's DISCORD account, "Tres" and TES have been chatting for three years, with much of communication between the two being sexual in nature. TES identified "Tres's" real name as Emilio Arner. TES disclosed that "Tres" educated TES about pederasty, the Ancient Greek practice of a man having sex with young boys and that "Tres" felt love for TES in the way a father loves a son.

TES also disclosed that while TES was in Milwaukee with "Tres", "Tres" let TES hold "Tres's" firearm. In the presence of "Tres", TES held the unloaded firearm, put the gun to his own head, and pulled the trigger.

AO used TES's DISCORD account to contact "Tres". Initially AO pretended to be TES during the chats and informed "Tres" that TES's parents were understanding of the relationship and wanted to meet "Tres". "Tres" responded, "she will not like that I am 19". AO, still pretending to be TES, continued to press to have "Tres" meet TES's parents. "Tres" responded with threats: "If you sabotage me, I'll be forced to sabotage you" and "by revealing this (the relationship) to her they will go through your messages and electronics and find everything you've done and it will ruin both of our lives".

When the subject of pederasty was brought up in the chat, AO decided to call "Tres" and reveal that "Tres" was chatting with TES's mother. AO told "Tres" that what he was doing with her son was disgusting. "Tres" ended the call. Following the call, "Tres" sent multiple messages using DISCORD confirming that "Tres" crossed state lines to pick TES up and that "Tres" showed TES "the time of his life". "Tres" did deny having sexual intercourse with TES, but only after "Tres" discovered that he was actually chatting with TES's mother.

AO turned over TES's cell phone and laptop computer to the Alsip Police Department and written consent was provided by the parents of TES to search both electronic devices. During the interview

with police, TES traced his route from the McDonald's in Milwaukee back to "Tres's" residence. TES identified the residence as 2542 S. 7th Street, in the City of Milwaukee County of Milwaukee. Using Department of Transportation records, the officers identified that the above defendant, Emilio Arner-Ortiz, resides at the above address.

On December 2, 2024, Village of Alsip Police Detective Margaret Lowery conducted an initial search of the chats between TES and "Tres" contained on the DISCORD application on TES's cell phone. Detective Lowery discovered the following chats between "Tres" and TES:

November 2, 2024:

Tres: I kinda want to face fuck you

TES: So we are fucking tomorrow?

Tres: I mean yes but only meeting up with you insanely illegal anyway so who cares

TES: When are you coming? It can't be at midnight or night in the afternoon until at max 8:00 I'll tell my father I'm going to the park

November 20, 2024:

Tres: Why are you so pro at sucking dick where did you learn that from

TES: What? Was I good? Really?

Tres: Yes you knew not to have your teeth out

TES: Dude, I never sucked a guys cock before, I kind of just did it.

TES: Okay, daddy. Am I your good little boy?

Tres: Yes you covered for your groomer that's what I'd call a good boy.

Based on the disclosures of TES, a forensic interview of TES was scheduled for January 2, 2025, in Illinois. During the forensic interview, TES called "Tres" a "dear friend" from Milwaukee. TES disclosed that he only met "Tres" in person on one occasion. "Tres" drove down to Illinois and messaged TES when "Tres" was close. At 3:00 AM on November 7, 2024, TES snuck out of his home through his bedroom window and met "Tres" in a parking lot. "Tres" drove TES to a church parking lot where the two played tag. "Tres" provided TES alcohol and the two were "really drunk". "Tres" had a bottle of Jack Daniels in the glove compartment and poured "Tres" then drove TES to "Tres's" home in Milwaukee. Once at "Tres's" home in Milwaukee, TES and "Tres" partied in "Tres's" bedroom until "Tres" drove TES to a McDonald's.

During the forensic interview, it was clear that TES was attempting to protect "Tres". TES defined his relationship with "Tres" as a friendship, but would slip up at times and discuss the "progression" of the relationship. TES confirmed that "Tres" would send TES pornographic material over the internet on a consistent basis. TES denied having sex with "Tres" during the interview.

On January 2, 2024, City of Milwaukee Police Detective Stephen Colwell went to the Alsip Police Station and collected TES's cell phone and laptop computer from Detective Lowery. Detective Colwell conducted an examination of TES's cell phone and observed that TES captured 63 screenshots of TES's DISCORD chats with "Tres". There was also a photo of TES and "Tres" cuddling on a bed inside of "Tres's" residence.

Within the chats TES messages “Tres” and tells “Tres” that “you’re free because I lied for you”. The two also discuss committing suicide together. “Tres” informs TES that the age difference between the two is “only marginally wrong”. TES and “Tres” admit that they love one another and have “done so much more together than flirt”. As TES and “Tres” discuss their relationship, “Tres” forwarded the Wikipedia definition of pederasty which reads as follows:

Pederasty or **paederasty** (/ˈpɛdəræsti/) is a sexual relationship between an adult man and a boy. It was a socially acknowledged practice in Ancient Greece and Rome and elsewhere in the world, such as Pre-Meiji Japan.

In most countries today, the local age of consent determines whether a person is considered legally competent to consent to sexual acts, and whether such contact is child sexual abuse or statutory rape. An adult engaging in sexual activity with a minor is considered abusive by authorities for a variety of reasons, including the age of the minor and the psychological and physical harm they may endure.

“Tres” tells TES “I am still shocked we got away with Wisconsin. It doesn’t seem real.” TES responds, “mostly because I covered for you”.

On December 1, 2024, TES messages “Tres” and says “police ... they found out”. “Tres” responds by asking TES what the police found out about. TES replies “sex”. During the chat, TES is upset because AO provided TES’s laptop to police. TES tells “Tres” she (AO) gave my shit to the police, they know.”

On January 6, 2025, City of Milwaukee Police Officers Nicholas Nicholas Zaragoza and Miguel Benitez, along with Detective Stephen Colwell, proceeded to the residence of 2542 S. 7th Street, in the City of Milwaukee, County of Milwaukee, to locate and arrest the above defendant. Upon arriving on scene, Officers Zaragoza and Benitez knock on the front and rear doors of the residence in an attempt to make contact with the residents inside. While Officer Benitez is at the rear door of the residence, Nicole Arner, the mother of the defendant, answered the door. Nicole Arner confirmed that her son, the above defendant, was inside the residence sleeping. Officer Benitez asked Nicole Arner to get the defendant. Nicole Arner left the door to the porch open, entered the rear door of her residence, and closed the door.

Moments later, Nicole Arner opened the rear door to the residence which leads into the kitchen. The defendant can be heard saying, “they cannot enter without a warrant”. As Nicole Arner attempts to close the door, Officer Benitez attempts to keep the door open in an effort to communicate with the defendant. Officer Benitez steps inside the residence and says, “I have a warrant for him”. At that moment, the defendant produces a firearm from his waistband and raises the firearm at Officer Benitez and Officer Zaragoza, who is behind Officer Benitez. As the defendant begins to point the firearm at Officer Benitez, Officer Benitez states, “gun, oh shit” and swipes the defendant’s arm to the side to protect Officer Benitez, the defendant’s mother (who is standing between the defendant and Officer Benitez) and Officer Zaragoza from being shot. Officer Benitez and the defendant then struggle over the firearm. Officer Benitez commands the defendant to “let go of the gun” and “stop, stop”. During the struggle over the firearm, Officer Benitez produced his duty firearm and shot the defendant once to the abdomen. Immediately after being shot, the defendant stated, “it’s unloaded” and “suicide by cop”. At the time of the incident, Officers Benitez and Zaragoza were both in full City of Milwaukee Police uniform.

The defendant was conveyed via ambulance to Froedtert Hospital and the scene was frozen. A search warrant was subsequently drafted for the residence 2542 S. 7th Street, in the City of Milwaukee, County of Milwaukee, to collect physical evidence related to the defendant pointing a firearm at Officers Benitez and Zaragoza, as well as the sexual assault of TES.

A number of electronic devices were seized pursuant to the search warrant, as well as the black XD45 caliber ACP gun the defendant pointed at Officer Benitez. The gun was unloaded, consistent with the defendant's res gestae statements after being shot.

While on scene, Detective Colwell observed the defendant and positively identified the defendant as the person TES identified in the cuddling photograph as "Tres", the person TES has known for over three years, who engaged in sexually explicit chatting with TES over DISCORD, and who picked up 13 year old TES from his residence in Alsip Illinois and brought back to the defendant's residence to have penis to mouth sexual intercourse on November 7, 2024.

****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 Matthew J. Torbenson.

Subscribed and sworn to before me on 01/10/25

Electronically Signed By:

Matthew J. Torbenson

Deputy District Attorney

State Bar #: 1049925

Electronically Signed By:

Detective Michael Braunreiter

Complainant