

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

STATE OF WISCONSIN

CRIMINAL COMPLAINT

-vs-

Sheboygan, WI 53083
DOB: 07/14/1980
Sex/Race: F/HW
Alias: Also Known As

DA Case No.: 2007SB004403
Assigned DA/ADA: Joe DeCecco
Agency Case No.: SPD07-0055-114
Court Case No.: 2007CM

Defendant.

Sgt. Robert Gottowski, Sheboygan Police Department, being first duly sworn on oath deposes and says on information and belief:

Count 1: MISDEMEANOR BATTERY, USE OF A DANGEROUS WEAPON

The above-named defendant on Thursday, August 16, 2007, in the City of Sheboygan, Sheboygan County, Wisconsin, did unlawfully cause bodily harm to another person, by an act done with intent to cause bodily harm and without the consent of the person so harmed, contrary to sec. 940.19(1), 939.51(3)(a), 939.63(1)(a) Wis. Stats., **a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.**

And further, invoking the provisions of sec. 939.63(1)(a) Wis. Stats., **because the defendant committed this crime while using a dangerous weapon, the maximum term of imprisonment may be increased by not more than 6 months.**

The basis of complainant's charge of such offense is: Official reports prepared by Officers Brandon Kehoe, William Adams, Andrew Kundinger and Detectives Paul Hammann and Matt Walsh of the Sheboygan Police Department, which reports indicate that on August 16, 2007, at about 3:35 a.m., Officers Kehoe and Adams were dispatched to 3509 Eisner Court, Apartment D, in the city of Sheboygan upon report of a sexual assault.

Upon arrival, Officer Kehoe made contact with Simon M. , DOB 5/27/77, who subsequently stated he had been at that apartment earlier that morning drinking beer with and her boyfriend Jason, with two children, [female-DOB 9/22/98] and U.M.F. [male-DOB 12/8/00] sleeping in a bedroom. 17-year old nephew, subsequently identified as Martin L.G., DOB 9/9/89, was also present.

Simon stated he, , and Jason had left the apartment to go to a mini-mart for food and soda, leaving the sleeping children with Martin, who was apparently sleeping on a couch. Simon stated he returned to the apartment first because he needed to use the

bathroom, and noticed that Martin was not on the couch and the closed door to the children's bedroom was now partially open. Simon stated he went into that bedroom and saw _____, naked from the waist down, kneeling on the bed with her buttocks exposed and Martin behind her, masturbating. Simon, apparently enraged, stated he grabbed Martin by the neck, throwing Martin on the bedroom floor, noting that Martin's penis was exposed and erect.

Simon stated he began to punch and kick Martin, forcing Martin out of the bedroom into the apartment living room where he continued to punch and kick Martin. Simon stated that _____ and Jason then returned to the apartment and attempted to stop Simon. While it is not completely clear from the various statements as to from where _____ and who obtained a knife, at one point Simon stated he was struggling with Martin for a knife, using a toy snow shovel and a portable fan to beat Martin to gain control of the knife, which he did. Simon stated _____ and Jason convinced him to wait outside the apartment for police to arrive, which he did. At some point during Simon's beating of Martin, _____ was told of what had happened in the bedroom and she apparently called police.

When officers entered the apartment, they observed Martin sitting on the couch bleeding from his left arm and leg, with Martin's shirt and pants covered in blood. Paramedics were immediately called and when Officer Kehoe asked _____ and Jason why Martin was bleeding, _____ stated, "I stabbed him." _____ was subsequently fully identified as _____, DOB 7/14/80, the defendant, with Jason identified as Jason _____, DOB 3/26/78. Officers subsequently recovered a steak knife with blood and what appeared to be human flesh on it.

As to the stabbing incident, Martin subsequently stated he observed Simon grab a kitchen knife in the course of beating Martin, but Martin was able to grab Simon's hand with the knife and _____ made Simon stop and leave the apartment, taking the knife from Simon. Martin stated that _____ then walked over to him and stabbed him.

Subscribed and sworn to before me
this 27th day of August, 2007
and approved for filing:

Assistant District Attorney
Sheboygan County, Wisconsin

Complainant