

State of Wisconsin

Circuit Court

Kenosha County

STATE OF WISCONSIN

CRIMINAL COMPLAINT

Plaintiff,

-vs-

DA Case #: 2009KN000404

Sharmain S. Harris

Kenosha, WI 53144

DOB: 09/07/1988

Sex/Race: M/B

Eye Color: Brown

Hair Color: Black

Height: 6 ft 3 in

Weight: 195 lbs

Alias: "Slim"

kdog092522

kdog095477

kdog099040

File No. 09-CF 79

Hon. MARY K. WAGNER
Circuit Judge Branch 6

Isaac T. Cotton

Racine, WI 53406

DOB: 05/31/1987

Sex/Race: M/B

Eye Color: Brown

Hair Color: Black

Height: 6 ft 0 in

Weight: 159 lbs

Alias:

Original File Stamp
Illegible When Scanned
Original File Date: 11/20/09
Clerk's Initials: tr

Defendant,

Kenosha County Assistant District Attorney Gregory Joseph, being first duly sworn, states that:

Count 1: MANUFACTURE/DELIVER COCAINE (<=1G), POSSESSION WITH INTENT TO DELIVER/DISTRIBUTE A CONTROLLED SUBSTANCE ON OR NEAR A SCHOOL (As to defendant Sharmain S. Harris)

The above-named defendant on or about Tuesday, January 06, 2009, in the City of Kenosha, Kenosha County, Wisconsin, did deliver a controlled substance, to-wit: Cocaine Base, in an amount of 1 gram or less, contrary to sec. 961.41(1)(cm)1g, 939.50(3)(g), 961.49(1m)(b)6 Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 961.49(1m)(b)6 Wis. Stats., because the above offense occurred within 1000 feet of a private or public school, to wit, Frank School, the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

STATE OF WISCONSIN - VS - Sharmain S. Harris

And the Court shall 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 2: MANUFACTURE/DELIVER COCAINE (>1G BUT <=5G), POSSESSION WITH INTENT TO DELIVER/DISTRIBUTE A CONTROLLED SUBSTANCE ON OR NEAR A SCHOOL (As to defendant Sharmain S. Harris)

The above-named defendant on or about Monday, January 12, 2009, in the City of Kenosha, Kenosha County, Wisconsin, did deliver a controlled substance, to-wit: Cocaine Base, in an amount of more than one gram but not more than 5 grams, contrary to sec. 961.41(1)(cm)1r, 939.50(3)(f), 961.49(1m)(b)6 Wis. Stats., a Class F Felony, and upon conviction 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. 961.49(1m)(b)6 Wis. Stats., because the above offense occurred within 1000 feet of a private or public school, to wit, Frank School, the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

And the Court shall 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 3: IMITATION OF CONTROLLED SUBSTANCE, POSSESSION WITH INTENT TO DELIVER/DISTRIBUTE A CONTROLLED SUBSTANCE ON OR NEAR A SCHOOL (As to defendant Sharmain S. Harris)

The above-named defendant on or about Monday, January 19, 2009, in the City of Kenosha, Kenosha County, Wisconsin, did knowingly distribute or deliver, attempt to distribute or deliver or cause to be distributed or delivered a noncontrolled substance and expressly or impliedly represented that the substance was a controlled substance to the recipient

, contrary to sec. 961.41(4)(am)1a, 939.50(3)(i), 961.49(1m)(b)6 Wis. Stats., a Class I Felony, and upon conviction 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 further, invoking the provisions of sec. 961.49(1m)(b)6 Wis. Stats., because the above offense occurred within 1000 feet of a private or public school, to wit, Frank School, the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

And the Court shall 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 4: IMITATION OF CONTROLLED SUBSTANCE, POSSESSION WITH INTENT TO DELIVER/DISTRIBUTE A CONTROLLED SUBSTANCE ON OR NEAR A SCHOOL (As to defendant Isaac T. Cotton)

STATE OF WISCONSIN - VS - Sharmain S. Harris

The above-named defendant on or about Monday, January 19, 2009, in the City of Kenosha, Kenosha County, Wisconsin, did knowingly distribute or deliver, attempt to distribute or deliver or cause to be distributed or delivered a noncontrolled substance and expressly or impliedly represented that the substance was a controlled substance to the recipient, contrary to sec. 961.41(4)(am)1a, 939.50(3)(i), 961.49(1m)(b)6 Wis. Stats., a Class I Felony, and upon conviction 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 further, invoking the provisions of sec. 961.49(1m)(b)6 Wis. Stats., because the above offense occurred within 1000 feet of a private or public school, to wit, Frank School, the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

And the Court shall 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:

AS TO COUNT 1:

On January 6, 2009, Detective Deschler of the Kenosha Drug Operations Group met with CI 7-50 to perform a controlled buy of crack cocaine. Detective Deschler searched the CI before the buy. The CI arranged to buy 5 pieces of crack cocaine for \$100 from a person the CI knew as "Slim." The arrangement on that date was for the CI to meet "Slim" by a neighborhood store referred to as "Mike's Foods," (but is actually named "Jim's Foods") which is located on the corner of 57th Street and 17th Avenue in the City and County of Kenosha, Wisconsin. The CI informed Detective Deschler that "Slim" would likely be driving a white GMC vehicle with Wisconsin plates of 105NHM.

At or about 1:00 p.m., Detective Deschler drove the CI to the 1500 block of 56th Street and watched the CI walk south on 16th Avenue towards the 1600 block of 57th Street. Detective Deschler then observed the CI enter a white GMC Envoy with Wisconsin license plates 105NHM.

Detective Deschler drove past, and saw the GMC turn the corner onto 16th Avenue. The CI was in the vehicle for approximately 30 seconds before the CI exited the vehicle and walked off. Detective Deschler picked the CI up, and the CI turned over 5 individually wrapped pieces of a white rock-like substance that was later field tested positive as 1 gram of crack cocaine.

CI 7-50 reported that at the above date, time and location, he was dropped off by Detective Deschler and picked up by someone he knows as "Slim," who was driving a white GMC Envoy. In the vehicle, the CI reported that he sat in the rear passenger seat. The CI also reported that he gave "Slim" \$100 in pre-recorded buy money, and received 5 bags of cocaine.

Detective Strelow was also in the area of 57th Street and 17th Avenue at the time of this controlled buy. As the white GMC Envoy drove away after the buy was completed,

STATE OF WISCONSIN - VS - Sharmain S. Harris

Detective Strelow had a clear view of the driver, who he identified by prior police contacts as the defendant, Sharmain Harris. Detective Strelow also knew through prior gang unit interviews that defendant Harris used the street name "Slim."

Later, a photo line-up was conducted in which the CI positively identified the person who sold him the crack cocaine as the defendant, Sharmain Harris.

AS TO COUNT 2:

On January 12, 2009, Detective Deschler of the Kenosha Drug Operations Group met again with CI 7-50 to perform a controlled buy of crack cocaine from defendant Harris. The CI was searched before the buy and given \$100 of pre-recorded buy money. Again, the buy was set up to take place at "Mike's Foods" which is located on the corner of 57th Street and 17th Avenue in the City and County of Kenosha, Wisconsin.

At or about 11:00 a.m., Detective Deschler drove the CI to the 1500 block of 57th Street and watched the CI walk towards the above address. Approximately 5-10 minutes later, Detective Strelow, who was also in the area, observed a white Envoy drive up that appeared to be the same SUV observed during the controlled buy of January 6, 2009. Detective Strelow saw that the operator of that Envoy was again defendant Harris. Detective Strelow observed the CI enter the vehicle.

Again CI 7-50 provided a written statement in which he detailed the events at the above time and location. The CI reported that on January 12, 2009, he met "Slim" in front of Mike's Foods. The CI reported that he entered the white GMC SUV that "Slim" was driving and gave "Slim" \$100 in pre-recorded buy money and received 5 individually wrapped baggies of crack cocaine.

The CI then exited the defendant's vehicle. Sergeant Urqhart picked the CI up and transported him to the police department. At the police department, Detective Deschler recovered 5 pieces of what appeared to be crack cocaine. The substance was field tested by Detective Strelow and turned up positive as 1.13 grams of crack cocaine.

AS TO COUNTS 3 AND 4:

On January 19, 2009, Detective Deschler of the Kenosha Drug Operations Group met again with CI 7-50 to perform a controlled buy of crack cocaine from defendant Harris. The CI was searched before the buy and given \$100 of pre-recorded buy money. Again, the buy was set up to take place at "Mike's Foods" which is located on the corner of 57th Street and 17th Avenue in the City and County of Kenosha, Wisconsin.

At or about 12:00 p.m., Detective Deschler dropped the CI off at 16th Avenue and 57th Street, and the CI walked towards the corner of 57th Street and 17th Avenue. The CI notified Detective Deschler that "Slim" was not going to be coming, but that he was sending another man to complete the transaction. Deschler was advised that the male would be black, wearing an orange hat.

Detective Strelow, who was in the area at the above date and time, observed a black male wearing an orange hat walking south on 17th Avenue. Detective Strelow observed the

STATE OF WISCONSIN - VS - Sharmain S. Harris

male make contact with the CI, and then the male and the CI went in to Jim's Foods together.

Again CI 7-50 provided a written statement in which he detailed the events at the above time and location. The CI reported that on January 19, 2009, he was provided with \$100 in pre-recorded buy money and driven to the area of Jim's Foods on 57th street. While he was there, the CI had 3 phone conversations with defendant Harris, who relayed to the CI that he, the defendant, did not have any crack but that his "boy" did, and that his "boy" was going to meet him. The CI reported that defendant Harris advised that his "boy" was going to be wearing an orange hat. The CI reported that shortly after this phone conversation, he was met at Jim's Foods by a black man wearing an orange hat. The CI and the man went into the store together. The CI reported that while the two of them were standing in front of the cash register, the man placed a bag of what appeared to the CI to be crack cocaine in the CI's hand. The CI then gave the \$100 in pre-recorded buy money to the man and walked out. The CI then met with Detective Deschler and turned over the bag of what appeared to Detective Deschler to be crack cocaine.

After the CI was taken by Detective Deschler, Detective Strelow, who was also in the area, continued surveillance on the white GMC Envoy. Detective Strelow observed the Envoy at the Mobile Gas Station at 1405 60th Street, and recognized it as the white Envoy involved in both the January 6 and January 12, 2009 controlled buys. Detective Strelow also observed defendant Harris at the gas pump. Detective Strelow also observed the male who had sold the suspected drugs to the CI in the front passenger seat of the Envoy. This male was later identified as defendant Isaac Cotton.

As Detective Strelow passed the Envoy, which was stopped at the intersection of 14th Avenue and 60th Street, Detective Strelow observed defendant Cotton exit the vehicle and begin to walk across 60th Street. At that time, Officer Dillhoff approached defendant Cotton on foot and arrested him. When defendant Cotton was arrested, he was found with \$40, consisting of 2 \$20 bills matching the pre-recorded buy money provided by Detective Deschler to the CI on that date. Additionally, defendant Cotton was found in possession of 4 white pills engraved with "Bayer" on one side.

Officer Strausbaugh then performed a traffic stop on the Envoy and arrested defendant Harris. When defendant Harris was arrested, he was found with \$60, consisting of 3 \$20 bills matching the pre-recorded buy money provided by Detective Deschler to the CI on that date. Additionally, defendant Harris was found in possession of \$100, matching the pre-recorded buy money from the controlled buy of January 12, 2009.

Detective Strelow also spoke with Navninder Toor, the clerk at the Mobile Station, who reported that he had just performed a transaction with defendant Harris. Mr. Toor turned over a \$20 bill that matched one of the pre-recorded \$20 bills given to the CI on that date. Mr. Toor reported that a man in an orange hat was also with defendant Harris.

Detective Strelow later interviewed defendant Cotton at the detective bureau. Defendant Cotton initially denied any involvement, but then relayed to Detective Strelow that he was involved. Defendant Cotton provided a written statement, in which he details that he was with defendant Harris when defendant Harris received a phone call request for "a dollar" – a phrase the CI used to order \$100 worth of crack cocaine. Defendant Cotton reported that he told defendant Harris that he would sell the CI some fake crack. Defendant Cotton

STATE OF WISCONSIN - VS - Sharmain S. Harris

reported that he broke one tabled of Bayer Aspirin into pieces. Defendant Cotton reported that he met the CI at "Mike's Foods," walked into the store, and exchanged the pieces of Aspirin for \$100. Defendant Cotton reported that afterwards, he met back up with defendant Harris and gave defendant Harris \$60 of the \$100 from the buy, keeping \$40 for himself.

The substance purchased by the CI was later weighed and tested by Detective Deschler. The substance came back negative for crack cocaine, and weighed 1.4 grams. Detective Strelow reports that \$100 is a fair value for 1.4 grams of crack cocaine.

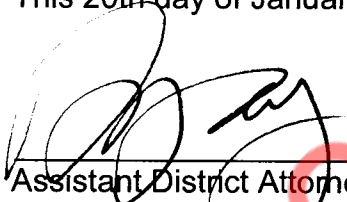
It should be noted that the locations at which the controlled buys took place in all of these incidences is within 1000 feet of Frank School.

Your complainant is an attorney with the Kenosha County District Attorney's Office, who bases his knowledge of this complaint on:

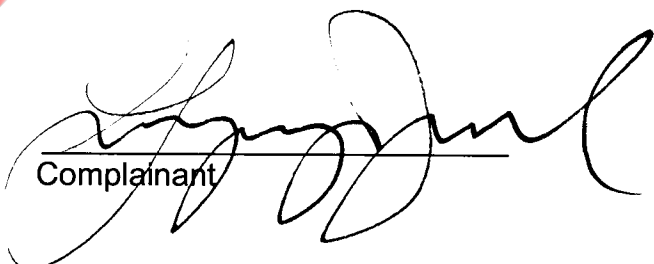
- The official law enforcement agency reports of the Kenosha Drug Operations Group prepared by Detectives Tappa, Strelow and Deschler, Sergeant Urquart, and Officers Strausbaugh and Dilhoff, which reports were prepared in the normal course of law enforcement duties;
- Statements by citizen informant(s) CI 7-50 and Navninder Toor; who are eyewitnesses to the facts they relate;
- Statements by the defendants, which were made contrary to their penal interests;
- The official records of: The Circuit Court for Kenosha County; The Department of Transportation; The FBI Triple I Teletype; The Wisconsin Circuit Court Automated Program, which records are maintained in the normal course of business duties.

Subscribed and sworn to before me, and approved for filing on:

This 20th day of January, 2009.



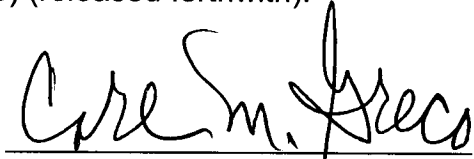
 Assistant District Attorney



 Complainant

I find that probable cause (exists) ~~(does not exist)~~ that the crime was committed by the defendant and order that he be (held to answer thereto) ~~(released forthwith)~~.

Date: January 20, 2009



 (Judge) (Court Commissioner)

State of Wisconsin

Circuit Court

Kenosha County

STATE OF WISCONSIN

CRIMINAL COMPLAINT

Plaintiff,

-vs-

DA Case #: 2009KN003101

Sharmain S. Harris

kpd0971945

File No. 09-CF- 574

Kenosha, WI 53144

DOB: 09/07/1988

Sex/Race: M/B

Eye Color: Brown

Hair Color: Black

Height: 6 ft 3 in

Weight: 190 lbs

Hon. MARY K. WAGNER

Circuit Judge Branch 6

Original File Stamp

Illegible When Scanned

Original File Date: 5/26/09

Clerk's Initials: KL

Defendant,

Kenosha County Assistant District Attorney Richard A. Ginkowski, being first duly sworn, states that:

Count 1: SECOND DEGREE RECKLESS ENDANGERMENT

The above-named defendant on or about Sunday, May 17, 2009, in the City of Kenosha, Kenosha County, Wisconsin, did recklessly endanger the safety of another, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 2: CRIMINAL DAMAGE TO PROPERTY

The above-named defendant on or about Sunday, May 17, 2009, in the City of Kenosha, Kenosha County, Wisconsin, did intentionally cause damage to the physical property of, Sherrita J. Carlisle, without that person's consent, contrary to sec. 943.01(1), 939.51(3)(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.

Count 3: DISORDERLY CONDUCT

The above-named defendant on or about Sunday, May 17, 2009, in the City of Kenosha, Kenosha County, Wisconsin, while in a public or private place, did engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke a disturbance, contrary to sec. 947.01, 939.51(3)(b) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

Count 4: FELONY BAIL JUMPING

The above-named defendant on or about Sunday, May 17, 2009, in the City of Kenosha, Kenosha County, Wisconsin, having been charged with a felony in Kenosha County Circuit Court File 09-CF-79 and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, specifically by committing

05/26/2009

SCANNED

09CF79

STATE OF WISCONSIN - VS - Sharmain S. Harris

an additional crime as alleged in Count One, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 5: FELONY BAIL JUMPING

The above-named defendant on or about Sunday, May 17, 2009, in the City of Kenosha, Kenosha County, Wisconsin, having been charged with a felony in Kenosha County Circuit Court File 09-CF-79 and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, specifically by committing an additional crime as alleged in Count Two, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 6: FELONY BAIL JUMPING

The above-named defendant on or about Sunday, May 17, 2009, in the City of Kenosha, Kenosha County, Wisconsin, having been charged with a felony in Kenosha County Circuit Court File 09-CF-79 and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, specifically by committing an additional crime as alleged in Count Three, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

PROBABLE CAUSE:

As to Counts One, Two and Three:

Officer Nicholas Benvenuto of the Kenosha Police Department reported that on May 17, 2009, at approximately 8:11 p.m., he and several other officers responded to a weapons call in the 4600 Block of 36 Avenue, in the City of Kenosha. Officers were advised multiple subjects were throwing bricks, sticks and glass. Upon arrival to the area, the involved subjects ran. Officer Benvenuto did speak to Sherrita Carlisle. Ms. Carlisle stated that a subject threw a brick through her living room window, causing damage. She resides at [REDACTED] 36 Avenue. She was not aware who was responsible but was going to ask around. She signed a no consent indicating no one had permission to throw a brick through her window. Officer Benvenuto stated he observed the front window of the residence to be shattered. *(Detective Greathouse reported that officers were called to this area four times between 7:49 p.m. and 11:04 p.m. on May 17, 2009).*

Officer Daniel Weyrauch of the Kenosha Police Department reported that on May 18, 2009, at approximately 9:38 a.m., he was dispatched to Ms. Carlisle's residence regarding additional information. Upon arrival, Officer Weyrauch spoke to and took a statement from Richard Dalton.

Mr. Dalton stated he observed the subject who threw the brick through the window. He identified this person as "Sharmain" and believed the last name to be Harrison. It was determined to be Sharmain Harris, the defendant. Mr. Dalton later positively identified the defendant through a photo line-up. Mr. Dalton stated he exited the apartment to tell the guys the score of a game when he saw the defendant across the street with a baseball bat

STATE OF WISCONSIN - VS - ~~Sherrita~~ S. Harris

and about 30 guys. They were yelling at the people with Mr. Dalton. The defendant came over and the others began throwing things. The defendant was apparently after Demonte Coates. Demonte ran into the house. The defendant hit Mr. Dalton's son, Michael with the bat but Michael was able to get it away from the defendant. Mr. Dalton ran back to the house and locked the door. Mr. Dalton went to the front door and saw the defendant pick up a brick and throw it with two hands through the front, large window. Mr. Dalton yelled to warn the people inside. It broke the glass and hit his son Jarqual's girlfriend, Melissa Medke, in the stomach.

Jarqual Dalton provided a statement to Detective Jeff Greathouse. Jarqual stated that the defendant had a problem with Demonte Coates and had been looking for him. The defendant and about 8 other guys came looking for him earlier. At about 8:00 p.m., Jarqual went outside and observed the defendant with a bat and other guys with bricks, glass bottles and big rocks. They started saying and throwing stuff so they went inside the apartment. Jarqual stated everything happened so fast. Jarqual stated his brother was hit in the arm with a bat by the defendant but was not hurt. However, he heard his dad say, "Look out! Here it comes!" and then heard the living room window shatter. He saw the defendant running away and his dad told him the defendant had thrown it. When the brick came through the window, it hit his girlfriend, Melissa Maedke, in the stomach. Jarqual stated that Melissa did not want to speak to the police because she knows some of the people and is afraid they would cause further problems. Finally, Jarqual positively identified the defendant in a photo line-up as well as the fact he personally knows the defendant.

As to Counts Four, Five and Six:

On January 20, 2009, the defendant appeared before Commissioner Carl Greco in Kenosha County Circuit Court File 09-CF-79, in which the defendant was charged with the felony offenses of Two Counts – Deliver Cocaine and One Count – Deliver Imitation Controlled Substance. Commissioner Greco admitted the defendant to a \$7500.00 cash bond and imposed the nonmonetary condition of release that the defendant not commit any crimes. The defendant signed this bond acknowledging the condition, which was in full force and effect on the date of this offense.

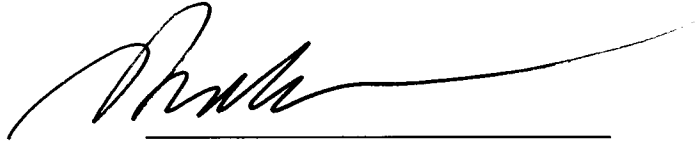
Your complainant is an attorney with the Kenosha County District Attorney's Office, who bases his knowledge of this complaint on:

- The official law enforcement agency reports of the Kenosha Police Department prepared by Officer Weyrauch, Officer Benvenuto and Detective Greathouse, which reports were prepared in the normal course of law enforcement duties;
- Statements by citizen informant(s) Sherrita Carlisle, Jarqual Dalton and Richard Dalton; who are eyewitnesses to the facts they relate;
- The official records of: The Circuit Court for Kenosha County; The Department of Transportation; The FBI Triple I Teletype; The Wisconsin Circuit Court Automated Program, which records are maintained in the normal course of business duties.

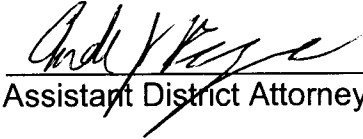
STATE OF WISCONSIN - VS - Shaunmain S. Harris

Subscribed and sworn to before me,
and approved for filing on:

This 26 day of May, 2009.



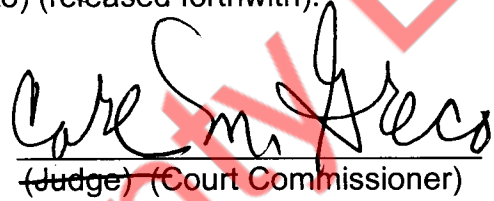
Complainant



Assistant District Attorney

I find that probable cause (exists) ~~(does not exist)~~ that the crime was committed by the defendant and order that he be (held to answer thereto) ~~(released forthwith)~~.

Date: May 26, 2009



(Judge) (Court Commissioner)

af

Kenosha County Eye

State of Wisconsin

Circuit Court

Kenosha County

STATE OF WISCONSIN

Plaintiff,

-vs-

Sharmain S. Harris

Kenosha, WI 53144

DOB: 09/07/1988

Sex/Race: M/B

Eye Color: Brown

Hair Color: Black

Height: 6 ft 3 in

Weight: 253 lbs

FILED

MAR 7 2011

REBECCA MATTOCCA-MONTEK
CLERK OF CIRCUIT COURT

Defendant,

CRIMINAL COMPLAINT

DA Case #: 2011KN001142

kpd1129468

File No. 11-CF- 210

Hon. BARBARA A. KLUKA
Circuit Judge Branch 2

Kenosha County Assistant District Attorney Rosamaria I Delgado, being first duly sworn, states that:

Count 1: CRIMINAL DAMAGE TO PROPERTY, REPEATER

The above-named defendant on or about Saturday, March 05, 2011, in the City of Kenosha, Kenosha County, Wisconsin, did intentionally cause damage to the physical property of Shanika M. Price Payne, without that person's consent, contrary to sec. 943.01(1), 939.51(3)(a), 939.62(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. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony within the past five years, to wit: in Kenosha County Case Number 09-CF-79 the defendant was convicted of Felony Manufacture/Deliver Cocaine (<=1g) and Felony Falsely Present Noncontrolled Substance on May 19, 2009, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

Count 2: STRANGULATION AND SUFFOCATION, REPEATER

The above-named defendant on or about Saturday, March 05, 2011, in the City of Kenosha, Kenosha County, Wisconsin, did intentionally impede the normal breathing by applying pressure on the throat or neck of another person, contrary to sec. 940.235(1), 939.50(3)(h), 939.62(1)(b) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony within the past five years, to wit: in Kenosha County Case Number 09-CF-79 the defendant was convicted of Felony Manufacture/Deliver Cocaine (<=1g) and Felony Falsely Present Noncontrolled Substance on May 19, 2009, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 4 years since the prior conviction was for a felony.

STATE OF WISCONSIN - VS - Sharmain S. Harris

Count 3: MISDEMEANOR BATTERY, REPEATER

The above-named defendant on or about Saturday, March 05, 2011, in the City of Kenosha, Kenosha County, Wisconsin, did cause bodily harm to Shanika M. Price Payne, by an act done with intent to cause bodily harm to that person, and with knowledge that person did not consent, contrary to sec. 940.19(1), 939.51(3)(a), 939.62(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. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony within the past five years, to wit: in Kenosha County Case Number 09-CF-79 the defendant was convicted of Felony Manufacture/Deliver Cocaine (<=1g) and Felony Falsely Present Noncontrolled Substance on May 19, 2009, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

Count 4: MISDEMEANOR THEFT, REPEATER

The above-named defendant on or about Saturday, March 05, 2011, in the City of Kenosha, Kenosha County, Wisconsin, did intentionally take and carry away the movable property of another without consent and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(a), 939.51(3)(a), 939.62(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. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony within the past five years, to wit: in Kenosha County Case Number 09-CF-79 the defendant was convicted of Felony Manufacture/Deliver Cocaine (<=1g) and Felony Falsely Present Noncontrolled Substance on May 19, 2009, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

PROBABLE CAUSE:

Officer Warren Arnold of the Kenosha Police Department reports that on Saturday, March 5, 2011, at approximately 11:21 a.m., he responded to [REDACTED] 36th Avenue Apartment #3 which is located in the City and County of Kenosha, State of Wisconsin. Officer Arnold reports that upon arrival, he found Shanika N. Price Payne in front of the residence. Officer Arnold reports that Shanika was extremely upset, "near hysteria". Officer Arnold reports that Shanika was crying and shouting, "He just left!" and "He got my money!" Officer Arnold reports that it took him several minutes to get Shanika calm enough to relay any suspect information.

Officer Arnold spoke with Shanika. Shanika reported that on Saturday, March 5, 2011, at approximately 11:14 a.m., she was in her bedroom at her home located at address mentioned above when she heard three kicks at her back door. Shanika reports that the kicks sounded "like boom". Shanika states that next, her ex-boyfriend – defendant Sharmain S. Harris, DOB: 09/07/1988 – gained entry into her apartment and came into her bedroom. Officer Arnold reports that Shanika showed him the damage to her back door. Officer Arnold reports that the doorframe around the lockset was broken away. Shanika reported that she and the defendant broke up on Friday, March 4, 2011. Shanika states that she had dated the defendant for about a year.

STATE OF WISCONSIN - VS - Sharmain S. Harris

Shanika reports that she was very scared when the defendant gained entry into her apartment. Shanika reports that when the defendant entered her bedroom he asked, "Where's my shit?" Shanika reports that she believed that the defendant was looking for drugs. Shanika told the defendant that she did not know about "anything". Shanika advised that she did not know of any drugs.

Shanika reports that she called the defendant's "dad" "because his dad can control him". Shanika reports that while on the phone with the defendant's dad, the defendant grabbed her wallet and held on to it. Shanika reports that she was very scared. Shanika reports that she tried to keep the defendant's dad on the phone but the defendant's dad hung up. Despite this, Shanika pretended that she was still talking to the defendant's dad. Shanika reports that she told the defendant to look in the living room.

Shanika reports that while the defendant was in the living room, she called 911 but still continued to pretend that she was talking to the defendant's dad. Shanika reports that she kept telling the defendant to leave. Shanika reports that her five year old daughter - Raziya A.G., DOB: 07/07/2005 was present during this incident. Shanika reports that she ultimately told her daughter to go to the neighbor's house.

Shanika reports that she kept saying the defendant's nickname into the phone. Shanika reports that the defendant continued asking for his "stuff". Shanika reports that she told the defendant that she did not have his "stuff" whereupon the defendant took all of Shanika's money out of her wallet. Shanika reports that she had approximately \$600.00 in her wallet.

Shanika reports that the defendant took the phone away from her. Shanika states that when the defendant realized that she was on the phone with 911 the defendant grabbed her by her throat and pulled her around the apartment. Shanika reports that the defendant "had" her by her throat for a while. Shanika reports that during that time, there was a period of about 2 seconds wherein she could not breathe or speak due to the fact that the defendant was squeezing her throat. Shanika reports that this caused her pain. Shanika reports that when she tried to speak when the defendant had her by her throat, she was not always able to get words out.

Shanika reports that the defendant pulled and dragged her by her hair from the living room into her bedroom, causing her pain. Shanika states that the defendant took her laptop and hit her in the head, causing her pain. Shanika reports that the defendant then stated, "Fuck that, I'm just gonna take your money." Shanika states that the defendant took her money and left.

Shanika states that she did not give the defendant permission to break her door or cause her pain or strangle her. Shanika signed a "no consent" form indicating that she did not give anyone consent to break her door or cause her pain.

Officer Arnold reports that Shanika told him that her arm hurt and her throat hurt. Officer Arnold asked Shanika if she needed a rescue squad and Shanika indicated that she did. Officer Arnold contacted rescue and Shanika was transported to the hospital. Officer Arnold reports that once at the hospital, he was able to take a written statement from Shanika.

Detective Kenneth Kopesky of the Kenosha Police Department reports that on Saturday, March 5, 2011, at approximately 5:03 p.m., Officer Joshua Zeller and Officer Timothy Schaal of the Kenosha Police Department picked up the defendant on two commitments. Detective Kopesky reports that

03/07/2011

STATE OF WISCONSIN - VS - Sharmain S. Harris

at approximately 5:15 p.m., Shanika called him and claimed to have lied about the above-mentioned incident. Detective Kopesky reports that Shanika asked to drop the charges however, Detective Kopesky advised her that she cannot drop the charges. Detective Kopesky reports that he told Shanika that it sounded like she spoke to the defendant, causing her to decided that she did not want to pursue charges.

Detective Kopesky reports that at around 8:30 p.m., the defendant voluntarily told him that Shanika had been trying to call him "all day". The defendant denied speaking to Shanika. Detective Kopesky reports that the defendant voluntarily told him that Shanika had left him a message stating that she told "the detective" that she was going to drop the complaint. Detective Kopesky reports that the defendant stated that Shanika was crying at the time she left the message.

Defendant's Repeater Status

The defendant is a habitual criminal, having been convicted of at least one felony within the past five years, to wit: in Kenosha County Case Number 09-CF-79 the defendant was convicted of Felony Manufacture/Deliver Cocaine (<=1g) and Felony Falsely Present Noncontrolled Substance on May 19, 2009. These convictions remain of record and unreversed.


Your complainant is an attorney with the Kenosha County District Attorney's Office, who bases her knowledge of this complaint on:

- The official law enforcement agency reports of the Kenosha Police Department prepared by Officer Warren Arnold and Detective Kenneth Kopesky, whose reports were prepared in the normal course of law enforcement duties;
- Statements by citizen informant(s) Shanika N. Price Payne; who is an eyewitness to the facts she relates;
- Statements by the defendant, which were made contrary to his penal interests;
- The official records of: The Circuit Court for Kenosha County; The Department of Transportation; The FBI Triple I Teletype; The Wisconsin Circuit Court Automated Program, which records are maintained in the normal course of business duties.

Subscribed and sworn to before me,
and approved for filing on:

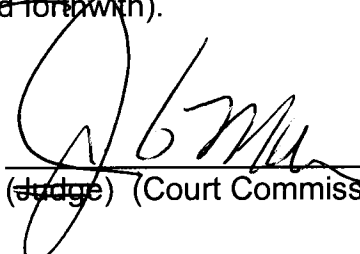
This 7th day of March, 2011.


Assistant District Attorney


Complainant

I find that probable cause (exists) (~~does not exist~~) that the crime was committed by the defendant and order that he be (held to answer thereto) (~~released forthwith~~).

Date: 3-7-11


(Judge) (Court Commissioner)