

FILED
03-20-2023
Clerk of Circuit Court
Racine County
2023CF000386
Honorable Eugene A.
Gasiorkiewicz
Branch 2

STATE OF WISCONSIN CIRCUIT COURT RACINE COUNTY

STATE OF Wisconsin
 Plaintiff,

CRIMINAL COMPLAINT

vs.

DA Case #: 2023KN000446

JAMES A. KERNER
5900 Wynbrook Court
Mount Pleasant, WI 53406
DOB: 08/08/1977
Sex/Race: M/W
Eye Color: Hazel
Hair Color: Black
Height: 5 ft 10 in
Weight: 230 lbs
Alias: Also Known As Jay Kerner

Agency Case #: PPPD 22-015351, 23-000988, 23-000898, 23-000990

& **TIANA KERNER**
 Defendants.

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: CAUSE MENTAL HARM TO CHILD

The above-named defendant on or about January 1, 2020, through September 30, 2022, in the Village of Mount Pleasant, County of Racine, Wisconsin, did, while exercising temporary or permanent control of a child, cause mental harm to that child by conduct which demonstrates substantial disregard for the mental well-being of the child, contrary to sec. 948.04(1), 939.50(3)(f) 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.

Count 2: CAUSE MENTAL HARM TO CHILD

The above-named defendant on or about January 1, 2020, through September 30, 2022, Village of Mount Pleasant, County of Racine, Wisconsin, did, while exercising temporary or permanent control of a child, cause mental harm to that child by conduct which demonstrates substantial disregard for the mental well-being of the child, contrary to sec. 948.04(1), 939.50(3)(f) 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.

Count 3: FAILURE TO ACT TO PREVENT BODILY HARM TO A CHILD

The above-named defendant on or about January 1, 2022, through September 30, 2022, Village of Mount Pleasant, County of Racine, Wisconsin, as a person responsible for the welfare of NJK, 12/03/2008, having knowledge that another person specifically Tiana Kerner, has intentionally caused bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from being repeated, did fail to take that action and the failure to act exposed the child to an unreasonable risk of bodily harm by the other person, contrary to sec.

948.03(4)(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 4: PHYSICAL ABUSE OF CHILD - INTENTIONALLY CAUSE BODILY HARM

The above-named defendant on or about May 1, 2022, through September 30, 2022, Village of Mount Pleasant, County of Racine, Wisconsin, did intentionally cause bodily harm to a child, OJK, DOB 04/23/2006, contrary to sec. 948.03(2)(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: PHYSICAL ABUSE OF CHILD - INTENTIONALLY CAUSE BODILY HARM

The above-named defendant on or about Sunday, October 9, 2022, Village of Mount Pleasant, County of Racine, Wisconsin, did intentionally cause bodily harm to a child, NJK, DOB 12/03/2008, contrary to sec. 948.03(2)(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: FALSE IMPRISONMENT

The above-named defendant on or about Sunday, October 9, 2022, Village of Mount Pleasant, County of Racine, Wisconsin, did intentionally restrain NJK, without that person's consent, and with the knowledge that he had no lawful authority to do so, contrary to sec. 940.30, 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 7: STRANGULATION AND SUFFOCATION

The above-named defendant on or about Sunday, October 9, 2022, Village of Mount Pleasant, County of Racine, Wisconsin, did intentionally impede the normal breathing by blocking the nose or mouth of another person, contrary to sec. 940.235(1), 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 8: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Sunday, October 9, 2022, Village of Mount Pleasant, County of Racine, Wisconsin, did recklessly endanger the safety of NJK, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f) 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.

Count 9: FAILURE TO ACT TO PREVENT BODILY HARM TO A CHILD

The above-named defendant on or about Sunday, October 9, 2022, Village of Mount Pleasant, County of Racine, Wisconsin, as a person responsible for the welfare of NJK, 12/03/2008, having knowledge that another person specifically Tiana Kerner, intends to cause bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from

occurring, did fail to take that action and the failure to act exposed the child to an unreasonable risk of bodily harm by the other person, contrary to sec. 948.03(4)(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 10: CAUSE MENTAL HARM TO CHILD

The above-named defendant on or about Sunday, October 9, 2022, Village of Mount Pleasant, County of Racine, Wisconsin, did, while exercising temporary or permanent control of a child, cause mental harm to that child by conduct which demonstrates substantial disregard for the mental well-being of the child, contrary to sec. 948.04(1), 939.50(3)(f) 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.

PROBABLE CAUSE:

Detective Brey reports that on October 17, 2022, the Mount Pleasant Police Department requested that the Pleasant Prairie Police Department investigate a child abuse investigation involving James Kerner and Tiana Kerner due to a conflict of interest. Det. Brey was assigned to investigate on October 18, 2022.

Det. Brey reports that James and Tiana Kerner are married and live at 5900 Wynbrook Court, Village of Mount Pleasant, Racine County, Wisconsin, with two children James has from a previous marriage, NJK (DOB 12/3/2008) and OJK (DOB 4/23/2006). NJK and OJK live with the Kerners full time. James has another child, JK (DOB 7/24/2016), from a third relationship, who stays with the Kerners on Tuesdays and one weekend a month. All of the following incidents of abuse occurred at the 5900 Wynbrook Court residence.

Mount Pleasant Police Department's Initial Investigation:

On October 13, 2022, NJK was at her friend SLJ (DOB 8/16/2009)'s house when NJK told SLJ's mother, Amber Pfeiffer, that NJK was fearful and did not want to go home because her stepmother, Tiana Kerner, physically abused her. Amber reported that NJK had visible bruises. Amber and her husband, Justin Pfeiffer, contacted Mount Pleasant Police. Officer Padilla responded and spoke with NJK. NJK cried and stated that Tiana has abused her for over three years, including striking her with a hammer and a wooden pole, strangling her to the point of losing consciousness, and a form of waterboarding. NJK stated that Tiana has directed NJK's brother, OJK, to punch NJK in the face.

When asked if there was any other information she wished to tell Officer Padilla, NJK took a long pause, started crying again, and said "if I tell you something, will I get in trouble?" Officer Padilla said no, she would not get in trouble for anything she told him. NJK then said that Tiana has forced NJK and OJK to engage in incestuous acts as a way to dissuade them from reporting the ongoing abuse.

A female officer, Officer Lamster, was called for injuries to NJK's person, and observed that NJK had bruising to her left eye, a bruise to her left big toe, multiple bruises on her chest, and bruising to her buttocks. Approximately 60-70% of NJK's left buttock was bruised in a horseshoe shape with a linear formation, consistent with being struck with a wooden pole.

Officers Padilla and Navarro responded to the Kerner residence and spoke with James Kerner. James denied the accusations and stated that he and Tiana punish the children by lecturing them. James stated that NJK has a history of lying, such as saying she does not have any friends but her teachers describe her as a “social butterfly.” James mentioned that he and Tiana just arrived home from NJK’s parent-teacher conferences, where he received “bad reports from the teachers.” James said that he and Tiana “believe there may be some other things, such as low spectrum autism or Asperger’s” affecting NJK. When asked if NJK was ever tested for autism or Asperger’s, James stated that it was “hard to find the right physicians for that” and that they were “trying to deal with the schools and they saw they don’t develop case plans for this at school.”

Officer Navarro spoke with OJK, who denied that Tiana or James engaged in physical forms of punishment. OJK stated that James texted the family flip phone and was angry that night about how NJK’s parent-teacher conferences went.

NJK’s Medical Exam at CAC:

On October 14, 2022, NJK underwent a forensic medical examination at the Milwaukee County Child Advocacy Center (CAC). APNP Kelly Nelson documented the following injuries on NJK and concluded that given the information available and the overall clinical picture, NJK was physically abused:

- Bruising below her left eye. NJK stated Tiana instructed OJK to punch her, and APNP Nelson noted this injury was consistent with that disclosure.
- Red bruising to her upper right palate with adjacent white lesion on her left upper palate. NJK teared up while explaining that she sustained this injury when she had a “wooden pole stuffed in my mouth, it hurt to swallow.” APNP Nelson noted those injuries were consistent with that disclosure.
- Patterned bruising to her left buttock with underlying swelling, hard and tender to palpation. NJK stated she sustained this injury from “the wooden pole.” APNP Nelson noted that the amount of swelling and bruising was consistent with a high velocity impact, consistent with being hit with a wooden pole.
- Blanchable erythema on her right buttocks
- Healing abrasion on her chest. NJK stated this injury was scabbing from an injury sustained from the wooden pole. APNP Nelson noted that this injury, in light of other injuries and the history provided, was highly concerning for physical abuse.
- Hypopigmented healed injury to her right upper shoulder. NJK stated she sustained this injury when she was shoved against a wall. APNP Nelson noted that this injury, in light of other injuries and the history provided, was highly concerning for physical abuse.
- Blanchable erythema to medial aspect of her foot and skin adjacent to her big toe. NJK stated that this was a “scar, a hammer, it hurt to walk and was completely swollen.” APNP Nelson noted that this injury, in light of other injuries and the history provided, was highly concerning for physical abuse.
- Healing abrasion and blanchable erythema to her elbow. NJK was unsure what caused this injury.

NJK Interviews:

NJK participated in a forensic interview at the Milwaukee CAC with Forensic Interview Lauren Lycan on October 14, 2022. Racine County Human Services Worker Michelle Pederson and Det.

Brey checked in with NJK again on later dates. During those interviews, NJK disclosed the following:

NJK explained that her mother, Tanisha Garcia, was in her life until about three years earlier, when Tiana and James said they couldn't continue "doing the back and forth" and NJK and OJK started living with James and Tiana full-time. NJK stated that initially she received slaps on the wrist or in the face as forms of discipline, and that James would sometimes "whoop" them with a belt. NJK stated that things got worse after Tiana determined their punishments were not as effective as she wanted. NJK stated things escalated from being "whooped" with the belt only occasionally to being "whooped" with the belt about three times a week, and then escalated to being hit with the wooden pole by Tiana weekly.

NJK said that the punishments mostly came from Tiana. NJK said that neither James nor OJK ever hit her with the wooden pole but that James has backhanded her in the face and witnessed some of Tiana's punishments. NJK said that sometimes James stood up to Tiana for NJK, but that Tiana would ask why James would defend NJK when NJK is disrespectful. NJK stated that OJK disclosed to her that once James stood up to Tiana for OJK, telling Tiana she needed to stop or that she might break something, but that Tiana told James not to tell her what to do and slapped James in the face.

NJK described some of the mechanisms of punishments she's received:

- **Wooden Pole/Closet Rod:** NJK described being hit with a wooden pole on her buttocks, the top of her head, her neck, her arms, and her back by Tiana, and that Tiana jammed the wooden pole into NJK's mouth and chest. NJK said that on one occasion, Tiana hit her on the side of the neck with the pole and "everything went black for a second, then she came back and everything felt weird." NJK stated that the wooden pole Tiana regularly uses is long, approximately an inch or two in diameter, and has a green mark on it. NJK said that Tiana and James usually keep the pole in their closet and that every time she sees it, memories of being hit with it come flashing back.
- **Punishment with a Hammer:** NJK stated that in early 2022, Tiana hit NJK on the toe with a hammer. NJK was unsure what she did to prompt that punishment that day, but said that Tiana retrieved a hammer from the home office, approached NJK in the living room and told her to stick her foot out. NJK said that James was in the living room during the incident. NJK said that it caused her foot to hurt, then it went numb, and soon after her foot was swollen and it was difficult to walk. NJK said she witnessed Tiana hit OJK on the foot with a hammer once as well, and that OJK disclosed to her that it happened multiple times.
- **Food:** NJK stated that she and OJK were forced to eat canned tuna, canned vegetables, spicy ramen noodles, and cold Spaghetti O's with Meatballs as punishment. Sometimes Tiana and James would not allow them to eat at all. When asked how often NJK or OJK were forced to miss a meal, NJK responded "a lot."
- **Water:** NJK said that the punishments escalated to being forced under water, such as having her or OJK's face held under running faucets and showers or having water poured onto her face from a red "party" cup that Tiana kept in the shower. NJK referred to these punishments as "waterboarding" because that's how Tiana and James described it. NJK estimated that she suffered water punishment approximately four times, as recently as October 9, 2022. On that date, she was duct taped and put in the shower. The three prior times she was not restrained with tape. NJK said that when Tiana and James put water on her face, her mind "thinks that something isn't right" and she feels the urge to fight back and

save herself. On October 9th, NJK said she could not resist or fight back because she could not move. On one of the occasions prior to October 9th, NJK was able to resist momentarily and caused Tiana to suffer a mark of some sort. NJK stated that Tiana claimed to document the mark and told NJK that she would use it against NJK if she ever reported the abuse. NJK said after the first shower incident, she struggled to take showers because it brought back too many bad memories.

- **Strangulation:** NJK said that Tiana strangled her and OJK by placing her hands on their necks and squeezing until they blacked out, and would make fun of how they “twitch.” NJK said she was unable to breathe normally when this happened and sometimes her breathing was restricted entirely. NJK said that just before she blacks out from being strangled her legs weaken, her body goes limp, and then she falls. When she regains consciousness, she sees little dots everywhere, she’s dizzy, and her body twitches a little, and she’ll often later have a headache and be sore. NJK said that the last time Tiana strangled her, October 12, 2022, Tiana claimed that she took a video of NJK “twitching” because NJK “looked retarded and psycho.” NJK said she’s witnessed Tiana strangle OJK and described it as “really creepy” to see someone go weak in the knees, fall to the ground while someone has their hands on the person’s neck, and watch the person cease movement but then start twitching.
- **Forced Incest:** NJK disclosed that Tiana has forced NJK and OJK to kiss and “make out” with each other to dissuade them from reporting the abuse, because it’s “illegal to make out with a relative” so if NJK or OJK report abuse to the police, Tiana can “make them look insane.” NJK said this has happened about five times that month (October 2022). NJK said she and OJK have both cried while making out. Tiana told them that if they continued disobeying her, she would force them to undress and record each other naked. Tiana threatened that she would then show the videos to police, claim she found them on the family flip phone, and that OJK would be charged criminally and NJK would likely “go to a group home because she’s retarded.”
 - o On one occasion in early October 2022, Tiana told NJK to grab OJK’s penis and “yank” on it. NJK stated that Tiana already made NJK and OJK make out twice that day. NJK and OJK had their pants down and Tiana told NJK to touch OJK’s penis, and told OJK to touch NJK’s vagina. NJK said she and OJK were both crying during the incident. NJK advised that OJK reached out, but NJK said she wouldn’t do it. Tiana again told NJK to grab OJK’s penis and pull on it. NJK complied and said she could see OJK was in pain so she tried not to pull hard. Tiana then made NJK pull harder or face further punishment. NJK started crying while talking about the incident during the interview.
 - o On a separate date in early October 2022, Tiana placed a lit lighter under NJK’s vagina. NJK said it did not burn her, but it was close enough that she felt the heat. NJK said she observed Tiana do this to OJK under his penis.

NJK also stated that she and OJK would sometimes be forced to stay in their room when they weren’t at school, to sleep on the floor and share a blanket, and to stand for long periods of time. NJK stated these standing punishments lasted between 8-12 hours, but she once stood for almost 24 hours straight.

NJK witnessed James punish OJK by punching him in the stomach. This most frequently occurred between summer 2022 through early 2023.

NJK stated that the punishments were usually in response to “poor communication” and said that Tiana gets annoyed when NJK responds too quickly or too slowly. NJK said that she blames herself for why Tiana punishes her, but that she recently disclosed some of these incidents to her friends, who told her this wasn’t okay and to talk to someone. NJK said Tiana told her that if she reported any of the abuse, they would deny any of it happened, and that because James is “known by a lot of police officers” and “liked by people in Racine” no one would ever believe what NJK or OJK said. NJK said this was one of the reasons she did not tell anyone else, but that she’s been thinking that she cannot endure this for 4 more years, and is scared they may kill her.

NJK recounted specific “punishments” she endured in the days leading up to October 13, 2022:

10/9/2022:

NJK said that she was punished on October 9, 2022, for not asking whether she should clean. NJK said that Tiana told OJK to punch NJK in the face. OJK walked over and lightly punched NJK in the face so it wouldn’t hurt as much, but Tiana told OJK to do it again harder. NJK cited this incident for a healing bruise to her left eye. NJK said she started cleaning upstairs but accidentally vacuumed the carpet on the wrong setting. Tiana then hit NJK on the buttocks with the wooden pole.

NJK was punished later that same day for hanging wet rags in the wrong place to dry. NJK stated that two weeks earlier, she’d gotten in trouble for hanging the wet rags in the shower to dry, and one week earlier got in trouble again for asking where to put wash clothes. As a result of putting rags in the wrong place on October 9th, Tiana told NJK it was time to put her in the shower. NJK started backing into the corner in the living room saying “I can’t do this” softly to herself. James asked NJK what she said, and she said she “couldn’t do it.” Tiana asked “what do you mean, ‘you can’t do it’?” and locked the front and back doors. NJK said she realized she was locked in and thought to herself “this is it.” Tiana started duct taping NJK, and James told Tiana to put a towel between the tape and NJK’s skin so the tape did not leave residue on NJK’s arms. Tiana used almost an entire roll of duct tape. NJK said the tape covered most of her body, covering her from her shoulders down to her forearms and down to her calves. NJK described what she was wearing that day, which was later corroborated by what Detective Brey observed NJK wearing on October 9th on the Kerner family’s Arlo security video system.

James then picked up NJK and carried her to the master bathroom. James and Tiana turned on the water, and James put NJK on the floor of the walk-in shower, holding NJK’s head up by her hair so her face was in the water. NJK said James picked her up and held her legs and body while Tiana held NJK’s head under the stream of water. NJK said she was screaming for her mom and pushed against the shower walls until she ended up on the shower floor. NJK said at one point she remembered Tiana slowly poured water on her face with the red “party” cup and NJK tried blocking it with her hands, but James and Tiana held her wrists and hands down. NJK said she struggled to breathe while forced under the shower water, and even told James and Tiana she couldn’t breathe during the assault, but that they replied “that’s the point.” NJK said that James eventually cut the tape off of her with a folding knife he keeps in the master bathroom drawer. Officers later located a folding knife and a red plastic cup in the master bathroom during a search of the residence.

10/11/2022:

NJK said that on October 11, 2022, Tiana struck NJK and OJK with the wooden pole on the buttocks because they did not refill the soap.

10/12/2022:

NJK was strangled by Tiana, causing her to lose consciousness and blackout for a few seconds, and punished with the wooden pole three times on October 12, 2022. NJK was doing her homework on the back porch when Tiana arrived home. NJK went inside and was thinking about whether she needed to tell Tiana anything. Tiana got mad at NJK for “standing there like a creep.” Tiana pointed to her (Tiana’s) room, which NJK said she knows means she’s going to be punished. NJK entered Tiana’s room, where Tiana struck her with the wooden pole multiple times. NJK said this caused her to be sore and swollen, and that it was difficult to walk afterwards.

Later that day, NJK and Tiana were talking about something and Tiana went downstairs. NJK waited where she was, thinking Tiana would quickly return and they’d continue their conversation. Tiana returned 15 minutes later, angry at NJK. NJK asked Tiana if she could start her homework, which further upset Tiana, as Tiana knew NJK had already started working on her homework. Tiana told NJK she was going to “beat her ass”, and that NJK was to clean the kitchen then go to bed. Tiana then struck NJK again multiple times with the wooden pole.

Later as NJK was washing dishes in the kitchen, Tiana became upset because NJK was being too loud. Tiana took NJK into Tiana’s room for a third time. NJK braced to be struck again, but Tiana told NJK to open her mouth and that she needed to obey her or it would be worse. NJK opened her mouth and Tiana pushed the wooden pole into NJK’s mouth. NJK said that she thought her mouth was going to bleed and that the pole hit the back of her mouth. Before NJK went to bed, Tiana gave her an ice pack. NJK said she was surprised by this, but then thought Tiana likely wanted the swelling that was starting on NJK’s buttocks to go down so the injury wouldn’t be noticeable to anyone else.

10/13/2022:

NJK said she decided she “couldn’t do it anymore.” On October 13th, James and Tiana asked NJK if they were going to hear anything bad about her while at parent-teacher conferences. NJK said no. James and Tiana told NJK that if they did hear something bad, they would duct tape her, put her in the bathtub, fill the tub, and hold her head under the bath water. NJK said she received a text on the family flip phone that James and Tiana just finished the conference with NJK’s teacher Mr. Allemange and that NJK was in “big, big trouble.” NJK said all she could think about was how she was punished on Sunday (October 9) and that she could not imagine being taped and put under water. NJK said “what if they wouldn’t bring me back out?” and started crying during this portion of the interview.

Search of the Kerner Residence:

On October 25, 2022, Pleasant Prairie Police executed a search warrant at the Kerner residence. Det. Brey noted that during the search of the home, JK was the only child with a main-floor bedroom with a full-sized bed and appeared to have far more belongings than NJK and OJK combined, even though JK only stays at the residence occasionally. Det. Brey was surprised by the few number of personal effects for OJK and NJK. A closet rod similar to what NJK described, including having a green mark, was located in JK’s closet.

NJK had disclosed that there were seven Arlo security cameras installed inside and outside the home and described their locations. NJK said that James and Tiana would get the Arlo updates on their phones. Det. Brey located packaging for seven Arlo cameras with seven different serial numbers in the basement storage area of the residence. The four exterior cameras were located exactly where NJK described, yet the interior cameras were all missing.

Video Evidence:

Det. Brey completed a preservation request on October 23, 2022, and a search warrant for the contents of the Kerner's Arlo interior and exterior surveillance cameras, and received a thumb drive that contained videos with audio from the Kerner's exterior camera system on November 23, 2022. Arlo did not have the ability to retrieve deleted videos or videos that were more than 30 days old. Detective Brey reports that it was unclear whether the interior cameras only had live stream capabilities or if the content was deleted prior to her preservation request.

Det. Brey reviewed the videos and reports that her overall impression was that OJK and NJK appeared skittish and never appeared to complain or whine. In every video, OJK or NJK were completing chores, walking to school or work, or getting into a vehicle. None of the videos showed NJK or OJK playing or lounging.

On September 25, 2022, at approximately 6:19 p.m., James entered the residence but kept the door open. Approximately 90 seconds later, a scream is heard. About two minutes later, a voice that sounds like NJK's yelled "stop it" and "you're hurting me." On October 2, 2022, Tiana was outside when NJK approached and asked what Tiana wanted NJK to do with the wet wash clothes. Tiana replied "why do I have to answer this every fucking week?" and later says "put them over the fucking, stupid fucking laundry bins, I don't give a shit." Det. Brey noted that this corroborated what NJK stated occurred during her CAC interview. On October 9, 2022, NJK is observed in similar clothing to what she described wearing on that date during the water punishment.

Phone Evidence:

Det. Brey obtained search warrants for Tiana's cell phone, James' work and personal cell phones, and the family flip phone, and reviewed the contents of those phones, which were confiscated on October 18th. Neither NJK nor OJK have their own cell phones. What was identified as the family flip phone appeared to have had all of its content deleted prior to officers taking custody of it on October 18th – the phone had no contacts, call log or text messages, not even the messages OJK and NJK stated were received from James and Tiana about the 10/13 parent-teacher conferences.

Text messages located on Tiana's phone showed the following conversations between she and James:

- Multiple discussions about what to give NJK and OJK for dinner when they were "on punishment"
- NJK was forced to stand for long periods of time
- NJK and OJK were forced to sleep on the floor
- NJK and OJK were forced to go to bed as earlier as 4:57 p.m. and sometimes denied the ability to do their homework
- That NJK and OJK had to ask permission before they could start their chores or their homework, but were other times punished for not starting them on their own

- Multiple conversations that made it appear that OJK and NJK were reprimanded no matter how they responded to Tiana's questions (responding too quickly, responding too slowly)
- Tiana felt NJK's hygiene was poor
- Claims that OJK "steals from family and neighbors." Detective Brey searched over 13,000 pages of text messages and did not locate any messages discussing what OJK has ever stolen.

Det. Brey reports that one recurring theme throughout the text messages was Tiana and James speaking about NJK and OJK in very demeaning ways.

Text messages between Tiana and James revealed that:

- On **March 31, 2020**, OJK requested to use a blanket because he was cold but James did not respond. Tiana texted James saying she planned to feed NJK and OJK ramen noodles with siracha for lunch because they were on punishment, and then send them back to their rooms instead of allowing them to complete their homework. James replied "Lo!!!" Tiana texted James that NJK was crying, OJK was about to cry, and that they were drinking a lot of water. James told Tiana to give them a small salad or banana once they finished, but Tiana said no to more food or any water refills.
- On **April 1, 2020**, text messages revealed that Tiana was making NJK and OJK run laps and that if NJK did not keep up with OJK, NJK would "get whooped." NJK screamed and cried for OJK to slow down so she would not "get whooped."
- On **April 8, 2020**, Tiana and James discussed whether or not they would allow OJK to finish his homework.
- On **April 28, 2020**, Tiana admitted to impersonating OJK in an email sent to OJK's friend and making disparaging comments about OJK in that email.
- On **May 5, 2020**, Tiana texted James "what the fuck" and "he already forgot?" James replied "yup" and asked if he should just tell "him" to go to bed. Tiana responded "no, make him work for this. He needs to shower." James replied "I get it. Timing."
- On **May 12, 2020**, Tiana texted James starting at 7:38 p.m. that she wanted NJK to prove she was sorry about something, and Tiana texted that "She's tired, hungry, and sick of standing. That does not equal a genuine apology" and that "I told her earlier this can go as long as she's not genuine." James replied "she needs a shower." Tiana replied that this is the moment the "BS can possibly be broken" but she "hesitate[s] to give up that chance after doing this all day." At 10:15 p.m., Tiana said she was tired and it was bedtime. James replied "and....." and Tiana replied "and I guess she hangs there all night."
- On **October 5, 2020**, Tiana texted James saying that NJK is showering too quickly. Tiana also mentioned a divorce, and cited James' children as the main problem in their relationship. James responded that his children "are stressful, sometimes more than others, but they still are kids and learning every day. Sometimes I feel I have treated the worst criminal in the US better." Tiana responds that "everyone treats their job and strangers better because there is no emotion investment." Tiana wanted to know how James planned to parent the kids, and he responded "it's a method that I'm sure you won't agree with. I think it's like releasing an inmate from RH after a period of time. Continuing to provide guidance but having a watchful eye on issues and addressing them. Taking a deep breath and have a discussion and work consequences in as they are appropriate. I have seen what a solitary room will do to someone, let alone a child." Tiana responded "what part of our house is an absolute mess and they are confined to their rooms for school for good reason don't you get?" Later that same month, Tiana texted James "like I said, free

cleaning for seven more years” and that NJK didn’t deserve anything whether it’s needed or not.

- In **January 2021**, James took OJK and NJK ice fishing and that he was going to take a nap while making the kids watch and wake him up if the flag goes up. Tiana replied “great idea, just let them sit there doing nothing while you sleep.” James texted later that he “can’t let them have real fun” and Tiana replied “very, very true. You better not.”
- In **April 2021**, James texted Tiana wanting to know what happened to NJK because it “looked like she went a couple rounds with a kangaroo.” Tiana told James to ask NJK. James later replied “Ok. She is dealt with.”
- In **June 2021**, Tiana texted James that OJK admitted to someone that he ate food without their permission, and that Tiana and NJK were “handing him his ass.” James replied “fuck him.”
- In **February 2022**, Tiana texted James that she found a tissue, dental floss, a Q-tip, a piece of paper, a wrapper, crumbs, and clumps of hair “hidden” in NJK’s bed. James replied that NJK can “receive shit for dinner again.” Tiana texted that NJK “knew every time she brought one of those items to her bed she was doing something wrong. That is multiple times of wrongdoing, not just one. However, I am inclined to think that stuff occurred pre-cameras but that is still no excuse.” On February 17, 2022, Tiana referenced a camera pointed towards NJK’s room, and in July 2022, referenced two indoor cameras, one of which she could not reach without a ladder.
- In **March 2022**, Tiana texted James about a phone conversation she had with her own brother, who disclosed that he was abused by their father and that their father punched him in the face. Tiana texted that she told her brother that “it wasn’t abuse and he deserved it.”
- In **June 2022**, James and Tiana discussed going to a party that Saturday and whether they should bring the kids. James asked Tiana “do the kids have many bruises? It allows for swimming.” Tiana responded that “they look fine.”
- In **August 2022**, James and Tiana texted about an unrelated law enforcement investigation and discussed that law enforcement will look at cell phones during an investigation and that “unless they have evidence on the phone” it’s he-said, she-said.
- On **September 25, 2022**, Tiana texted James that NJK was “a royal bitch.” Det. Brey reports that later on this date, exterior cameras at the residence picked up what sounded like screams coming from inside the Kerner home.
- On **October 13, 2022**, Tiana and James texted about Mount Pleasant Police initiating this investigation and taking an initial report from James while OJK was left unattended with Tiana. James told Tiana that “they” are saying NJK has marks on her. Tiana replied “from [OJK] or from something we don’t know about” and said she (Tiana) had pictures from when NJK “attacked” her. James asked Tiana what OJK has been doing to NJK, and Tiana replied “I know they wrestle each other but we also know he’s hit her with the closet rod and she has hit him and that’s why we took it away and hid it in our room.” Tiana then added “she’s been playing football and other sports with the boys at school during recess” and maybe NJK got hurt doing that. Tiana told James that this “almost feels set up by [NJK]” and to make sure he told officers that NJK “lies about everything.” Tiana texted that “[OJK] said this is all making him realize he needs to change his ways and not lie.”

Det. Brey did not observe any text messages between Tiana and James during the timeframe of January 1, 2020, through October 12, 2022, that discussed NJK and OJK physically fighting with each other.

OJK CAC Interview and Forensic Medical Exam on 10/18/2022:

On October 18, 2022, OJK participated in a forensic medical exam. Rita Ventura, APNP, documented observing a large amount of bruising on OJK's thigh and buttocks. Ventura noted that the force necessary to cause the bruising would have been painful and that given the overall clinical picture, with the information available, she believed that OJK was physically abused.

During the CAC interview, OJK stated that he and NJK sometimes "get into it" but nothing severe. OJK claimed that injuries to NJK's person may be from him hitting her with the wooden pole, but was unable to explain how or why she sustained other injuries visible to law enforcement and at her forensic medical exam. OJK said that James and Tiana "would never lay a finger on them."

JK CAC Interview on 10/19/2022:

When asked if there was anything JK did not like about going to his father's home, JK stated he did not like the "conversations" between he and his step-mother "Ti" (Tiana). JK stated there were cameras inside the home, including inside OJK's room, NJK's room, the kitchen, and the front portion of the home. JK said there is not a camera in his bedroom. JK said Tiana and James watch the cameras on their computer to see what the kids do wrong so they can be punished.

Interviews with Parent-Teacher Conferences:

The night of October 13th, when law enforcement first spoke with NJK about the abuse, James told Officer Padilla that he'd received "bad reports from NJK's teachers" and just learned at parent-teacher conferences that night "about more lying that's occurring." James also claimed he and Tiana were working with NJK's school because he believed NJK may have autism or Asperger's. Det. Brey interviewed NJK's teachers and school staff. There were no reports about James and Tiana contacting the school about teaching plans for NJK or any concerns about her being on the autism spectrum.

All of the following teachers advised that Tiana and James requested parent-teacher conferences with them, which occurred on October 13, 2022:

- Justin Allemange is NJK's science, social studies, and math enrichment teacher. Allemange described the conference as "interesting" and "strange", and said he's never had a conference like the one with the Kerners. Tiana and James were fixated on whatever negative aspects they could find during the conference. Allemange said that NJK's grades are where they should be but sometimes NJK blurts out answers. Allemange added that another girl in the class and NJK disliked each other at one time, but recently made up and things appeared very positive. The Kerners told Allemange that NJK could not be trusted and that she's a compulsive liar.
- Rodney Strutz is NJK's math, homeroom, and summer school teacher. Strutz described the conference as the strangest conference he's ever participated in due to the harsh way the Kerners spoke about NJK. Strutz said the Kerners wanted to know if NJK was "lying at school" and told him that NJK was a compulsive liar. Strutz said it was odd to him how concerned NJK was leading up to the conference because she's doing very well academically and behaviorally.
- Amanda Stangier is NJK's English teacher. Stangier stated that it was the strangest conference she's ever participated in, and that she was so uncomfortable during her conference with the Kerners that she shared her interaction with some of her colleagues. Stangier stated that she thought the conference would go quickly and smoothly because NJK is a "high-level student." However, the Kerners appeared "put down by the positive feedback" and said NJK could not be trusted and was not really completing her assignments

the way she should be. Stangier said most of the conference consisted of the Kerners trying to convince Stangier that she'd been "bamboozled."

Interview with Tanisha Garcia:

Det. Brey spoke with Tanisha on January 22, 2023. Tanisha stated that NJK is in therapy to process and move forward, but there have been some "bad days." NJK has feared showering at night and that they've been having issues with food. NJK wants to know if something is going to be spicy or make her sick, and always asks permission before eating something. Tanisha said she noticed NJK occasionally "hoarding" food and she didn't ask about it, but that NJK told her she was "hungry all the time" when at the Kerner house and that OJK would bring food home from his job at Festival Foods and hide it so they could eat when Tiana and James wouldn't allow them to do so. Tanisha said that NJK would become panicked if NJK didn't see Tanisha, Tanisha's daughter, or Tanisha's father at school pickup because of the school's proximity to the Kerner residence. Tanisha's father started getting to the school an hour before pickup to ensure his vehicle was one of the first ones in the pickup line to alleviate NJK's fears.

Interview with Kelly Mayer:

On October 19, 2022, Captain Ollila spoke with Kelly Mayer, JK's mother. Mayer stated she used to live with James and that she once witnessed James take off his belt and strike OJK on the leg with so much force that she felt uncomfortable and walked out of the room.

Interviews with NJK's friends:

Det. Brey spoke with some of NJK's friends:

- SLJ stated that NJK disclosed to her that her stepmother forced NJK to make out with her brother, that the Kerners would keep her in her room, and force her into the shower tied-up. SLJ stated that she and NJK don't really talk about hanging out because NJK was on "lifelong grounding" and that NJK didn't get to do crafts or anything fun. SLJ said that on October 13, 2022, NJK showed up at her house unannounced and said she snuck out while her parents were at parent-teacher conferences because they were going to tie her up and put her under water in the bathtub when they returned. SLJ said NJK kept looking back towards the Kerner house to see if they were home yet.
- TM (DOB 9/13/2008) stated that NJK first brought up being hit by Tiana in the 2021-2022 school year. NJK stated she's hit if she does not do or finish a chore. In October 2022, NJK asked TM if she could spend the weekend with TM because Tiana threatened to make NJK make out with her brother. NJK was not allowed to stay the weekend with TM, but when NJK returned to school the following Monday, she had a cut on her lip and a bruise on her arm. NJK told TM that Tiana made NJK make out with her brother and hit her. TM also thought she remembered NJK's neck being red. TM told NJK she needed to tell someone what was going on.
- EMW (DOB 1/29/2009) stated that NJK used to come to school with bruises on her face but seemed much happier since being placed outside the Kerner residence. EMW stated that one Friday, NJK told EMW that Tiana threatened to make NJK and OJK make out in front of her if they "fucked up again." EMW said she dreaded seeing NJK after the weekend in case something happened to her. The following Monday, EMW saw NJK using her hands to cover her face. EMW asked NJK if she was okay, and NJK moved her hands, revealing that she had bruises around her eye and her lip was swollen. EMW asked NJK what happened, and NJK said she "messed up" and "they had to kiss while her stepmom watched." EMW said the topic made NJK uncomfortable so she did not ask any additional questions.

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 Pleasant Prairie Police Department and Mount Pleasant Police Department prepared by Officer Padilla, Officer Navarro, and Detective Brey, which reports were prepared in the normal course of law enforcement duties;
- Statements by citizen informant(s) NJK, OJK, JK, SLJ, TM, EMW, Justin Allemange, Rodney Strutz, Amanda Stangier, Tanisha Garcia, Amber Pfeiffer, Rita Ventura, Kelly Nelson; who are eyewitnesses to the facts they relate;
- 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 on 03/17/23

Electronically Signed By:

Alexander Huber

Assistant District Attorney

State Bar #: 1116771

Electronically Signed By:

Emily K. Gaertner

Complainant