

FILED  
02-03-2021  
Clerk of Circuit Court  
Kenosha County  
2020CF000983

STATE OF WISCONSIN	CIRCUIT COURT	KENOSHA COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2020KN003907	
vs.	Court Case No.: 2020CF000983	
KYLE H. RITTENHOUSE DOB: 01/03/2003 Defendant.	<b>MOTION TO INCREASE BOND</b>	
	Hon. Bruce E. Schroeder	

*For Official Use*

The State of Wisconsin, by Assistant District Attorneys Thomas C. Binger and Jason R. Zapf, hereby move the Court, the Honorable Bruce E. Schroeder, to increase the bond of the defendant, Kyle Rittenhouse, in the above-captioned matter. The defendant has violated the conditions of his bond by failing to update his address in writing with the Court within 48 hours of moving, thereby preventing the Court from monitoring his whereabouts.

Hundreds of people turned out to protest in downtown Kenosha on the evening of August 25, 2020. In the midst of this crowded scene, the defendant shot and killed Joseph Rosenbaum and then fled on foot, creating a dangerous active shooter situation. Several people pursued the defendant and attempted to stop him because they had no idea what his intentions were or whether he would kill again. When Anthony Huber valiantly intervened and attempted to disarm the defendant, the defendant shot and killed him. Another, as-yet-unknown individual also attempted to stop the defendant and was also shot at and nearly killed. When Gaige Grosskreutz approached the defendant, the defendant shot him and nearly blew his arm off. He has been charged with First Degree Intentional Homicide, First Degree Reckless Homicide, Attempted First Degree Intentional Homicide and two counts of First Degree Recklessly Endangering Safety. If convicted, the defendant will almost certainly serve the remainder of his life in prison.

After his arrest, the defendant was held in custody until \$2 million was posted on his behalf and he signed a bond on November 20, 2020. That bond listed the defendant's address as "286 Anita Terrace, #10, Antioch, IL" and specifically required him to "give written notice to

the Clerk of this Court within 48 hours of any change of address or telephone number". It is important to note that the \$2 million came from a dubious Internet fundraising campaign, and the defendant and his family did not post any money toward that bond. As a result, the defendant is free from custody with minimal incentive to comply with his bond conditions. He posted no money so he has no financial stake in the bond. He is already facing the most serious possible criminal charges and life in prison, so in comparison, potential future criminal penalties are insignificant. Indeed, the defendant has already demonstrated his carefree attitude by going to a bar immediately after his arraignment on January 5, 2021 and drinking 3 beers in the company of known "Proud Boys" while flashing white supremacist signs and wearing a "Free as F\*ck" shirt.

In a criminal case as serious as this one, it is critically important that the Court be able to monitor the defendant's whereabouts at all times. After all, it is extremely unusual for a defendant facing a charge of First Degree Intentional Homicide in Kenosha County to post cash bond and be released from custody pending trial. Rarely does our community see accused murderers roaming about freely. As a result, the defendant's bond requires him to update the Court in writing within 48 hours of any change of address or telephone number.

The address listed on the defendant's November 20, 2020 bond, 286 Anita Terrace, #10, Antioch, IL, is false and the defendant no longer resides there. On December 22, 2020, the Clerk of Circuit Court mailed a notice to the defendant at that address, and the notice was returned unclaimed on January 28, 2021. The US Postal Service indicated on the notice that service was "Attempted Not Known" and they were "Unable to Forward". On February 2, 2021, Kenosha Police Detectives Benjamin Antaramian and Martin Howard traveled to 286 Anita Terrace, #10 in Antioch, IL. At that address, they spoke with a man named Aiden Earl, who stated that he has resided there since December 14, 2020 on a rental lease which began on December 15, 2020. Mr. Earl produced a utility bill in his name with that address on it, and

stated that the defendant no longer resides there. The same Anita Terrace address was listed on the bond that the defendant signed on January 22, 2021, and he failed to correct it. The defendant has also failed to provide the Court with a new address.

Due to the defendant's violation of his bond condition, the State respectfully requests the following:

1. That the Court issue a warrant for the defendant's arrest and increase his bond by \$200,000.
2. That the Court order the defendant to update his address in writing with the Clerk of Court immediately.

Date Signed: 02/03/21

Electronically Signed By:

Thomas C. Binger

Assistant District Attorney

State Bar #: 1027874

**STATE OF WISCONSIN, CIRCUIT COURT, KENOSHA COUNTY**

State of Wisconsin, Plaintiff

-vs-

Kyle Rittenhouse, Defendant

**RESPONSE IN OBJECTION  
TO STATE'S MOTION TO  
INCREASE BOND**

Case Nos. 2020CF983

Kyle Rittenhouse, by and through his attorney, Mark D. Richards, hereby objects to the State's Motion to Increase Bond and submits the following in response:

1. Upon information and belief, Kyle Rittenhouse and his family have received numerous death and other threats based on the events of August 25, 2020 in the City of Kenosha, Wisconsin. Some of these threats were delivered via social media within hours of the shootings in this case.
2. The threats against Kyle and his family have been conveyed via multiple methods, including social media, postal mail, and email correspondence. As such, the entire Rittenhouse family has had to delete all social media and email accounts, and also reside in an undisclosed "Safe House."
3. Kyle was released from pre-trial custody on November 20, 2020 after cash bond was posted in this matter. Attorney John M. Pierce, formerly of the Rittenhouse defense team, personally posted Kyle's bond at the Kenosha County Public Safety Building after coordinating the logistics of his release with high-ranking members of the Kenosha County Sheriff's Office. See attached Affidavit of John M. Pierce.
4. While completing paperwork related to Kyle's release, Attorney Pierce was directly informed by a high-ranking member of the Kenosha Police Department *not* to provide the address of the Rittenhouse Safe House because of the numerous threats made against Kyle and his family. See attached Affidavit of John M. Pierce.
5. On November 30, 2020 Attorney Corey Chirafisi, on behalf of the Rittenhouse defense team, contacted ADA Thomas Binger via email to discuss providing the court with Kyle's new address. There, Attorney Chirafisi asked ADA Binger if he would agree to allow this information to be filed under seal due to concerns about the safety of the Rittenhouse family, should their location become available to the public. ADA Binger refused. See attached Exhibit 1.
6. The threats against Kyle have not ceased since his release from pre-trial custody. As recently as January 25, 2021, an unidentified member of the public sent an email directly to undersigned counsel threatening the violent rape of Kyle Rittenhouse, should he return to custody. See attached Exhibit 2. This is not the only threat to Kyle the undersigned has received.
7. It is of concern to the defense that any information regarding Kyle's location being publicly available would result in immediate harm to the Rittenhouse family. Upon

information and belief, the undersigned attorney is aware that following the December 3, 2020 preliminary hearing in this matter, the Antioch, Illinois address listed for Kyle Rittenhouse on CCAP was publicly posted on Twitter.

8. It is noteworthy that the State has only now decided to file a motion to increase bond in this case, despite having corresponded with Attorney Chirafisi regarding the change in Kyle's residence over two months ago.
9. It is further noteworthy that on November 2, 2020 ADA Binger asked the court to impose a \$2,000,000.00 cash bond in this case with full knowledge that the Rittenhouse family no longer resided in Antioch, Illinois.<sup>1</sup>
10. Kyle Rittenhouse has made all court appearances and has stayed in constant contact with the undersigned attorney throughout the duration of this case.
11. The defense has no objection to providing the court with Kyle Rittenhouse's current address if such information can be withheld from public record and distribution. However, an increase in bond amount at this time is unwarranted due to the reasons provided above.
12. Under a separate Motion to Seal, the defense has simultaneously filed a notice updating the court with the defendant's current address.

Defendant's objection to the State's Motion to Increase Bond is further supported by the information contained in the attached Affidavit and Exhibits.

Electronically Signed On: 2/3/2021

Mark D. Richards, #1006324  
RICHARDS & DIMMER, S.C.

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RACINE, WI 53403  
(262) 632-2200 (P)  
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[beth@racinedefense.com](mailto:beth@racinedefense.com)

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<sup>1</sup> See Thomas Binger's recorded bond argument at 1 min 12 secs-  
<https://www.youtube.com/watch?v=yKbqImbERRw&feature=youtu.be>



Fwd: Kyle Rittenhouse bail

Corey Chirafisi <corey@cvlawoffice.com>

Wed 2/3/2021 11:01 AM

To: Natalie Wisco <wisco@racinedefense.com>

----- Forwarded message -----

From: **Binger, Thomas** <Thomas.Binger@da.wi.gov>

Date: Mon, Nov 30, 2020 at 10:52 AM

Subject: RE: Kyle Rittenhouse bail

To: Corey Chirafisi <corey@cvlawoffice.com>

Hey Corey,

Welcome aboard! I understand your concern. However, Wisconsin has a proud history of open records and government transparency, and I am reluctant to make an exception to the normal practices. Unless you can provide me with a specific, tangible and imminent threat (or threats) that would justify secrecy in this case, I am not willing to agree to redact your client's address from the public record. Of course, you are certainly free to file a motion with the Court, and it will eventually be the Court's decision in any case. But I will oppose any such motion unless there is a specific, tangible and imminent basis for it. Thank you.

ADA Thomas Binger

Kenosha County District Attorney's Office

Molinaro Building

912 56<sup>th</sup> St.

Kenosha, WI 53140

(262) 653-2686

Fax (262) 653-2783

**From:** Corey Chirafisi [mailto:corey@cvlawoffice.com]

**Sent:** Monday, November 30, 2020 9:41 AM

**To:** Binger, Thomas <Thomas.Binger@da.wi.gov>

**Subject:** Kyle Rittenhouse bail

Attorney Binger-

I have been hired to assist attorney Richards in Mr. Rittenhouse's case.

We have met in the past, just wanted to let you know of my involvement. I will be filing a Notice of Appearance.

My first task is to touch base with you on a bond issue.

Mr. Rittenhouse will need to update the court on a change of address, because of security concerns, we would like to keep that information away from the general public.

I wanted to know if you would agree to allowing the filing of the change of address with the court under seal? Obviously, the parties and court will have it, but I think it goes easier if you would stipulate to it being filed in that manner.

When you have a moment, if you would let me know your position, I would appreciate it.

Thank you for your time.

Regards,

Corey

Attorney Corey Chirafisi

Chirafisi & Verhoff, SC

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Madison, WI 53703

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fax: 608-250-3503

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Kenosha County Eye

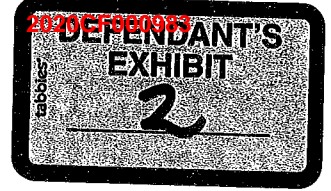


FILED  
02-03-2021  
Clerk of Circuit Court  
Kenosha County

**Mark Richards**

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**From:** mlucky99 <glynch9999@gmail.com>  
**Sent:** Monday, January 25, 2021 10:50 AM  
**To:** Mark Richards  
**Subject:** A message for your client...



Kenosha County Eye

FILED  
02-03-2021  
Clerk of Circuit Court  
Kenosha County  
2020CF000983

**STATE OF WISCONSIN, CIRCUIT COURT, KENOSHA COUNTY**

State of Wisconsin, Plaintiff

**AFFIDAVIT**

-vs-

Kyle Rittenhouse, Defendant

Case Nos. 2020CF983

**AFFIDAVIT IN SUPPORT OF DEFENDANT’S OBJECTION TO INCREASE IN BOND**

STATE OF WISCONSIN    )  
  )ss  
COUNTY OF RACINE    )

I, JOHN M. PIERCE, being first duly sworn upon oath, depose and state the following:

1. I am an attorney duly licensed to practice law in the state of California.
2. I was a lead member of Kyle Rittenhouse’s legal defense team from August 25, 2020 until mid-January 2021.
3. I currently have no professional affiliation in any capacity with Kyle Rittenhouse, his defense team, or any pending action against him.
4. On November 20, 2020 I personally went to the Kenosha County Public Safety building to post cash bond for Kyle Rittenhouse.
5. Through information and belief, I am aware that prior to November 20, 2020 Kyle Rittenhouse, as well as his immediate family, had received numerous death threats from members of the general public. Because of these threats, arrangements were made for the Rittenhouse family to reside at a “Safe House” in an unidentified location.
6. Due to the threats made against Kyle, I was concerned for his immediate safety while transitioning out of police custody after his bond was posted. Because of these concerns, I coordinated Kyle’s release from custody with Captain Bill Beth of the Kenosha County Sheriff’s Office several days prior to actually posting his bond.
7. After arriving at the Public Safety building, I reported to Joint Services and tendered the ordered bond amount for Kyle. I was instructed to fill out a form and provide Kyle’s personal information, including his address and social security number.
8. While I was completing this form, I was approached by a Kenosha Police Department Captain, who offered his assistance.

- 9. Due to the number of threats made against Kyle and his family, I was concerned about disclosing the actual location of the Rittenhouse family Safe House. Accordingly, I asked the Kenosha Police Captain what address to put on the form.
- 10. The Kenosha Police Captain told me that I “absolutely should *not*” provide the address of the physical location of the Rittenhouse Safe House on the form, but to instead provide his home address in Antioch, Illinois.
- 11. Approximately 15 minutes after I posted bond for Kyle and completed the mentioned form, Sheriff’s deputies transported Kyle to a secondary location where he was then transferred into the care of private security officers. Within minutes of his leaving the Public Safety building, news of his release had already publicly reported by CNN.
- 12. To the best of my knowledge and recollection, I believe the Kenosha Police Captain who assisted me in completing the form on November 20, 2020 to have been Captain Tim Schaal.

Dated this 03rd day of February, 2021

John M. Pierce  
John M. Pierce

Subscribed and sworn before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Notary Public, County of \_\_\_\_\_  
My commission expires: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Los Angeles  
Subscribed and sworn to (or affirmed) before me on this 03 day  
of February, 2021, by John M. Pierce

\_\_\_\_\_, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature I. Bhullar (Seal)

