

FILED
12-22-2021
Clerk of Circuit Court
Kenosha County
2021CF001578
Honorable Jason A.
Rossell
Branch 2

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

STATE OF Wisconsin

Plaintiff,

CRIMINAL COMPLAINT

vs.

DA Case #: 2021KN005941

JOEY L. MIRACLE & Thomas R.

Wilton

1631 Wilmot Avenue #206

Twin Lakes, WI 53181

DOB: 08/25/2003

Sex/Race: M/W

Eye Color: Hazel

Hair Color: Blonde

Height: 5 ft 11 in

Weight: 150 lbs

Alias: Also Known As Joey Lee

Miracle

Agency Case #: TLPD 21-006964

Defendant.

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: FIRST DEGREE INTENTIONAL HOMICIDE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Thursday, October 14, 2021, in the Village of Twin Lakes, Kenosha County, Wisconsin, as a party to a crime, did cause the death of Kenneth Thoma, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.05 Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

Count 2: HIDING A CORPSE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Thursday, October 14, 2021, in the Village of Twin Lakes, Kenosha County, Wisconsin, as a party to a crime, did bury a corpse with the intent to conceal a crime, contrary to sec. 940.11(2), 939.50(3)(f), 939.05 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:

On October 19, 2021, Matthew Mowery reported to the Twin Lakes Police Department that his father-in-law, Kenneth L. Thoma was missing. Thoma was a resident of Tan Oak Apartments located at 1761 Wilmot Ave. in the Village of Twin Lakes, County of Kenosha, State of Wisconsin. Mowery provided a written statement. Mowery indicated that on October 14, 2021 he had gone to Thoma's apartment at Tan Oak. Mowery stated that as they were leaving Thoma's apartment, an orange haired man was about to knock on the door when they opened it. Mowery stated that Thoma instantly told the man, "Go away, you robbed me." Mowery stated that the kid replied, "That wasn't me that was that fool with long hair across the street." Mowery stated that Thoma pretty much instantly forgave the man and they talked for a little bit after and it ended with the kid

asking if he could talk to Thoma in private. Thoma told him he would be back in an hour and the man said, "Bet, you will be back in an hour. I'll be here." Mowery stated that the evening of October 14, 2021 was the last time he saw Thoma. Mowery's wife, Kelsey Mowery, officially reported Thoma missing to the Twin Lakes Police Department on October 20, 2021.

Behind Tan Oak Apartments there is a wooded area. There is a trail into this wooded area that leads to dirt bike jumps within the wooded area. On November 6, 2021, John Cashin Jr. located a body buried in this wooded area. Cashin provided a written statement. Cashin stated that on November 6, 2021 he went out to the trails to work on the dirt jumps. Cashin stated that he had been digging in a deep hole by a new ramp and dug out around 6 wheelbarrows full. Cashin stated that he dumped it on the new ramp. Cashin stated that he took a break and saw a pile of dirt and decided to dig there as the other hole was hard to dig from. Cashin stated that as he started digging he could tell it was loose dirt. Cashin stated he removed around 3 wheelbarrow's full of dirt when he found a piece of plywood that was buried there. Cashin moved the plywood and continued to remove 2 more wheelbarrow full. Cashin stated that he continued to dig and hit what he thought was a rock. Cashin stated he hit it with a shovel and it didn't sound like a rock. Cashin dug out more and saw grey hair, eyes, a nose, and ears. Cashin stated that he covered it back up because he was scared. Cashin ultimately reported what he had found to the Twin Lakes Police Department that same day.

The body was removed from the wooded area and positively identified as the body of Kenneth Thoma through dental records. The Milwaukee Medical Examiner's Office conducted an autopsy and the preliminary findings from Dr. Lelinski indicated that Thoma had been shot in the back of the head.

On December 12, 2021, Sgt. Bauer of the Twin Lakes Police Department received a phone call from Officer Aviles with the Wellington, Ohio Police Department. Officer Aviles stated that they were investigating a family trouble and a male identified as Scott Bakker stated that his step-son, Joey Miracle, killed Kenneth Thoma in Twin Lakes. Captain Katie Hall of the Twin Lakes Police Department spoke with Bakker on the phone. Bakker stated to Captain Hall that he overheard his wife, Miracle's mother, Rachael Bakker, talking on the phone with her daughter, Michaela Gritz. Bakker stated that he overheard them saying that Miracle did something bad with his gun and he had to get rid of it. Bakker stated that he heard that Miracle sold the gun to his half-brother, Nathan Iodice, and Iodice got rid of it with one of his friends. Bakker said Miracle supposedly used the gun that he got from his grandmother for his birthday. Bakker stated that they went on to say that they tried to bury this body, but they could only bury it so far—Miracle couldn't bury it all the way and that's how the body got found.

Captain Hall further identified Bakker's step-son as Joey L. Miracle, DOB: 08/25/2003 (hereinafter "defendant Miracle"). Captain Hall verified that defendant Miracle had stayed at Tan Oak Apartments in October and November of 2021.

On December 16, 2021, Captain Hall interviewed Nathan Iodice. Iodice stated he had been in a car with Thomas Wilton who was further identified by the Twin Lakes Police Department as Thomas R. Wilton, DOB: 06/01/2000 (hereinafter "defendant Wilton"). Iodice stated that defendant Wilton asked him if he had heard what happened behind Tan Oak with the guy being found dead back there. Iodice stated that defendant Wilton said that defendant Miracle had done it. Iodice stated that defendant Wilton told him that the gun was at his house and then he (defendant Wilton) gave it to someone else, but Iodice stated he did not know who. Iodice stated that he later spoke

to defendant Miracle and asked defendant Miracle why he had gotten rid of his gun. Iodice stated that defendant Miracle said he “did something with the gun.” Iodice stated that defendant Miracle asked Iodice who had told him, but Iodice did not tell defendant Miracle that it was defendant Wilton. Iodice described the gun as one that was ordered piece by piece and that defendant Miracle used his grandmother’s credit/debit card.

On December 16, 2021, Rachael Bakker, defendant Miracle’s mother, provided a signed, written statement to the Twin Lakes Police Department. Rachael Bakker stated that defendant Miracle told her, “Mom, I had to get rid of my gun. There was this guy raping girls and I had to take care of him.” Rachael stated that she was not sure of the date, but it was weeks ago. Rachael stated that defendant Miracle told her that in person. Rachael stated that a few weeks later her daughter, Michaela, called her and told her, “Mom, Joey murdered someone and they found the body.” Rachael stated that she never confronted defendant Miracle about his statement. Rachael said that she asked her older kids where the gun was and they told her that it was either lost or stolen. Rachael stated that she deals with stress by denying things, which is how she handled the information about defendant Miracle. Rachael stated that while in a car with defendant Miracle she told him that people are talking. Rachael told him that Michaela knows, Scott knows, and defendant Miracle said to her, “Well that’s going to be the person that puts me in jail.” Rachael stated that she doesn’t remember how she heard this information, but she recalled that someone helped defendant Miracle. Rachael stated that she did not want to know the details and these are the details that she remembers best.

Captain Hall indicates that the Twin Lakes Police Department has no record of Thoma being reported for a sexual assault. Captain Hall indicates that during the course of this investigation no one interviewed has provided specific information about a sexual assault where Thoma is the suspect.

On December 14, 2021, Captain Hall interviewed defendant Miracle at the Twin Lakes Police Department. Defendant Miracle acknowledged to Captain Hall that he had been with Thoma on the evening of October 14, 2021 at Tan Oak Apartments. Defendant Miracle stated that Thoma was leaving with some man he was close with, which, based on Matthew Mowery’s statement, Captain Hall believes was Mowery. Defendant Miracle stated that Thoma told him he was leaving and he asked Thoma if he should come back and Thoma told him to come back in an hour or so. Defendant Miracle stated that he came back in an hour and knocked and then knocked again on Thoma’s door. Thoma answered the door and offered defendant Miracle a Monster drink. Defendant Miracle stated that Thoma then offered him “crack.” Defendant Miracle said that that was not his thing and he just wanted to go. Defendant Miracle stated that they left the apartment together. Defendant Miracle stated that they left out the back door and walked around outside together. Defendant Miracle said he split off from Thoma in the parking lot and that was the last he saw of him.

Captain Hall indicates that during the course of this investigation no one has reported seeing Kenneth Thoma after the evening of October 14th. Furthermore, Thoma’s wife, Tracy Thoma, who shared a phone plan with Thoma, indicated that there was no data usage on Kenneth’s phone after that evening and an examination of Thoma’s phone showed that a text sent to Thoma at 10:45 pm that evening remained unopened.

During the interview of defendant Miracle, Captain Hall specifically asked defendant Miracle if Thoma had sexually assaulted someone. Defendant Miracle said he didn’t know and would have

to look on CCAP to find the truth. Later on in the interview Captain Hall again asked defendant Miracle if he went over to Thoma's because Thoma had sexually assaulted someone or if Thoma had come at him and he had killed Thoma in self-defense. After being confronted with these possibilities, defendant Miracle indicated that he had no more information on what happened to Thoma but he could ask around. Captain Hall asked defendant Miracle about his gun. Defendant Miracle stated that didn't know how to build it, that he messed it up and threw it in the garbage.

On December 15, 2021, Captain Hall and Detective McCoy of the Kenosha Sheriff's Department attempted to interviewed defendant Miracle at the Twin Lakes Police Department. Defendant Miracle indicated he was tired and wished to go home. Detective McCoy directly asked defendant Miracle if he killed Thoma. Defendant Miracle did not deny that he killed Thoma, but merely stated that he was tired and wanted to leave. Defendant Miracle was then arrested.

On December 16, 2021, Daniel Plants provided a signed, written statement. Plants stated that his friend, defendant Wilton, texted him and told him that he had something serious to tell Plants. Plants stated that they messaged on snap chat and regular text messages. Plants stated that eventually defendant Wilton told him that he was with defendant Miracle and defendant Miracle shot a guy and that he helped defendant Miracle bury the guy in the woods. Plants stated that he remembered the defendants having a pistol at the house. Plants stated it was a silver gray color and he thought it looked cool. Plants stated that defendant Miracle said it was like a custom built gun. Plants stated that defendant Wilton told him that he was there with defendant Miracle just in case anything went south.

Captain Hall indicates that she has learned from multiple witnesses that defendant Wilton abuses drugs. Specifically, Plants indicated that defendant Wilton was given an at-home drug test by his stepmother and he tested positive for cocaine.

On December 16, 2021, Riley Vernezze provided a signed, written statement. Vernezze stated that approximately 2 months ago he was at defendant Wilton's dad's house. Vernezze stated that defendant Wilton is his friend. Vernezze stated that sometime at night defendant Wilton came home and asked him to go out to a truck so they could talk. Vernezze stated that defendant Wilton said he went with his friend "Joey" [defendant Miracle] to some guy's house and he saw defendant Miracle shoot the guy in the face. Vernezze stated that defendant Wilton told him that it was with the "ghost glock" they had showed him that day or a few days before that. Vernezze stated that the gun was defendant Miracle's and they had been shooting the gun either that day or a couple of days before. Vernezze stated that he did not know what to say so he was going to go inside, but defendant Wilton pulled out a bottle of Adderall pills and said they belonged to the guy defendant Miracle shot. Vernezze stated that this interaction with defendant Wilton happened the day the guy was killed.

Captain Hall indicates that Thoma was known to take Adderall pills, but none were found in his apartment when it was searched. Furthermore, during that search, in Thoma's bedroom, a small plastic baggy was located that contained a white crystal rock-like substance which field tested positive for methamphetamine and fentanyl.

On December 16, 2021, defendant Wilton was interviewed at the Twin Lakes Police Department. Defendant Wilton stated that defendant Miracle had told him that he had shot Thoma once in the back of the head, but defendant Wilton denied being present when that happened. Defendant Wilton stated that defendant Miracle told him a week before about wanting to kill Thoma.

Defendant Wilton stated that he told defendant Miracle it was a bad idea. Defendant Wilton did state that he had gotten rid of the gun by giving it to another friend.

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 Twin Lakes Police Department, which reports were prepared in the normal course of law enforcement duties and verbal statements given to your complainant by Captain Hall of the Twin Lakes Police Department and Detective McCoy of the Kenosha Sheriff's Department pursuant to their law enforcement duties;
- Statements by citizen informant(s) Matthew Mowery, Kelsey Mowery, John Cashin Jr., Scott Bakker, Rachael Bakker, Nathan Iodice, Tracy Thoma, Daniel Plants, and Riley Vernezze; 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 on 12/22/21

Electronically Signed By:

Alexander Huber

Assistant District Attorney

State Bar #: 1116771

Electronically Signed By:

Carli McNeill

Complainant