

FILED
10-04-2022
Clerk of Circuit Court
Kenosha County
2022CF001368
Honorable Angelina
Gabriele
Branch 6

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2022RA007492
Assigned DA/ADA: Brian Van Schyndel
Agency Case No.: 2022-336362
Court Case No.: 2022CF

vs.

TRENTON B KMIEC
[REDACTED]
Salem, WI 53168

CRIMINAL COMPLAINT

DOB: 04/04/2000
Sex/Race: M/W
Eye Color: Hazel
Hair Color: Brown
Height: 6 ft 3 in
Weight: 190 lbs
Alias: Also Known As Trenton
Benjamin Kmiec

Defendant.

For Official Use

Status: Summons for Wednesday, October 19, 2022 at 1:00 PM
Officer: Terry Tift # 241, of the Kenosha County Sheriff

The defendant did:

Count 1: POSSESSION OF NARCOTIC DRUGS

The above-named defendant on or about Friday, September 2, 2022, in the City of Kenosha, Kenosha County, Wisconsin, did knowingly possess Oxycodone, a controlled substance included in Schedule I or Schedule II which is a narcotic drug, contrary to sec. 961.41(3g)(am), 939.50(3)(i) 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 the Court may 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.

The official records and files of the Racine County District Attorney's Office, the Wisconsin Department of Justice and/or Department of Transportation reflect that the defendant has the following record of convictions:

06/27/2017 - 05/18/2020 OWI (1st) Burlington Muni Court Cite AC483899-3

The complainant, being first duly sworn on oath, on information and belief, alleges and states that in the County of Kenosha, State of Wisconsin, the defendant did commit the above described offense and prays that said defendant be dealt with according to the laws of the State of Wisconsin.

The complainant states that (s)he is an adult citizen and has reviewed the official law enforcement reports prepared under the above mentioned complaint number by the above stated officer, whose reports your complainant relies upon as truthful and accurate inasmuch as they were prepared during the course of an official law enforcement investigation. The complainant relies upon the statements of the mentioned witnesses inasmuch as they are citizens and their statements are based on personal knowledge or eyewitness observations; the complainant relies upon the statements of the defendant, if

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any, inasmuch as they are contrary to the defendant's penal interests and are, therefore, to be believed.

The complainant thereby informs the court that the basis for the above charge is as follows:

Dep. T. Tiff with the Kenosha County Sheriff's Office reports that on September 2, 2022, dispatch advised that a complainant reported a male party passed out in a red Jeep Wrangler bearing Wisconsin registration APX8587. The complainant stated the male party woke up, stated he was fine, but the complainant was concerned the male party was under the influence. Dispatch then advised that the suspect Jeep had left westbound on STH 158 from STH 31.

Dep. Tiff reports that he was traveling southbound on CTH H when he observed the suspect Jeep pass his location heading westbound from CTH H on STH 158. Dep. Tiff followed the mentioned Jeep in his squad and observed the Jeep swerving back and forth in its lane. A traffic stop was then executed and the suspect Jeep pulled over in the area of the 11500 block of STH 158, City and County of Kenosha, State of Wisconsin.

Dep. Tiff reports he made contact with the operator of the Jeep, who was identified by WI driver's license as Trenton KMIEC. KMIEC was observed to be not wearing a shirt and appeared very nervous. While speaking with KMIEC, Dep. Tiff reports he observed that KMIEC's hands were shaking and he also had something dark colored around his mouth.

KMIEC admitted to falling asleep in the parking lot of a Kwik Trip due to being tired, and that he was currently on his way to pick up some food.

Dep. Tiff reports he then returned to his squad to run KMIEC's information, and while at his squad observed KMIEC to be digging around in his vehicle. Upon returning to the vehicle, Dep. Tiff observed that KMIEC was now wearing a t-shirt. KMIEC was then asked to exit the vehicle so Dep. Tiff could verify if KMIEC was safe to drive.

As KMIEC exited the vehicle he dropped a vape pen, which he picked up, and then he proceeded to walk to the front of Dep. Tiff's squad. While speaking with KMIEC, Dep. Tiff reports he observed a clear zip lock baggie lying on the ground in the gravel portion of the shoulder of the road. Dep. Tiff reports he did not see the bag lying on the ground previously.

Inside the clear plastic baggie, a single blue pill was observed, later identified via Drugs.com as Oxycodone Hydrochloride 30mg, a schedule 2 narcotic.

When asked where the baggie and pill came from, KMIEC denied dropping it. Dep. Tiff then reviewed his squad's dash camera recording of the traffic stop. In the recording, Dep. Tiff reports he observed KMIEC flick the mentioned baggie and pill from his left shorts pocket while walking back to Dep. Tiff's squad.

KMIEC was then placed in custody and a search of his vehicle was conducted. Multiple prescription bottles were found in the vehicle issued to KMIEC, but none of them were for Oxycodone Hydrochloride.

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Subscribed and sworn to before me on 10/04/22

Electronically Signed By:

Brian Van Schyndel

Assistant District Attorney

State Bar #: 1091207

Electronically Signed By:

Dirk C Jensen

Complainant

Kenosha County Eye