

FILED
02-21-2023
Clerk of Circuit Court
Winnebago County, WI
2023CF000151
Honorable Scott C Woldt
Branch 2

STATE OF WISCONSIN CIRCUIT COURT WINNEBAGO COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2023WN000957
Assigned DA/ADA: Amanda L Folger
Agency Case No.: L-OP-02-19-2023-
0006693
Court Case No.:

vs.

TRENTON BENJAMIN KMIEC

CRIMINAL COMPLAINT

[REDACTED]

DOB: 04/04/2000
Sex/Race: M/W
Eye Color: Hazel
Hair Color: Brown
Height: 6 ft 1 in
Weight: 175 lbs
Alias:

Defendant.

For Official Use

CRIMINAL CHARGE

Count 1: POSSESSION WITH INTENT TO DELIVER COCAINE (>5 - 15G)

The above-named defendant on or about Sunday, February 19, 2023, in the City of Oshkosh, Winnebago County, Wisconsin, did possess with intent to deliver a controlled substance, to-wit: Cocaine, in an amount of more than 5 grams but not more than 15 grams, contrary to sec. 961.41(1m)(cm)2, 939.50(3)(e), 961.50(1) Wis. Stats., a Class E Felony, and upon conviction may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

And, invoking the provisions of sec. 961.50(1) Wis. Stats., 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.

Count 2: FELONY BAIL JUMPING

The above-named defendant on or about Sunday, February 19, 2023, in the City of Oshkosh, Winnebago County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, to wit: committed a crime, 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 3: MAINTAINING A DRUG TRAFFICKING PLACE

The above-named defendant on or about Sunday, February 19, 2023, in the City of Oshkosh, Winnebago County, Wisconsin, did knowingly keep or maintain a dwelling which is used for delivering controlled substances in violation of chapter 961 Wis. Stats., contrary to sec. 961.42(1), 939.50(3)(i), 961.50(1) 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, invoking the provisions of sec. 961.50(1) Wis. Stats., 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.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

The undersigned, being first duly sworn on oath and in that capacity has knowledge of the following:

Your affiant is informed from the reports of the Oshkosh Police Department kept in the normal and ordinary course of business in which your affiant believes to be truthful and reliable and have proven so on numerous occasions in the past that on or about February 19, 2023, Officer A. Wunnicke reports that he conducted a walkthrough of Kelly's Bar, located at 219 Wisconsin Street, City of Oshkosh, Winnebago County, Wisconsin, and located a **TRENTON B. KMIEC, D.O.B. 04/04/2000**. Officer Wunnicke reports that he was aware that Trenton had two open felony cases, one of which prohibited contact with any bars or taverns. As a result, Officer Wunnicke placed Trenton in custody and escorted him outside of the bar.

A search of Trenton was conducted incident to arrest and Officer Wunnicke located 13 plastic baggies, each containing a white powdery substance. The baggies were later weighed, each weighing between .7 grams to 1 gram. The sample of the substance was field tested and returned with a positive indication for the presence of cocaine and fentanyl. The total weight of the substance within the 13 plastic baggies was approximately 10.6 grams. Trenton was transported to the Winnebago County Jail.

Officer C. Rukamp reports that he made consensual contact with a resident of 1011 Wright Street, in the City of Oshkosh, Winnebago County, Wisconsin. This resident, Thomas, confirmed that Trenton Kmiec is one of his roommates. Thomas pointed to a door, indicating that this was Trenton's bedroom. There was a large hole within the door and Officer Rukamp reports that he could see a rolling paper tray which had a white powdery substance on it, similar to cocaine; there were additional packaging materials and other drug paraphernalia visible through the hole in the door.

A search warrant was obtained for the residence and Officers Wunnicke and Rukamp searched Trenton's bedroom. Paper identifiers with Trenton's name were found within the bedroom, as well as a digital scale with cocaine residue on it and packaging materials. Officers located a jar of white powdery substance labeled "INOSITOL" as well as another bottle of white powdery substance labeled as "Creatine Monohydrate." Both of these substances appeared to be very similar to the substances found within the 13 bags of cocaine/fentanyl found on Trenton's person. Officers noted that these

substances were likely cutting agents, used to mix into pure cocaine or fentanyl product ahead of distributing or selling the drugs. Finally, officers located a plastic container under the bed containing several vials of anabolic steroids.

Officer Wunnicke spoke with a 17 year old female present at the residence who identified herself as Trenton's girlfriend. She stated that she has known Trenton for about two months. She stated that she travels to Oshkosh to spend weekends with Trenton at this residence. She stated that she did not know that Trenton sold cocaine, but she had her "suspicions." Specifically, she had observed Trenton packaging a white, powdery substance; he would remove it from a tupperware and package it into smaller baggies inside his bedroom. Trenton informed her that he was packaging vitamins and selling them to college kids who believed it to be cocaine.

Your affiant reports that a review of the Wisconsin Circuit Court Access website, CCAP, which has proven truthful and reliable in the past, indicates that on October 4, 2022, Trenton B. Kmiec was released from custody on a signature bond, having been charged with 2nd degree Recklessly Endangering Safety, Flee/Elude Officer – Bodily Harm or Property Damage, Criminal Damage to Property (>\$2500), and Operate Firearm with Controlled Substance, contrary to Wis. Stats. §§ 941.30(2), 346.04(3), 943.01(2)(d), and 941.20(1)(bm), respectively, in Fond du Lac County Case No. 2022CF591. Conditions of said bond included absolute sobriety, not to be in any bars or taverns, not to use/possess controlled substances without valid prescription. CCAP also indicates that on October 19, 2022, Trenton B. Kmiec was released from custody on a signature bond, having been charged with Possession of Narcotic Drugs, contrary to Wis. Stat. § 961.41(3g)(am), in Kenosha County Case No. 2022CF1368. A condition of all bonds under Wisconsin Statutes Chapter 969 includes committing no crimes. Said bonds were in full force and effect on February 19, 2023.

All of the above incidents occurred in Winnebago County, Wisconsin.

WHEREFORE, as said affiant verily believes and prays that the said **TRENTON BENJAMIN KMIEC** might be arrested and dealt with according to law.

STATE OF WISCONSIN - VS - TRENTON BENJAMIN KMIEC

Subscribed and sworn to before me on 02/21/23

Electronically Signed By:

Electronically Signed By:

Inv Steven Verwiel

Tracy A. Paider

Complainant

Assistant District Attorney

State Bar #: 1053910

Kenosha County Eye