

STATE OF WISCONSIN

CIRCUIT COURT

KENOSHA COUNTY

**FILED**

STATE OF WISCONSIN,

OCT 11 1999

CRIMINAL COMPLAINT

Plaintiff,

GAIL GENTZ  
CLERK OF CIRCUIT COURT

FILE NO. 99-1081

vs.

KPD # 99-124926

HON. DAVID M. BASTIANELLI

MONTENIA C. NELSON and Charlie B. Nelson, n/k/a Jabu

n/k/a ME-ME

5719 - 16<sup>th</sup> Avenue

Kenosha, WI 53140

D.O.B.: 05/17/79

M/B

Defendant.

Detective Frederick W. Frank, being first duly sworn, on oath states that on October 9, 1999, in the City of Kenosha, in said County, the defendant did:

COUNT ONE: Knowingly possess a controlled substance, 31 grams of cocaine base, with the intent to deliver it, contrary to section 961.41(cm)(3) Wis. Stats., POSSESSION OF COCAINE BASE WITH INTENT TO DELIVER, an unclassified felony punishable by a fine not more than \$500,000 and imprisonment not less than three years nor more than 20 years.

PROBABLE CAUSE

On 10/9/99, gang crimes unit officers and Kenosha police executed a search warrant at the residence of the defendant, Montenia C. Nelson, located at 5719 16<sup>th</sup> Avenue. Officer Wilkinson was the first officer through the door and, as Officer Wilkinson entered the residence, the door to the residence hit defendant Charlie Nelson knocking him backwards. Officer Wilkinson identified himself as a police officer to defendant Charlie Nelson and told him to get on the floor. Defendant Charlie Nelson ran to the front of the apartment out onto the balcony despite Officer Nelson's repeated commands to stop. Defendant Charlie Nelson jumped from the second story balcony and was apprehended by Officer Labatore.

Officer Falk, when he entered the residence, observed an individual later identified as defendant Montenia Nelson run from the living room of the residence to the bathroom. Officer Falk followed defendant Montenia Nelson into the bathroom and observed defendant Montenia Nelson throw something into the toilet with his right hand and flush the toilet. Defendant Montenia Nelson then stood in the bathroom doorway blocking Officer Falk. Officer Falk ordered defendant Montenia Nelson to the floor and reached into the toilet bowl and recovered a clear plastic baggie of what appeared to be crack cocaine out of the toilet. This substance which was taken out of the toilet by Officer Falk was later tested and determined to be 31 grams of cocaine base. Officer Falk then searched defendant Montenia Nelson and he discovered two clear plastic baggies and a digital scale.

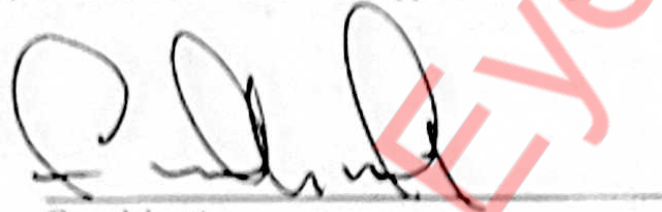
Also recovered in the search of the residence of defendants Charlie Nelson and Montenia Nelson were two 380 caliber

handguns, ammunition, magazines, and \$800 in U.S. currency and photos of defendants Montenia Nelson and Charlie Nelson displaying gang signs.

AFFIANT CLAUSE

Your complainant is a detective with the Kenosha Police Department and bases his information having reviewed the written reports of Officers Falk, Kaiser, Wilkinson, and Bennett and Detective Tappa, whose reports are presumed reliable.

Subscribed and sworn to before me and approved for filing on October 11, 1999

  
Complainant

  
(Assistant) District Attorney

I find that probable cause (exists) (~~does not exist~~) that the crime was committed by the defendant and order that he be (held to answer thereto) (~~released forthwith~~).

Date: October 11, 1999

  
(Judge) (Court Commissioner)

EHM/NELSON, Montenia\_cmp.bcs101199

