

STATE OF WISCONSIN

CRIMINAL COMPLAINT

Plaintiff,

-vs-

DA Case #: 2005KN004385

Troy L. Landry

kpd0590297

[Redacted] 53140

File No. 05-CF- 794

DOB: [Redacted] 1987

Hon. _____

Sex/Race: M/B

Eye Color: Brown

Hair Color: Brown

Height: 5 ft 6 in

Weight: 154 lbs

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JUL 13 2005

KENOSHA COUNTY DISTRICT ATTORNEY

Defendant,

Richard Alan Ginkowski, being first duly sworn, on oath says on information and belief that:

Count 1: SECOND DEGREE SEXUAL ASSAULT

The above-named defendant on or about Saturday, July 02, 2005, in the City of Kenosha, Kenosha County, Wisconsin, did have sexual contact¹ with a person, who the defendant knew was unconscious, contrary to sec. 940.225(2)(d), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

PROBABLE CAUSE:

[Redacted] stated that she is 19 years old and on July 1, 2004 at approximately 10:45 p.m. she went to a house party at [Redacted] in the City of Kenosha, County of Kenosha, State of Wisconsin. She said that there were between 20-30 people there and that she promptly began drinking "tap beer" which she dispensed herself into plastic cups.

Ms. [Redacted] said that she left the party to get cigarette's at Lou Perrine's, a service station/convenience store located at 52nd Street and Sheridan Road, and got back to the party at about 1:30 a.m. on July 2, 2005. She estimated that at that time she already drank eight glasses of beer. She drank more beer thereafter - estimating her total consumption at ten beers - and said that when she finished her last beer she "suddenly felt weird" and couldn't move her arms or legs. She woke up later in the morning on a sofa.

¹ Wis. Stat. §940.225(5)(b)2 states that "sexual contact" includes "Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the defendant upon any part of the body clothed or unclothed of the complainant if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the complainant or for the purpose of sexually arousing or gratifying the defendant."

When she woke up she "saw a guy standing over me, jacking off" who had ejaculated on her chest. She said she screamed, "What the Hell are you doing? Are you stupid?" She said that she told him to leave. At that time she said she was clothed and had a blanket over her. She described the man to Israel ("Izzy") Prieto, the host of the party, who said that it sounded like a description of "Troy."

Ms. [REDACTED] went to another home and went to the bathroom. When she wiped herself she noticed black soot on the toilet tissue and felt sore. She also said that her pants were unbuttoned to the second button. She went to Aurora Medical Center where she was examined by S.A.N.E. nurse Margie Meier, R.N.

Mr. Prieto said that on July 5, 2005 he spoke with the defendant who "admitted that he had jerked off on [REDACTED]" Mr. Prieto said that he told the defendant that Ms. [REDACTED] thinks the defendant raped her but the defendant vehemently denied this. He said the defendant told him that he "came on [REDACTED] and she woke up."

The defendant was interviewed about Ms. [REDACTED] complaint by Detective James Kendall of the Kenosha Police Department. The defendant admitted that he had been at a party at Izzy's house which was attended by "about 25 people." The defendant said that he was drinking beer and "got heavily intoxicated." He also said that he passed out and slept for a time in a bedroom before going to sleep in a living room chair. When he woke up he saw [REDACTED] - whose name he said he learned from "Izzy" after the party - sleeping on the sofa. The defendant admitted that he "stood by her head and masturbated" for about three or four minutes and ejaculated on her chest whereupon she woke up and began screaming at him, saying "What the fuck are you thinking?" and "Get out of my sight!"

The defendant said that [REDACTED] went into the bathroom and he went into the kitchen where he washed his face and then went home. He stated that he didn't remember having sexual intercourse with her at any time.

Your complainant is a duly appointed Assistant District Attorney employed by the State of Wisconsin who bases this complaint on:

- The official law enforcement agency reports of the Kenosha Police Department prepared by Officer Darlene Barfoth and Detective James Kendall;
- Statements by citizen informant(s) [REDACTED] and Israel Prieto; and
- Statements by the defendant against the defendant's own penal interests.

From all of this your complainant believes this to be true and correct and prays that the defendant be dealt with according to law.

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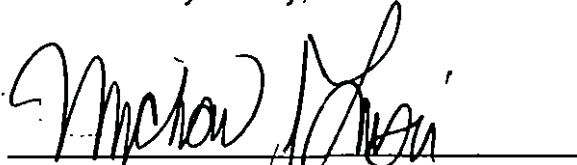
KENOSHA COUNTY
DISTRICT ATTORNEY

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STATE OF WISCONSIN - VS - Troy L. Landry
Subscribed and sworn to before me,
and approved for filing on:

This 11th day of July, 2005


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: _____

(Judge) (Court Commissioner)

NOTICE TO DEFENDANT RE: DEMAND FOR DISCOVERY

Pursuant to Wis. Stat. §971.23(2m), the State of Wisconsin, plaintiff, demands that the defendant or the defendant's attorney, within a reasonable time before trial, disclose to the District Attorney and permit the District Attorney to inspect and copy or photograph all of the following materials and information, if it is within the possession, custody, or control of the defendant:

1. A list of all witnesses, other than the defendant, whom the defendant intends to call at trial, together with their addresses;
2. Any relevant written or recorded statements of a witness named on the witness list referred to above, including any reports or statements of experts made in connection with the case or, if an expert does not prepare a report or statement, a written summary of the expert's findings on the subject matter of his or her testimony, and including the results of any physical or mental examination, scientific test, experiment or comparison that the defendant intends to offer in evidence at trial;
3. The criminal record of a defense witness, other than the defendant, which is known to the defense attorney. If the defense attorney is uncertain if the witness has a criminal record, please provide the witness's full name, sex, race, and date of birth;
4. Any physical evidence that the defendant intends to offer in evidence at trial.

Robert J. Jambois
District Attorney

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