

STATE OF WISCONSIN,

Plaintiff,

DA Case No.: 2013OC000253

Assigned DA/ADA: Edward D Burke Jr.

-vs-

Agency Case No.: OCSD 11-7302

Court Case No.: 2013CF000060

ROBERT T. MILES  
REDGRANITE CORRECTIONAL INSTITUTION  
PO BOX 900  
RED GRANITE, WI 54970-0900  
DOB: 07/07/1984,

**CRIMINAL COMPLAINT**  
**AND SUMMONS**

Defendant.

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Lieutenant Michael Mason, being first duly sworn, states that:

**Count 1: BURGLARY OF A BUILDING OR DWELLING - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally enter a dwelling , a residence and garage, without the consent of the person in lawful possession of the place, and with intent to steal, Polaris ATV; 4x8 utility trailer; 6 ft. black Liberty safe with 16 firearms in it; Buck knife; Nordic-Track weight; 15 lb Barbell and Comforter, contrary to sec. 943.10(1m)(a), 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.

**Count 2: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Browning 12 gauge rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Savage Model 16), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 4: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Remington 270 rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 5: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Browning 410 rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 6: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Mossberg 22 rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 7: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Smith & Wesson revolver), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 8: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Black Powder revolver), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 9: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Remington 30-60 rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 10: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Remington 870 rifle), without consent, and with intent to

permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 11: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Remington 870 rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 12: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Mossberg 16 gauge rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 13: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Browning 12 gauge rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 14: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and

carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Eteca 12 gauge rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 15: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Remington 308 rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 16: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Mossberg 20 gauge rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 17: THEFT - MOVABLE PROPERTY (SPECIAL FACTS) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, which property is a firearm (Mossberg 20 gauge rifle), without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(d), 939.50(3)(h), 939.05 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 18: THEFT - MOVABLE PROPERTY (> \$10,000) - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Friday, August 26, 2011, in the Town of Abrams, Oconto County, Wisconsin, as a party to a crime, did intentionally take and carry away movable property of Julie A. Barlament and Timothy J. Barlament, having a value greater than \$10,000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(c), 939.50(3)(g), 939.05 Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Complainant states he is a Lieutenant with the Oconto County Sheriff's Department and makes this complaint on information, belief, and personal knowledge, his information is presumed reliable as a police informant, on information provided by Investigator Frank Szczepaniec, his information is presumed reliable as a police informant, on information from Timothy and Julie Barlament, their information is presumed reliable as citizen and victim informants.

**PROBABLE CAUSE:**

Complainant has recently reviewed a narrative report of Investigator Frank Szczepaniec, which states in part: "Met with complainant and later with her husband Tim in regards to the complaint. Julie tells me that they leave a lower level west door to the residence unlocked. She tells me the east door was locked. She also tells me that she thinks the garage and shed doors were unlocked.

Apparently suspect(s) went into the garage. There they located 3-wheeled snowmobile dolly's. It appears that they went directly to a 6 ft black Liberty safe. The safe's estimated weight was 1600 lbs with contents. Suspect(s) then took ammo and other gun accessories from the top of the safe and neatly placed them on top of a TV. It appears they used the dolly's to roll the safe to the east door. They unlocked the door and attempted to roll over the threshold as there is damage but failed. They then apparently skidded the safe onto the concrete entry way as there are black scrape marks. From there it was loaded into a vehicle.

The suspect(s) also used and took a Polaris 250 4-wheeler red/white. They hooked a 4x8 trailer with 1 ft wood side boards that belonged to the complainants and it appears that they drove it up and backed to the east door.

There was no other evidence of suspect(s) looking thru any other parts of the house, garage or shed. In those areas were \$1000.00's of dollars of fishing equipment and other valuable items.

The safe contained numerous rifles, shotguns and handguns listed in the attached list valued at \$15,000.00 to \$20,000.00. There also was approximately \$28,000.00 in cash and jewelry, personal papers, etc. in addition to the 4-wheeler and trailer.”

Complainant has recently reviewed a supplement report of Investigator Szczepaniec, which states in part: “On 3-2-12 I took a call from Detective Fitzgerald. In that call he tells me that other detectives had interviewed Robert Tyler Miles 07-07-84 one of three people arrested for a home invasion in Winnebago County. As a result of the arrest several search warrants were executed for that residence that resulted in the recovery of a substantial number of pieces of evidence related to other burglaries. One of the pieces was a gas powered composite metal saw. That saw was thought to be related to 3 other burglaries in where safes were taken and triangle cuts were made to gain entry to the safes. One of those safes was one taken from the Timothy Barlament residence in the Town of Abrams in August 2011.

On 3-5-12 Investigator Johnson and myself went to Oshkosh to the Winnebago County Sheriff Office. We were allowed to interview Miles. He was brought to an interview room. He was given a soda before he came in. Miles was mirandized and agreed to speak with us. Miles told us he knew why we were here and that he knew what we wanted to talk about. He told us that Daniel J. Frausto 09-08-75 and himself were heading up to a casino a day or so before the burglary. He said that Frausto saw a restaurant on the way up and identified it as Barley’s Diner off Lineville Rd. in Brown County. He said the next Friday Frausto called him and asked him to help doing the burglary. It should be noted that Miles claims to have little knowledge of the area and roads. He told us that Frausto and him drove up to the Abrams area, around 9:00 am, he is not sure of the date, and that Frausto wanted to be dropped off on the first road to the right past Barlament’s. He described the road a dead end with some curves in it. That would make the road Norway Woods Lane. He told us that he dropped Frausto off and was told to leave and park at the park and ride and wait for a call. He told us a little while later Frausto called him and he met Frausto he says at the end of the driveway, where they unhooked a trailer with a safe covered by a brown blanket held down by two barbell weights. He goes on to tell us that they both drove out to the Wausau area where Frausto cut open the safe with the saw in a triangle fashion. He told us Frausto then removed a tan or beige money bag and some long guns. He told us that the guns and the safe were then taken off the trailer and left in a field. He also described the trailer as a small low to the ground trailer with wood sides about a foot high.

The above was a general discussion of what happened. He tells us in response to questions that the place they were at had a house with a garage and a large metal shed with a pond nearby. He told us that the area was cut nicely and he said that he could see this as he was at the edge of the woods. Initially he told us that he just dropped off Frausto and left. He also in response to questions tells us that Frausto was watching the residence with a spotting scope and when he saw someone leave Frausto then went to the house. Again this puts him with Frausto not at the park and ride as he earlier said. In further questions, specifically about a bird feeder, he tells us that he remembers that Frausto while loading the safe onto the trailer that the safe caused the

4-wheeler to raise up in an unusual manner and that when it came down it did so putting the 4-wheeler and the trailer between the bird feeder and the house.”

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me on  
April \_\_\_\_\_, 2013

\_\_\_\_\_  
Complainant

And Approved for filing:

\_\_\_\_\_  
Edward D Burke Jr., D.A.  
State Bar #1001268

### SUMMONS

THE STATE OF WISCONSIN TO SAID DEFENDANT:

The original of the above Complaint having been issued, accusing the defendant of committing Burglary of a Building or Dwelling; PTAC, as a Party to a Crime, Theft - Movable Property (Special Facts); PTAC, as a Party to a Crime – 16 counts, Theft - Movable Property ( > \$10,000); PTAC, as a Party to a Crime. You are, therefore, summoned to appear before the CIRCUIT COURT of OCONTO COUNTY at the COURTHOUSE in the City of OCONTO, to answer said Complaint, on **MAY 9, 2013 at** \_\_\_\_\_ and in case of your failure to appear; a Warrant for your arrest may be issued.

Dated this \_\_\_\_\_ day of April, 2013.

\_\_\_\_\_  
EDWARD D. BURKE, JR., D.A.

## **FINGERPRINTING & RIGHT TO COUNSEL**

You are scheduled to appear in Court with regard to a criminal matter. You are required to provide your fingerprints, photograph and other identifying data to law enforcement.

Please contact the Oconto County Sheriff's Department at (920) 834-6918 to schedule a time to be fingerprinted, photographed and provide the identifying data prior to your court date. Within 24 hours of receipt of this letter, call the Sheriff's Department to schedule an appointment. Bring your criminal complaint with you. If you wait until your scheduled appearance date to be fingerprinted, you may have to wait up to 2 hours to get printed.

Also, you have the right to be represented by an attorney at this appearance and all further Court appearances. If you are not financially able to hire your own attorney, you have the right to have an attorney appointed through the Public Defender's Office. If you are financially able to hire an attorney, then I would suggest that you do so prior to your court appearance.

Regardless of whether you intend to retain a private attorney to represent you or you are requesting representation through the Public Defender's Office, I would encourage you to make arrangements for representation before this appearance. This will avoid continuances and unnecessary court appearances. Please call the Public Defender's Office at (715) 582-1194 immediately upon receipt of this notice if you think that you may be requesting legal representation from that office in this matter.