

FILED
02-22-2021
Clerk of Courts
Fond du Lac County WI
2021CF000112

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

STATE OF WISCONSIN,
Post Office Box 7857
Madison, WI 53707-7857,

Plaintiff,

v.

Case No. 21-CF _____

CALLIE J. BENDER, F/W
28 1/2 5th Street
Fond du Lac, WI 54935
DOB: 8/8/1991
Height: 5'3" Weight: 125 lbs.
Hair: Brown Eyes: Brown

Defendant.

CRIMINAL COMPLAINT

Your complainant, Lieutenant Matt Bobo, being first duly sworn on oath, states as follows:

COUNT ONE: STRAW PURCHASE OF FIREARM

On or about January 6, 2021, in the City of Ripon, Fond du Lac County, Wisconsin, the defendant did intentionally furnish, purchase, or possess a firearm, a .22 caliber handgun, for another person, knowing that the other person had been convicted of a felony, contrary to Wis. Stat. §§ 941.2905(1) and 939.50(3)(g), 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.

COUNT TWO: STRAW PURCHASE OF FIREARM

On or about January 26, 2021, in the City of Ripon, Fond du Lac County, Wisconsin, the defendant did intentionally furnish, purchase, or possess a firearm, a 9 millimeter handgun, for

another person, knowing that the other person had been convicted of a felony, contrary to Wis. Stat. §§ 941.2905(1) and 939.50(3)(g), 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.

COUNT THREE: AIDING A FELON

On or about February 6, 2021, in the Town of Eldorado, Fond du Lac County, Wisconsin, the defendant did, with intent to prevent the apprehension, prosecution, or conviction of a felon, destroy, alter, hide, or disguise physical evidence, contrary to Wis. Stat. §§ 946.47(1)(b), 946.47(2m)(a), and 939.50(3)(g), 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.

COUNT FOUR: POSSESSION OF THC

On or about February 7, 2021, in the City of Fond du Lac, Fond du Lac County, Wisconsin, the defendant did knowingly possess tetrahydrocannabinols, contrary to Wis. Stat. §§ 961.41(3g)(e) and 939.60, a Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than six (6) months, or both.

PROBABLE CAUSE

Denell M. Logan was convicted of the felony offense Theft from Person in Fond du Lac County Case No. 10-CF-220, on March 11, 2011, which conviction remains of record and unreversed. Logan was placed on probation and subsequently revoked and sent to prison on August 20, 2012. Logan was released on January 7, 2014, and reincarcerated on June 2, 2015. Logan was released again on March 29, 2016, and reincarcerated on July 27, 2017. Logan was last released from prison on March 26, 2019.

Your complainant reports that on February 5, 2021, at approximately 2:01 a.m., Fond du Lac Police Department officers responded to the intersection of Sheboygan Street and South Marr Street in the City of Fond du Lac for a vehicle crash. Fond du Lac Police Officer Landon Beck reports that, upon arrival, he observed David Posey, the sole occupant of the vehicle, in the driver's seat, unconscious and unresponsive with a significant amount of blood in the car coming from a puncture wound to Posey's left thigh. Officer Beck reports that Posey had "an unknown amount of United States currency" in his hand that later fell on the floor of the vehicle. Fond du Lac Police Department Detective Kristina Meilahn reports that a later search of the vehicle showed that the currency was one \$5 bill and five \$1 bills. Officer Beck reports that Posey was transported to the emergency room at St. Agnes Hospital, and later, due to the severity of Posey's injuries, to ThedaCare Regional Hospital in Neenah. Officer Beck reports that when he collected Posey's belongings at St. Agnes, he located a small caliber bullet, possibly a .22, at the bottom of the bag of Posey's items. On February 5, 2021, at 7:06 p.m., your complainant was advised by Investigator Laurie Koeck of the Fond du Lac Medical Examiner's Office that Posey died at ThedaCare.

Fond du Lac Police Department Detective Camille Vandermolen reports that she attended Posey's autopsy on February 8, 2021. Detective Vandermolen reports that Dr. Adam Covach performed the autopsy. Detective Vandermolen reports that Dr. Covach stated that Posey had what appeared to be a .22 caliber entrance wound to his posterior left thigh. Detective Vandermolen reports that Dr. Covach stated that it appeared that the bullet travelled through Posey's hamstring muscle, exiting the left knee/thigh area and possibly hitting the femoral artery. Detective Vandermolen reports that Dr. Covach stated that, based on the surgeon's report, the bullet hit the popliteal artery, a branch of the femoral artery, that supplies blood to the lower calf.

Detective Vandermolen reports that Dr. Covach stated that his preliminary ruling is that the cause of death was “homicide,” and the manner of death was “gunshot wound.”

Fond du Lac Police Department Officer Landon Beck reports that Witness 1 reported hearing gunshots in the area of 5th Street and South Marr Street in the City of Fond du Lac, Fond du Lac County, Wisconsin, at approximately 2:00 a.m. on February 5, 2021. Your complainant reports that that location is approximately five blocks from where Posey was found in his vehicle. Fond du Lac Police Department Computer Forensic Specialist Officer Keywon Brown reports that he obtained surveillance footage from various locations.

Officer Brown reports that:

- The surveillance video recovered from 221 South Marr Street showed vehicles leaving the area of 5th Street, between South Main Street and South Marr Street just before 2:00 a.m. on February 5, 2021. The distinct sound of nine loud bangs rings out at 1:58:54 a.m. on February 5, 2021.
- The surveillance video obtained from Bright Orthodontics (200 South Marr Street) showed a vehicle that matched Posey’s vehicle description as it headed northbound on South Marr Street past 200 South Marr Street at 1:55:30 a.m. on February 5, 2021. The time stamp on the Bright Orthodontics cameras were four minutes behind the actual time.
- The surveillance video obtained from ASTOP (21 South Marr Street) showed a dark vehicle as it crashed into the east side of the building located at 51 Sheboygan Street at 2:00:11 a.m.

Officer Brown reports that he performed a cell phone extraction from Posey’s iPhone, which was found in the car that Posey was driving on February 5, 2021. Fond du Lac Police Department Detective Nicholas Hahn reports that he viewed Facebook messages extracted from

Posey's cell phone. Detective Hahn reports that he located messages between Posey and "Trapping James," later identified as Denell M. Logan, setting up a drug transaction at Logan's home on February 5, 2021. At 1:56 a.m. on February 5, 2021, Posey sent the message "Here" to "Trapping James." At 2:02 a.m., Posey received a missed video chat from "Trapping James." Your complainant reports that there are no further communications between Posey and Logan located in Posey's phone. Detective Hahn reports that the last communication Posey had with anyone on his phone was with Logan.

Your complainant reports that on February 7, 2021, shortly after 9:30 a.m., Logan and his girlfriend, the defendant, Callie J. Bender, both identified by Detective Hahn, were stopped while driving together and were taken to the Fond du Lac Police Department. Detective Hahn read Logan his *Miranda* rights, which Logan waived. Detective Hahn reports that Logan stated that Posey came over to Logan's home at 28 1/2 5th Street at some point on the night of February 4 into February 5, 2021, to buy some crack. Logan stated that he did not know what time Posey was there, because Logan was, "high out of my fucking mind" that night. Logan stated that the defendant was not home when Posey came over. Logan stated that Posey drove to Logan's home to pick up the crack. Logan stated that Posey drove away and, approximately twenty minutes later, Logan heard gunshots and Logan got into his car and drove past the car crash. Logan stated that he drove past the crash scene again approximately twenty minutes later and everything was gone. Detective Hahn reports that he asked Logan again approximately what time these events occurred, and Logan stated that Posey stopped by his house around 1:45 a.m. and that Logan was "high as fuck."

Detective Hahn reports that he asked Logan about guns in his home. Logan stated that he and Bender do not have any guns in the house and that Logan sells any guns that Bender buys. Logan stated that he thinks Bender buys guns from legitimate places, but he does not know. Logan

admitted selling a gun to a person in Milwaukee to obtain rent money. Logan stated that he wished that Posey were there to smoke crack with him one last time. Logan stated that if he finds out who killed Posey, Logan will check himself into jail and beat them up. Detective Hahn reports that Logan stated that he no longer goes by "Diva," but now goes by "TJ," which stands for "Trapping James." Detective Hahn reports that, throughout his interview with Logan, Logan offered the names of several individuals whom Logan hypothesized may have shot Posey on February 5, 2021.

Your complainant spoke with the defendant on February 7, 2021, and told her that he wanted to discuss incidents at her home at 28 1/2 5th Street in Fond du Lac. Your complainant advised the defendant that Posey had died and that the police knew that Posey had been at the defendant's home the night of February 4 into February 5, 2021. Your complainant asked the defendant if she was home that night and the defendant replied, "No, I wasn't." The defendant stated that she worked until 11:00 p.m. on February 4, 2021, went home afterwards, and did not recall what happened then. Detective Vandermolen read the defendant her *Miranda* rights, which she waived. The defendant stated that she worked from 3:00 p.m. to 11:00 p.m. on February 4, 2021, went to her parents' house, and then came home to 5th Street around 1:00 a.m. on February 5. The defendant stated that she fell asleep around 2:00 a.m. and woke up at 4:00 or 5:00 a.m. The defendant stated that February 5, 2021, was a "normal day" as far as conversation with Logan. After your complainant showed her video of the gunshots, followed by Posey's car driving away from the defendant's duplex on February 5, 2021, the defendant stated that she did not want to talk anymore and that she needed a lawyer.

The defendant reinitiated contact with your complainant on February 10, 2021. Your complainant verified that the defendant wanted to speak with law enforcement and read her *Miranda* rights, which she waived. The defendant stated that she did not know where to start. Your complainant advised the defendant that your complainant knows that she has been with Logan for

two years and known Logan for eleven years and lived at 28 1/2 5th Street with Logan for approximately one year. The defendant stated that she had not gone to her parents' house after work on February 4, 2021, but rather had gone home to 28 1/2 5th Street. The defendant stated that she was home with Logan until Posey came over. The defendant stated that Posey arrived, and Logan was getting crack for Posey. The defendant stated that as soon as Logan went to get a baggie for the crack, Posey punched Logan in the ear. The defendant stated, "He [Posey] tried to knock him [Logan] out, he tried to rob us, and take everything we had, our money, and everything."

The defendant stated that she jumped off the bed when Posey was running to the door and tried to get Posey to stop. The defendant stated that she jumped in front of Posey and said, "Stop," and Posey grabbed her and threw her to the ground. The defendant stated that that is when Logan tried to grab the gun and that Logan went out the door and started shooting in the hallway and outside. The defendant stated that Posey was already out the first door and was going down the stairs when Logan "came around." The defendant stated that Logan shot two or three times while Logan was standing in the hallway. The defendant states that she knows that Logan went outside and fired more. The defendant stated that she did not know how many times that Logan shot outside. The defendant stated that she believes that Logan unloaded the clip of the gun. The defendant stated she knows Logan was yelling, "You bitch," and "The fuck you try to rob me, punch me, and try to knock me out." The defendant stated that she hung a picture over one of the bullet holes in the stairwell to cover it. Your complainant reports that law enforcement found the bullet hole when they returned to 28 1/2 5th Street on February 11, 2021.

The defendant stated that on Saturday, February 6, 2021, she and Logan took the guns from their home to her parents' house and told them that Logan's probation officer was coming for a home visit that day, so they needed to store the guns elsewhere. The defendant stated that she knew that law enforcement would "eventually" get to her home and that is why she wanted to get the

“stuff” out of her home. The defendant stated that Logan was with her when she bought each of the guns. The defendant stated that she and Logan only sell drugs when they need extra money, and that the defendant would rather pick up a charge for selling “weed” than heroin or methamphetamine.

Detective Vandermolen reports that she returned to speak with the defendant later on February 10, 2021, to clarify some parts of her account of February 5, 2021. Detective Vandermolen reviewed the *Miranda* rights form and the defendant again waived her rights and agreed to speak with police. The defendant stated that Posey did not have or use a weapon that she saw. The defendant stated that she did not know how much money Posey took from them. The defendant stated that Logan shot the .22 that night, as they did not have any ammunition for the 9 millimeter. The defendant stated that she flushed the .22 casings she found on their stairs down the toilet.

Your complainant reports that on February 7, 2021, at approximately 9:45 p.m. he received a call from Fond du Lac Police Department Captain Scott Krause, who stated that the defendant’s father, Witness 2, had just called dispatch to inform them that Witness 2 had two guns that Logan and the defendant dropped off at his house. Your complainant spoke with Witness 2, who stated that on February 6, 2021, at approximately 11:00 a.m., Logan and the defendant brought two guns to his home, stating that Logan’s probation agent was going to be making a “surprise visit” at noon that day. Witness 2 stated that he found out what was really going on and called the police. Your complainant went to Witness 2’s residence, located in the Town of Eldorado, Fond du Lac County, Wisconsin, and collected a black drawstring bag with two black gun cases inside. One gun was a .22 caliber handgun and the other was a 9 millimeter handgun. Your complainant reports that the bag also contained ammunition and other items, all of which were inventoried and logged into

evidence at the Fond du Lac Police Department. Witness 2 stated that all of the items in the bag had been dropped off by Logan and the defendant the previous day.

Fond du Lac Police Department Officer Matthew Chevremont reports that he participated in execution of the search warrant at the defendant's home, 28 1/2 5th Street (upper) in the City of Fond du Lac, Fond du Lac County, Wisconsin, on February 7, 2021. Officer Chevremont reports that he acted as the evidence custodian and logged in items seized at the house. Officer Chevremont reports that Captain Krause located a plastic bag containing a green leafy substance on top of a chest in front of the bed in the front bedroom. Officer Chevremont tested the substance on February 8, 2021, and it tested positive for tetrahydrocannabinols and weighed 16.2 grams.

Officer Chevremont reports that Detective Hahn located a fired cartridge in the snow to the east of the front porch. Officer Chevremont reports that he located a fired cartridge casing on the steps leading up to the defendant and Logan's apartment and that Fond du Lac Police Officer Levi Ingebrigtsen located another fired cartridge on the sixth step in the stairwell.

Captain Krause reports that on February 8, 2021, he went to Holliday Food and Sport in Ripon, Fond du Lac County, Wisconsin to follow up on the defendant's recent firearm purchases. Captain Krause reports that Holliday owner, Witness 3, provided records and surveillance video from the defendant's firearm purchases in January 2021. Store surveillance video from January 3, 2021, shows the defendant, Logan, and Witness 2 at the gun counter together. The defendant requests to see a gun by pointing at it, Logan is squatting down behind the counter looking into the case, out of sight of the camera. A store employee removes a handgun from the case and hands it to the defendant. The defendant picks up the handgun and Logan almost immediately removes it from her hand and handles it. Logan then sets the handgun down on the counter and walks away to look at another section of the case. Later, the defendant requests to see another handgun, which an employee retrieves for her from the case and hands to the defendant. The defendant hands that

handgun to Logan. Logan handles the handgun and then sets it down on the counter. A store employee removes another handgun from the case and sets it on the counter. The defendant picks up the handgun, visually inspects it, removes, and reinserts the magazine. Logan reaches for the handgun that the defendant is handling and removes it from her hands. Captain Krause watched the January 3, 2021, surveillance footage provided by Holliday and reported the above observations. Captain Krause reports that eventually, a store employee brings two handgun cases out from the back room, and Logan appears to be photographing or videotaping handguns through the case with his cell phone. Logan grabs a gun from the defendant's hand and moves his cell phone towards it as if to take a picture of the handgun, then gives the handgun back to the defendant. Logan then walks around the defendant and Witness 2, picks up another handgun, which is sitting on the counter, and acts in a manner consistent with taking a photograph of that handgun with his cell phone. Captain Krause reports that Witness 3 provided documentation that the defendant purchased a .22 caliber pistol at Holliday on January 3, 2021, serial number A860730. The defendant did not immediately pass a background check and had to return to Holliday on January 6, 2021 to pick up the .22 caliber pistol.

Captain Krause reports that Witness 3 provided documentation that on January 18, 2021, the defendant purchased a 9 millimeter pistol, but did not immediately pass the background check and had to return to Holliday on January 26, 2021, to pick up the firearm. Captain Krause reports that he shared the above information with Bureau of Alcohol, Tobacco, Firearms, and Explosives Special Agent Ryan Arnold, who stated that, based on his training and experience, the behavior exhibited during the defendant's firearm purchases is consistent with "straw" purchasing of firearms.

Pursuant to Wis. Stat. § 968.01(2), this complaint, like any other criminal complaint, contains only the essential facts constituting the offenses charged.

Your complainant is a Lieutenant with the Fond Du Lac Police Department, who bases his knowledge of this complaint on:

- the official law enforcement agency reports of the Fond Du Lac Police Department, which reports were prepared in the normal course of law enforcement duties;
- statements by citizen informant(s), who are eyewitnesses to the facts they relate;
- statements by the defendant, which were made contrary to her penal interests;
- the official records of the Circuit Court for Fond Du Lac County, the Department of Transportation, the FBI Triple I Teletype, and the Wisconsin Circuit Court Automated Program; which records are maintained in the normal course of business duties.

Dated this 22 day of February 2021.



LIEUTENANT MATT BOBO
Complainant

Telephonically subscribed and sworn to before me and approved for filing this 22nd day of February 2021.

Electronically signed by:

s/ Annie Jay
ANNIE JAY
Assistant Attorney General and
Special Prosecutor for Fond du Lac County
State Bar No. 1056404

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