

FILED
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Clerk of Courts
Fond du Lac County WI
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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 _____

DENELL M. LOGAN, M/B
AKA: Diva, TJ, Trapping James
28 1/2 5th Street
Fond du Lac, WI 54935
DOB: 9/9/1990
Height: 5'10" Weight: 153 lbs.
Hair: Black Eyes: Brown

Defendant.

CRIMINAL COMPLAINT

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

COUNT ONE: FIRST DEGREE INTENTIONAL HOMICIDE

On or about February 5, 2021, in the City of Fond du Lac, Fond du Lac County, Wisconsin, the defendant did cause the death of David Posey with intent to kill him, contrary to Wis. Stat. §§ 940.01 and 939.50(3)(a), a Class A Felony, and, upon conviction, shall be imprisoned for life.

COUNT TWO: FELON IN POSSESSION OF A FIREARM, REPEATER

On or about February 5, 2021, in the City of Fond du Lac, Fond du Lac County, Wisconsin, the defendant did possess a firearm after being convicted of a felony, contrary to Wis. Stat. §§ 941.29(1m)(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.

Further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the defendant is a repeater, having been convicted of three misdemeanors in Fond du Lac County Circuit Court: Battery and Disorderly Conduct in Case No. 16-CF-440 on June 22, 2017, and Possession of Cocaine in Case No. 17-CM-526 on December 14, 2017, which convictions remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years because the prior convictions were for misdemeanors.

**COUNT THREE: POSSESSION OF THC, SECOND AND SUBSEQUENT OFFENSE,
REPEATER**

On or about February 7, 2021, in the City of Fond du Lac, Fond du Lac County, Wisconsin, the defendant did knowingly possess tetrahydrocannabinols, having previously been convicted of Possession of THC in Waukesha County Circuit Court Case No. 17-CM-922 on November 6, 2017, contrary to Wis. Stat. §§ 961.41(3g)(e) and 939.50(3)(i), 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.

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.

Further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the defendant is a repeater, having been convicted of three misdemeanors in Fond du Lac County Circuit Court: Battery and Disorderly Conduct in Case No. 16-CF-440 on June 22, 2017, and Possession of Cocaine in Case No. 17-CM-526 on December 14, 2017, which convictions remain of record and

unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years because the prior convictions were for misdemeanors.

PROBABLE CAUSE

Defendant 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.

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 in the neighborhood. 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 the defendant, Denell M. Logan, setting up a drug transaction at the defendant'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 the defendant located in Posey's phone. Detective Hahn reports that the last communication Posey had with anyone on his phone was with the defendant.

Your complainant reports that on February 7, 2021, shortly after 9:30 a.m., the defendant and his girlfriend, 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 the defendant his *Miranda* rights, which the defendant waived. Detective Hahn reports that the defendant stated that Posey came over to the defendant'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. The defendant stated that he did not know what time Posey was there, because the defendant was, "high out of my fucking mind" that night. The defendant stated that Bender was not home when Posey came over. The defendant stated that Posey drove to the defendant's home to pick up the crack. The defendant stated that Posey drove away and, approximately twenty minutes later, the defendant heard gunshots and the defendant got into his car and drove past the car crash. The defendant stated that he drove past the crash scene

again approximately twenty minutes later and everything was gone. Detective Hahn reports that he asked the defendant again approximately what time these events occurred, and the defendant stated that Posey stopped by his house around 1:45 a.m. and the defendant was “high as fuck.”

Detective Hahn reports that he asked the defendant about guns in his home. The defendant stated that he and Bender do not have any guns in the house at the moment, and that the defendant sells any guns that Bender buys. The defendant stated that he thinks Bender buys guns from legitimate places, but he does not know. The defendant admitted selling a gun to a person in Milwaukee to obtain rent money. The defendant stated that he wished that Posey were there to smoke crack with him one last time. The defendant stated that if he finds out who killed Posey, the defendant will check himself into jail and beat up that person. Detective Hahn reports that the defendant 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 the defendant, the defendant offered the names of several individuals whom the defendant hypothesized may have shot Posey on February 5, 2021.

Your complainant first spoke with Bender on February 7, 2021, and told her that he wanted to discuss incidents at her home on 5th Street in Fond du Lac. Your complainant advised Bender that Posey had died and that the police knew that Posey had been at Bender’s home the night of February 4 into February 5, 2021. Your complainant asked Bender if she was home that night and she replied, “No, I wasn’t.” Bender 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 Bender her *Miranda* rights, which she waived. Bender 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 28 1/2 5th Street around 1:00 a.m. on February 5. Bender stated that she fell asleep around 2:00 a.m. and woke up at 4:00 or 5:00 a.m. Bender stated that February 5, 2021, was a “normal day” as far as conversation with

Logan. After your complainant showed Bender video of the gunshots, followed by Posey's car driving away from the defendant's duplex on February 5, 2021, Bender stated that she did not want to talk anymore and that she thought she needed a lawyer.

Bender reinitiated contact with your complainant on February 10, 2021. Your complainant verified that Bender wanted to speak with law enforcement and read her *Miranda* rights, which Bender waived. Bender 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. Bender stated that she was home with the defendant until Posey came over. Bender stated that Posey arrived, and the defendant was getting crack for Posey. Bender stated that as soon as the defendant went to get a baggie for the crack, Posey punched the defendant in the ear. Bender stated, "He [Posey] tried to knock him [the defendant] out, he tried to rob us, and take everything we had, our money, and everything." Bender stated that Posey grabbed cash that was on top of a chest and that she does not know how much Posey got.

Bender stated that she jumped off the bed when Posey was running to the door and tried to get Posey to stop. Bender stated that she jumped in front of Posey and said, "Stop," and Posey grabbed her and threw her to the ground. Bender stated that that is when the defendant tried to grab the gun and that the defendant went out the door and started shooting in the hallway and outside. Bender stated that Posey was already out the first door and was going down the stairs when the defendant "came around." Bender stated that the defendant shot two or three times while the defendant was standing in the hallway. Bender states that she knows the defendant went outside and fired more. Bender stated that she did not know how many times the defendant shot outside. Bender stated that she believes the defendant unloaded the clip of the gun. Bender stated she knows the defendant was yelling, "You bitch," and "The fuck you try to rob me, punch me, and try to knock me out." Bender 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.

Bender stated that on Saturday, February 6, 2021, she and the defendant took the guns from their home to Bender's parents' house and told them that the defendant's probation officer was coming for a home visit that day, so they needed to store the guns elsewhere. Bender 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. Bender stated that the defendant was with her when she bought each of the guns.

Detective Vandermolen reports that she returned to speak with Bender later on February 10, 2021, to clarify some parts of her account of February 5, 2021. Detective Vandermolen reviewed the *Miranda* rights form and Bender again waived her rights and agreed to speak with police. Bender stated that Posey did not have or use a weapon that she saw. Bender stated that she did not know how much money Posey took from them. Bender stated that the defendant shot the .22 that night, as they did not have any ammunition for the 9 millimeter. Bender 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 Bender's father, Witness 2, had just called dispatch to inform them that Witness 2 had two guns that Bender 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., Bender and the defendant brought two guns to his home, stating that the defendant'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 Bender and the defendant the previous day.

Fond du Lac Police Department Officer Matthew Chevremont reports that he participated in the 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 Bender's apartment and that Fond du Lac Police Officer Levi Ingebrigtsen located another fired cartridge on the sixth step in the stairwell.

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 his 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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