

STATE OF WISCONSIN	CIRCUIT COURT	OUTAGAMIE COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2016OU001830 Assigned DA/ADA: Peter A. Hahn Agency Case No.: 15-5837 15-5484 15-5483 15-5632	Court Case No.: 2017CF000112
vs.		
LESLIE A. BROWN 400 1/2 W. 6th Street Kaukauna, WI 54130 DOB: 11/21/1991 Sex/Race: M/B Eye Color: Brown Hair Color: Black Height: 5 ft 10 in Alias: Also Known As Leslie Antonio Brown Defendant.	ATN: 45000000318656	

**AMENDED CRIMINAL COMPLAINT
(ADDED COUNTS 3 AND 4 AND
CORRECTED A DATE ON PAGE 6)**

For Official Use

The undersigned being first duly sworn, states that:

Count 1: FIRST DEGREE RECKLESS HOMICIDE, REPEATER

The above-named defendant on or about Sunday, October 18, 2015, Outagamie County, Wisconsin, did cause the death of Valerie M. Rhoades, by the delivery or manufacture of a Schedule I or II controlled substance, Fentanyl, in violation of sec. 961.41 Wis. Stats., which Valerie M. Rhoades used, dying as a result of that use, contrary to sec. 940.02(2)(a), 939.50(3)(c), 939.62(1)(c), 973.046(1r), 973.047(1f) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of Drug Paraphernalia in Calumet County Court Case No. 2013CM217 on 6/9/14, Misdemeanor Bail Jumping in Outagamie County Court Case No. 2013CM1636 on 4/15/14, and Disorderly Conduct in Outagamie County Court Case No. 2011CM105 on 5/3/11, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

Count 2: DELIVERY OF SCHEDULE I OR II NARCOTICS, SECOND AND SUBSEQUENT OFFENSE

The above-named defendant on or about Tuesday, September 29, 2015, Outagamie County, Wisconsin, did deliver a controlled substance included in schedule II which is a narcotic drug, to-wit: Fentanyl, contrary to sec. 961.41(1)(a), 939.50(3)(e), 961.48(1)(b), 973.046(1r), 973.047(1f) Wis. Stats., a Class E Felony, and upon conviction may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

And further, invoking the provisions of sec. 961.48(1)(b) Wis. Stats., because the defendant is a subsequent offender, having been convicted of Possession of THC in Winnebago County Court Case No. 2011CM1118 on 1/23/2012, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 4 years.

And 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.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

Count 3: SECOND DEGREE RECKLESS INJURY, REPEATER

The above-named defendant on or about Tuesday, September 29, 2015, Outagamie County, Wisconsin, did recklessly cause great bodily harm to Gregory J. Smet, contrary to sec. 940.23(2)(a), 939.50(3)(f), 939.62(1)(c), 973.046(1r), 973.047(1f) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of Drug Paraphernalia in Calumet County Court Case No. 2013CM217 on 6/9/14, Misdemeanor Bail Jumping in Outagamie County Court Case No. 2013CM1636 on 4/15/14, and Disorderly Conduct in Outagamie County Court Case No. 2011CM105 on 5/3/11 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid

analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

Count 4: SECOND DEGREE RECKLESS INJURY, REPEATER

The above-named defendant on or about Monday, October 12, 2015, Outagamie County, Wisconsin, did recklessly cause great bodily harm to Jamie J. Swenson, contrary to sec. 940.23(2)(a), 939.50(3)(f), 939.62(1)(c), 973.046(1r), 973.047(1f) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of Drug Paraphernalia in Calumet County Court Case No. 2013CM217 on 6/9/14, Misdemeanor Bail Jumping in Outagamie County Court Case No. 2013CM1636 on 4/15/14, and Disorderly Conduct in Outagamie County Court Case No. 2011CM105 on 5/3/11 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

PROBABLE CAUSE:

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is a member of the Outagamie County Sheriff's Department and bases this complaint upon the reports and investigations of Officer Swanson, Officer Krueger, and Inv. Sanderfoot of the Kaukauna Police Department, Inv. Romenesko, Inv. Gustafson, Inv. Holdorf, Inv. Turner, and Inv. Randall of the Lake Winnebago Area Metropolitan Enforcement Group – Drug Unit (MEG), and Inv. Van Schyndel, Inv. Running, Officer Lambie, and Officer Dissen of the Fox Valley Metro Police Department. This complaint is further based on the statements of Ashley VanEpps, Michael Reed, Gregory Smet, Barty Lenhart, Heidi Verkuilen, Jaime Swenson, Sydney Swenson, Anthony Robertson, Diane Baumgarten, James Arnoldussen, and CI - 2362. Complainant, Officer Swanson, Officer Krueger, Inv. Sanderfoot, Inv. Romenesko,

Inv. Gustafson, Inv. Holdorf, Inv. Turner, Inv. Randall, Inv. Van Schyndel, Inv. Running, Officer Lambie, and Officer Dissen are presumed to be truthful and reliable as sworn law enforcement officers. Ashley VanEpps, Michael Reed, Gregory Smet, Barty Lenhart, Heidi Verkuilen, Jaime Swenson, Sydney Swenson, Anthony Robertson, and James Arnoldussen made statements against their individual penal interests. CI – 2362 (CI) is a citizen witness. Diane Baumgarten is presumed to be truthful and reliable as an adult citizen witness.

Complainant reports that Officer Swanson reports that on 9/29/15 he was dispatched to 228 W. 12th Street Apt. 2 in the City of Kaukauna, Outagamie County, WI for a report of a 34 year old male who was unconscious with ineffective breathing. Officer Swanson reports he entered the residence and observed a male who was very pale and was having difficulty breathing on the floor in the hallway. Officer Swanson reports Officer Krueger was speaking with a female, later identified as Ashley Van Epps. Officer Swanson reports Van Epps was identified as the girlfriend of the unconscious male. Officer Swanson reports he was alerted by one of the paramedics to injuries on the male's left arm near the elbow which were consistent with past and recent intravenous drug use. Officer Swanson reports the male slowly became more responsive and was identified as Michael Reed. Officer Swanson reports Reed was transported by paramedics to the Appleton Medical Center. Officer Swanson reports Van Epps reported to Officer Krueger that she returned to the residence at approximately 12:00pm and found Reed "seizing" on the floor in the hallway by the bathroom. Officer Swanson reports Van Epps reported tending to Reed and calling 911. Officer Swanson reports officers froze the scene at 228 W. 12th Street Apt. 2 and obtained a search warrant for the residence.

Inv. Romenesko reports that on 9/29/15 investigators of the Lake Winnebago Area Metropolitan Enforcement Group – Drug Unit (MEG) and officers from the Kaukauna Police Department executed a search warrant at 228 W. 12th Street, Apt. 2 in the City of Kaukauna, Outagamie County, WI. Inv. Romenesko reports Officer Krueger located three used needles in the master bedroom closet and Officer Swanson located a metal spoon with a whitish gray substance believed to be heroin on it on the floor underneath the dresser in the master bedroom. Inv. Romenesko reports a pill bottle without a label containing a trace amount of marijuana was located in the master bedroom closet.

Inv. Sanderfoot reports that on 9/29/15 Michael Reed came to the Kaukauna Police Department and agreed to speak with Officer Sanderfoot. Inv. Sanderfoot reports Reed admitted that he had overdosed on heroin earlier that afternoon and admitted that he had obtained the heroin from Van Epps. Inv. Sanderfoot reports Reed stated he was with Van Epps when Van Epps purchased the heroin and admitted that they had purchased the heroin from a female named "Val." Inv. Sanderfoot reports Reed did not know "Val's" last name and stated that he and Van Epps met "Val" in the McDonald's parking lot in Kaukauna. Inv. Sanderfoot reports Reed stated he and Van Epps purchased one bindle of heroin for which Van Epps paid \$50. Inv. Sanderfoot reports Reed thought the transaction occurred around noon. Inv. Sanderfoot reports Reed stated that, later that afternoon, Van Epps injected about ½ of the bindle and Reed snorted the other half.

Inv. Romenesko reports that on 10/23/15 he and Inv. VanSchyndel spoke with Ashley Van Epps at the City of Kaukauna Police Department. Inv. Romenesko reports Van Epps stated that on 9/29/15 she and Reed met Val around the area of Main and 3rd Street in the City of Kaukauna. Van Epps told Inv. Romenesko that Reed was going to get heroin from Val and Reed gave Val \$50 to get some heroin. Van Epps told Inv. Romenesko that Val explained to

Reed that she was going to get the heroin from a "black guy on the top of the hill." Inv. Romenesko reports Leslie Brown lived close to 3rd and Main Street and that the house where Brown resided is at a higher elevation than where they were located when that discussion took place. Van Epps told Inv. Romenesko that Val was only gone for approximately 6 minutes. Van Epps explained to Inv. Romenesko that the heroin Reed had purchased for \$50 that day was yellowish and that Val stated the heroin was much stronger and that Reed should not do all of the heroin at one time. Van Epps told Inv. Romenesko that Val told Reed to make sure he did some of the heroin to see how he would react and then take more afterward. Van Epps stated that the heroin Reed purchased on 9/29/15 was the heroin from which Reed overdosed. Inv. Romenesko showed Van Epps a picture of some of the heroin that had been seized from Brown's residence (see below) and Van Epps stated the heroin in the picture was the same color and packaged the same as the heroin from which Reed had overdosed.

Inv. Romenesko reports that on 10/27/15 he interviewed Michael Reed at the Kaukauna Police Department. Inv. Romenesko reports Reed stated that he had met Valarie Rhoades a couple of months prior to the interview and that the first time he and Van Epps had purchased heroin from Rhoades, Van Epps had overdosed. Reed stated he contacted Rhoades who came with Naloxone and saved Van Epps. Inv. Romenesko reports Reed stated that the second time he and Van Epps purchased heroin from Rhoades was on 9/29/15. Reed stated he believed he and Van Epps had purchased two bindles of heroin from Rhoades for \$40. Reed stated that they met Rhoades in the McDonald's parking lot in Kaukauna to purchase the heroin and that the heroin was whitish in color. Reed stated that Rhoades had the heroin on her when Reed and Van Epps met Rhoades in the parking lot. Inv. Romenesko reports he showed Reed a picture of some of the heroin seized from the residence of Leslie Brown and Hannah Verkuilen (see below) and Reed stated it was the same color and consistency as the heroin he and Van Epps had purchased from Rhoades.

Officer Krueger reports that on 9/29/15, at approximately 3:10pm, officers and emergency responders were sent to 136 McKinley Street in the City of Kaukauna, Outagamie County, WI for a report of a 20 year old male who had overdosed on heroin. Officer Krueger reports the male was later identified as Gregory Smet. Officer Krueger reports he responded to an upstairs bedroom of the residence where he observed paramedics attending to Smet who was lying on his back, his face was purple, and he was gasping for air. Officer Krueger reports he observed fresh needle marks on the inside of Smet's arms. Officer Krueger reports another male, later identified as Barty Lenhart, was also present in the bedroom. Officer Krueger reports that, after approximately 5 minutes, Smet came to and was able to walk to the ambulance.

Officer Krueger reports he followed Smet to the ambulance and Smet stated he had purchased heroin and injected it into himself while he was at Jonen Park. Officer Krueger reports Jonen Park is located at 3149 Fieldcrest Drive in the City of Kaukauna. Complainant reports based on information and belief that the address is located in Outagamie County, WI. Officer Krueger reports Smet stated that, after purchasing and using heroin at Jonen Park, he drove to Barty's parents' house and hung out with Barty until Smet collapsed. Officer Krueger reports Smet stated he threw away his used hypodermic needle in a garbage can at Jonen Park and that he used all of the heroin that he purchased. Officer Krueger reports Smet was unwilling to tell officers from whom he purchased the heroin.

Inv. Sanderfoot reports he spoke with Barty Lenhart who stated that Smet overdosed on heroin and he knew that Smet did heroin before coming over to the residence. Inv. Sanderfoot reports

Lenhart stated that Smet had come over to the residence approximately 10-15 minutes prior to when Lenhart called 911. Inv. Sanderfoot reports Lenhart eventually changed his story and stated he had met Smet at Subway and then he and Smet went back to the residence.

Officer Krueger reports he spoke with Lenhart who gave officers consent to search his bedroom. Officer Krueger reports Lenhart stated he had been using heroin for approximately two years and the last time he used was the previous day. Officer Krueger reports Lenhart stated there were drugs in his bedroom. Officer Swanson reports he located the following items in the room identified as being Lenhart's: glass smoking devices with burnt residue, used and new hypodermic needles, small cotton balls, cooking tins, and a vile of Naloxone that was partially empty. Officer Swanson reports that, in another bedroom accessible only through Lenhart's bedroom, Officer Swanson located, inside of a dresser drawer, one used large bore needle and a separate loaded hypodermic needle with a red fluid. Inv. Romenesko reports Lenhart explained that the syringe which was loaded with a dark colored red liquid was loaded with heroin. Inv. Romenesko reports Lenhart stated he was unable to use the heroin because Smet was overdosing. Inv. Romenesko reports Lenhart stated he was going to use half of the heroin which Smet had obtained. Inv. Romenesko reports he was informed the suspected heroin came from Leslie Brown (AKA: "LB"). Inv. Romenesko reports he understood that the suspected heroin purchased from LB was the suspected heroin split between Smet and Lenhart. Complainant reports (s)he has reviewed a report from the State of Wisconsin Crime Laboratory dated 2/5/16 for this case which states that examinations of the residue from the syringe located in the bedroom next to Lenhart's bedroom identified the presence of Fentanyl, which is a controlled substance.

Inv. Romenesko reports a Samsung Galaxy cellular phone was located in one of the upstairs bedrooms. Inv. Romenesko reports he determined that the cell phone was owned by Smet. Officer Krueger reports Lenhart stated he had been hanging out with Smet when Smet suddenly collapsed. Officer Krueger reports Lenhart had doses of Narcan in his bedroom and Lenhart injected Smet in the thigh with Narcan two times before the ambulance arrived.

Inv. Romenesko reports Lenhart explained that Smet had gotten heroin from a person who goes by the nickname of "LB." Inv. Romenesko reports Lenhart stated he knew "LB" lived in the Kaukauna area and Lenhart had a phone number for "LB" of 920-378-5860. Inv. Romenesko reports he later searched the phone number on Facebook and determined that the phone number was the number listed for Hanna B. Verkuilen. Inv. Romenesko reports Lenhart explained that they used Lenhart's phone to make contact with "LB." Inv. Romenesko reports Lenhart stated that Lenhart normally got heroin through Smet.

Inv. Romenesko reports he reviewed text messages on Lenhart's phone which included a conversation from Lenhart to "LB" asking for two bindles of heroin for \$50. Inv. Romenesko reports Lenhart again confirmed that Lenhart had not purchased the heroin and that Smet was the one who had purchased the heroin.

Inv. Romenesko reports that on 10/23/15 he interviewed Gregory Smet at the Kaukauna Police Department. Inv. Romenesko asked Smet where he got the heroin from which he overdosed on **9/29/15**. Inv. Romenesko reports Smet was hesitant to provide that information at first but then said, "LB." Inv. Romenesko reports Smet stated "LB" lived at the intersection of 6th Street and Kenneth which would be 400 ½ W. 6th Street in the City of Kaukauna, Outagamie County, WI. Inv. Romenesko reports Smet stated he had purchased the heroin in the alleyway just to

the north of 6th Street. Smet stated he had been purchasing heroin from "LB" for about a year and would usually purchase a bindle for \$40. Inv. Romenesko reports Smet stated that toward the middle of September the heroin changed. Smet stated the heroin used to be a gray rock or gravel type color and was currently a white powder color. Inv. Romenesko reports Smet stated that "LB" explained to Smet to be careful while taking the heroin because the heroin was hot. Inv. Romenesko reports he showed Smet a photograph of some of the heroin seized from Leslie Brown's residence (see below) and Smet stated it was packaged exactly how "LB" packaged the heroin and was the exact color of the heroin.

Inv. Romenesko reports that on 10/23/15 he met with Gregory Smet who consented to a search of his Galaxy S4 black cell phone with number 920-372-3109. Inv. Romenesko reports an analysis of the cell phone was conducted and the following messages between Smet and the number of 920-378-5860 (identified by Inv. Romenesko as being the phone number for Leslie Brown) were located:

9/16/2015

To: 920-378-5860	7:26:10 PM	Yo cud u do 4 for 125
From: 920-378-5860	7:26:49 PM	Yea I can

9/27/2015

From: 920-378-5860	4:32:37 PM	Wat up u still need the half
To: 920-378-5860	4:33:25 PM	Yea I'm Gunna I need go grab cash but I'm waiting
To: 920-378-5860	4:34:15 PM	Actually they just got home so I think I can go g
From: 920-378-5860	4:34:49 PM	Ight
To: 920-378-5860	4:35:39 PM	Actually they are leaving again fuck lol
To: 920-378-5860	5:23:20 PM	Going to grab cash quick
To: 920-378-5860	5:39:05 PM	Hey what's up
To: 920-378-5860	6:12:41 PM	Damn stuff is pretty good or didnt smell good or n

9/29/2015

From: 920-378-5860	7:42:07 PM	Come through
To: 920-378-5860	7:42:37 PM	Kk omw shud I come to door again
From: 920-378-5860	7:43:40 PM	Yea
To: 920-378-5860	7:45:57 PM	Kk I'm pulling up

Inv. Sanderfoot reports that on 10/12/15 at approximately 10:11am officers and paramedics were dispatched to 412 W. 7th Street in the City of Kaukauna for a report of a 27 year old male who was unconscious and not breathing. Complainant reports based on information and belief that the address is located in Outagamie County, WI. Inv. Sanderfoot reports he arrived and spoke with Sydney Swenson, the wife of the unconscious male. Inv. Sanderfoot reports the unconscious male was identified as Jamie Swenson. Inv. Sanderfoot reports Sydney admitted she and Jamie have used heroin in the past. Inv. Sanderfoot reports Sydney admitted it was possible that Jamie was using heroin again and that this could be an overdose. Inv. Sanderfoot reports Sydney stated she found Jamie unresponsive in the bathroom. Inv. Sanderfoot reports Sydney stated she rolled Jamie over onto his back and noticed he was starting to turn purple

and was not breathing so Sydney called 911 and started CPR. Inv. Sanderfoot reports that no needle was located in the area where Jamie was located. Inv. Sanderfoot reports he asked Sydney if she took a needle or any drug paraphernalia from the area where Jamie was located and Sydney stated that she had not.

Inv. Sanderfoot reports paramedics administered Narcan to Jamie and Jamie became conscious and alert. Inv. Sanderfoot reports paramedics transported Jamie by ambulance to the Appleton Medical Center. Inv. Sanderfoot reports that, prior to Jamie being transported to the Appleton Medical Center, Jamie admitted that he used heroin and showed Inv. Sanderfoot the place in his arm where Jamie had injected himself. Inv. Sanderfoot reports Jamie stated he "shot up" while he was in the bathroom, he did not remember where he put the needle, and he did not have any more heroin in the house.

Inv. Sanderfoot reports officers searched the residence and located two syringes in a black purse in the basement. Inv. Sanderfoot reports Sydney stated the purse belonged to her and that the syringes were old. Inv. Sanderfoot reports officers were unable to locate the syringe that Jamie used when he injected himself just prior to overdosing. Inv. Sanderfoot reports he received a phone call from Sydney later that day and Sydney stated she had spoken with Jamie who admitted to Sydney that the syringe he used when he injected heroin was in a shampoo bottle in the basement. Inv. Sanderfoot reports Sydney stated Jamie put the syringe in the shampoo bottle to hide it from Sydney. Inv. Sanderfoot reports Sydney stated that Jamie admitted buying the heroin from "LB" who Jamie knew as "Leslie." Inv. Sanderfoot reports Sydney did not know Leslie's last name but, when Inv. Sanderfoot asked if Leslie's last name was Brown, Sydney stated she thought so. Inv. Sanderfoot reports Sydney stated that "LB" lives on the corner of 6th and Kenneth in an upper/lower duplex. Inv. Sanderfoot reports "LB" lives in the upper duplex with his girlfriend who Sydney identified as Hannah Verkuilen. Inv. Sanderfoot reports Sydney admitted that both she and Jamie have purchased heroin from "LB" in the past and stated that they usually buy one "bin." Inv. Sanderfoot reports Jamie informed Sydney that this time he had purchased a "1/2 bin" from "LB" for \$20. Inv. Sanderfoot reports Jamie injected the entire 1/2 bindle into his arm and did not have any leftover. Inv. Sanderfoot reports he responded to 412 W. 7th Street and collected the syringe contained in the shampoo bottle.

Inv. Romenesko reports that on 10/20/15 he interviewed Jamie Swenson and Sydney Fazendin (AKA: Sydney Swenson) at the City of Kaukauna Police Department. Inv. Romenesko reports Sydney and Jamie provided the following information. Sydney and Jamie stated that they knew "LB" as Leslie Brown and that they had been purchasing heroin from Brown since February of 2014. Jamie and Sydney stated they had previously purchased three bindles for \$100 4-5 times per week but started purchasing about one bindle of heroin per day from Brown starting in September of 2015 until approximately October 18, 2015. Jamie and Sydney stated one of the reasons they went from purchasing three bindles per day to one bindle per day was because the heroin they were getting from Brown seemed to be more potent. Jamie and Sydney stated they had purchased one bindle of heroin for \$30 from Brown in the Copps parking lot on Calumet Street in Appleton on Wednesday, 10/14/15. Jamie and Sydney stated that on 10/16/15 Jamie met with Hannah Verkuilen in the alleyway near 400 1/2 W. 6th Street and purchased one bindle of heroin for \$40. Jamie stated he had been in communication with Brown but Hannah delivered the bindle. Jamie and Sydney stated they purchased another bindle of heroin from Brown on 10/18/15. Jamie and Sydney stated they had received heroin from Brown 85% of the time and from Hannah 15% of the time. Jamie and

Sydney stated Brown always set up the heroin deals. Jamie and Sydney stated Brown had become aware of the possible overdoses saved by Naloxone within the City of Kaukauna and Brown also found out that Jamie had overdosed on heroin that Brown had sold. Jamie explained that he had purchased heroin after the overdose and that on either 10/16/15 or 10/18/15, when Brown sold heroin to Jamie, Brown offered Jamie Naloxone with the sale of heroin. Jamie explained that the Naloxone was located inside of the refrigerator. Jamie and Sydney stated that both Brown and Hannah knew the heroin they were selling was very potent and that Hannah and Brown had told them to be careful with this heroin in the past. Jamie and Sydney explained that Brown had gotten a more potent batch of heroin around the end of September and that the heroin went from a gravel-like color and texture to a whitish yellow powder, which was more potent.

Officer Dissen reports that on 10/19/15 he responded to 3405 Irene Street in the Village of Little Chute for a possible overdose. Complainant reports based on information and belief that the address is located in Outagamie County, WI. Officer Dissen reports the reporting person, Diane Baumgarten, thought that her daughter was dead. Officer Dissen reports he entered the residence and located the body of an adult female, later identified as Valerie Rhoades, lying on the floor next to the bed. Officer Dissen reports he immediately recognized that Rhoades had been deceased for several hours as rigor mortis had set in and there was postmortem lividity present in her face, hands, and upper torso. Officer Dissen reports he observed several items of drug paraphernalia commonly used for injecting heroin. Officer Dissen reports the items of drug paraphernalia included a syringe, a lighter, a tourniquet, and alcohol prep pads.

Inv. Running reports he observed, on the back of Rhoades' right hand was what looked like a sterile alcohol prep pad which is commonly used to clean and disinfect small open wounds and to wipe skin clean after receiving a shot. Inv. Running reports he observed the following items on the floor next to Rhoades: a syringe with an orange cap on it, four orange syringe plunger caps, a plastic baggie containing numerous small cotton filters, and two small metal tins that Inv. Running knows based on his training and experience to be used for cooking heroin prior to injecting it. Inv. Running reports there was also an empty package from a sterile alcohol wipe pad lying on the floor near Rhoades. Inv. Running reports that, lying very close to Rhoades' body was a small round plastic container that was partially opened and a plastic corner baggie with a tan to yellow colored powder in it. Officer Lambie reports that, based on his training and experience, he believed the substance to be heroin. Inv. Running reports he observed aluminum foil inside of the round plastic container. Inv. Running reports he also observed a green and brown tourniquet and a very small plastic medicine cup under Rhoades' right knee. Inv. Running reports that a black and silver metal case was located between Rhoades and the bed. Officer Lambie reports that, on the floor in the northeast bedroom near Rhoades' body, was a plastic container containing three tinfoil bindles with white/brown residue. Officer Lambie reports a corner baggie containing a tan/brown powdery substance was located on the floor near Rhoades' body. Officer Lambie reports that on 10/20/15 he subjected a sample of the tannish brown substance found inside of the corner baggie on the floor to a field test which returned a positive result indicating the presence of heroin. Officer Lambie reports the substance weighed 0.2 grams, with packaging. Inv. VanSchyndel reports that on 3/14/16 he received a laboratory report from the State of Wisconsin Crime Laboratory containing the results for the substance. Inv. VanSchyndel reports the State of Wisconsin Crime Laboratory report states that the presence of Heroin and Fentanyl were identified.

Officer Lambie reports officers located multiple cell phones in the residence. Officer Lambie reports one of the phones was a Samsung candy bar phone which was found on the bedside table in the northeast bedroom. Officer Lambie reports that phone was turned over to Inv. Romenesko and Inv. VanSchyndel.

Complainant has reviewed the report from the St. Louis University Toxicology Laboratory for Valerie Rhoades. The report, signed by Dr. Christopher Long, states that the blood sample from Rhoades had the following results: Opiates (Positive), Fentanyl (Positive; 18.6 NANOGRAMS/ML), and Morphine (less than 0.05 MICROGRAMS/ML). Said report states that the urine sample from Rhoades had the following results: Fentanyl (96 NANOGRAMS/ML), Codeine (0.076 MICROGRAMS/ML), Morphine (greater than 2 MICROGRAMS/ML), and Hydromorphone (less than 0.05 MICROGRAMS/ML).

Complainant has reviewed the report from the Outagamie County Coroner's Office for Valerie Rhoades. The report, signed by P. Douglas Kelley, M.D., the Medical Examiner for the Fond du Lac County Medical Examiner's Office, states that the cause of death for Valerie Rhoades is Multidrug Toxicity.

Inv. Holdorf reports that on 10/19/15 investigators searched a phone that was obtained during the investigation into the death of Rhoades. Inv. Holdorf reports a search of the phone revealed that the number 920-378-5860 had been contacted in order to obtain one gram of heroin. Inv. Holdorf reports the contact name for the 920-378-5860 number was "LB." Inv. Holdorf reports that Inv. Romenesko had identified "LB" as Leslie Antonio Brown (DOB: 11/21/1991). Inv. Holdorf reports that at 10:16pm he sent a text message to the number associated with LB stating, "You have another G?" Inv. Holdorf reports that, at approximately 10:23pm, he followed up with a text message stating, "or you got a half like 5 bins?" Inv. Holdorf reports he received a text message response from LB stating, "I got 2 halves for u." Inv. Holdorf reports that in a text message from LB to Inv. Holdorf, LB stated, "On my way to my house from Green Bay. Meet me at my house." Inv. Holdorf reports investigators knew the address to be 400 ½ W. 6th Street in the City of Kaukauna, Outagamie County, WI. Inv. Holdorf reports he received a message from LB that LB would be arriving in 15-20 minutes.

Inv. Holdorf reports an arrest team was positioned near the address of 400 ½ W. 6th Street. Inv. Holdorf reports that, at approximately 11:19pm he observed a red Lincoln Town Car with WI registration 672XGY pull into the driveway associated with 400 ½ W. 6th Street. Inv. Holdorf reports that Inv. Romenesko had previously identified that vehicle as being associated with Leslie Brown. Inv. Holdorf reports the arrest team moved in and took all four occupants of the vehicle into custody. Inv. Holdorf reports the occupants of the vehicle were identified as Leslie Antonio Brown (driver), Hannah Verkuilen (front seat passenger), Anthony J. Robertson (back seat on driver's side), and Heidi Verkuilen (back seat on passenger's side). Inv. Holdorf reports that a white HTC touch screen phone was located on the driver's side floor. Inv. Holdorf reports he called the number of 920-378-5860 and verified that the white HTC phone had the number that Inv. Holdorf had been texting earlier. Inv. Holdorf reports a blue Nokia touch screen phone was located inside of Hannah Verkuilen's purse.

Inv. Romenesko reports that on 10/19/15 officers executed a search warrant at the residence at 400 ½ W. 6th Street in the City of Kaukauna, Outagamie County, WI. Inv. Romenesko reports Inv. Holdorf located seventeen small, individually packaged baggies of a whitish gray substance believed to be heroin in a sunglasses carrying case in the kitchen area of the

residence. Inv. Romenesko reports the baggies had the following weights (including packaging): 6.5 grams, 1.6 grams, and 15 baggies weighing 0.2 grams each for a total weight of 11.3 grams. Inv. Romenesko reports that on 10/20/15 Inv. Gustafson subjected a small portion of the suspected heroin to a Mecke's Modified Reagent Field Test which returned a positive result indicating the presence of heroin. The suspected heroin was sent to the Wisconsin State Crime Laboratory for analysis. The laboratory report from the Wisconsin State Crime Laboratory states that the substance was examined and the presence of Heroin and Fentanyl was identified.

Inv. Romenesko reports Inv. Holdorf located the following items in a cupboard in the kitchen area of the residence: sandwich baggies, a gray card, and a scale. Inv. Romenesko reports Inv. Turner located two municipal tickets in the kitchen cabinet, one for Leslie A. Brown and the other for Hannah B. Verkuilen. Inv. Romenesko reports Inv. Gustafson located a Hallmark birthday card on the kitchen refrigerator door with the name "LB" at the end of the card. Inv. Romenesko reports Inv. Randall located a photograph of Leslie Brown and Hannah Verkuilen in a picture frame in the living room.

Inv. VanSchyndel reports that on 10/19/15 he and other investigators conducted a Mirandized interview of Leslie Brown. Inv. VanSchyndel reports Brown initially denied selling drugs and denied that he went by the nickname of "LB." Inv. VanSchyndel reports Brown asked what would happen if he helped the officers out and added that he was not trying to deny it but that he had to think about his kids. Inv. VanSchyndel reports Brown eventually admitted that he had sold heroin before. Inv. VanSchyndel reports Brown was asked to whom he sells heroin and Brown stated that he sells to basically anyone. Inv. VanSchyndel reports Brown stated he thought he was selling to "some dude named Sutter" on that day. Inv. VanSchyndel reports Brown was asked if Sutter had texted Brown to meet Brown at Brown's house and Brown stated no and that that Rhoades had. Inv. VanSchyndel reports Brown was asked again who he was selling to that day and Brown said it was Rhoades. Inv. VanSchyndel reports Brown was asked what Brown was selling Rhoades and Brown stated he did not know until he met up with her. Inv. VanSchyndel reports Brown acknowledged selling to Rhoades in the past. Inv. VanSchyndel reports Brown was asked what he sold Rhoades and Brown stated, "drugs." Inv. VanSchyndel reports Brown was informed that Rhoades was deceased. Inv. VanSchyndel reports Brown was asked if Brown came home that night to sell Rhoades heroin and Brown stated yes, a half of a gram. Inv. VanSchyndel reports Brown was asked if he sold to Rhoades the previous day and Brown stated he did not but that a guy named "Shaq" did. Inv. VanSchyndel reports Brown was told the investigators did not believe him and Brown then said he did see Rhoades the previous day and that he was going to see Rhoades again the day of the interview. Inv. VanSchyndel reports Brown stated he saw Rhoades around 4 or 5 in the afternoon the day before and sold her 3 bins. Inv. VanSchyndel reports Brown stated that Rhoades had texted Brown for the heroin on the previous day and they met up at the 6th Street address to complete the heroin transaction. Brown stated that he met Rhoades at the bottom of the stairs in the entrance. Brown told investigators that Rhoades "got her dope and left." Inv. VanSchyndel reports "dope" is a slang term commonly used for heroin. Inv. VanSchyndel reports Brown stated he sold to Rhoades a couple of times in the past. Inv. VanSchyndel reports Brown stated he would get his heroin from a source in Milwaukee and that he would go to Milwaukee approximately every two weeks. Brown told investigators he usually picked up 5 grams of heroin for \$500 from Milwaukee. Brown added that he had approximately 7 or 8 grams in the house that day. Inv. VanSchyndel reports Brown stated he sold to 5 other people. Inv. VanSchyndel reports Brown stated he sold to Bart who Brown

described as a heavier set white guy who lived in Kaukauna, Jamie and Sidney who live in Kaukauna (Brown stated he believed they lived off of 5th Street pretty close to Brown's house), Todd who lived in Appleton, and Sutter who lived in the country by Freedom. Inv. VanSchyndel reports Brown stated that the last time he sold to Barty or Bart was the previous day and that Brown had sold him 3 bins. Inv. VanSchyndel reports Brown stated that Jamie and Sidney had purchased a bin that day. Inv. VanSchyndel reports he asked Brown if the heroin Brown got from his source in Milwaukee was "hot," meaning stronger than usual, and Brown stated that Brown's source told Brown to be careful with the heroin. Brown stated that his source tells him to be careful every time he picks up heroin. Inv. Van Schyndel reports Brown stated that Kevin from Green Bay told Brown that Kevin thought the batch was "hot." Brown stated he had last sold heroin to Kevin on the previous Saturday. Inv. VanSchyndel reports Brown stated he has gotten strong batches of heroin in the past and has told people to be careful because he does not know what is in it.

Inv. Holdorf reports that on 10/20/15 he and Inv. Romenesko conducted an interview of Anthony Robertson. Inv. Holdorf reports Robertson provided the following information. At approximately 8:00pm that day he and his girlfriend, Heidi Verkuilen were picked up at their home at 2414 Honeylou Court in the City of Appleton, Winnebago County, WI by "LB" and LB's girlfriend, identified as Hannah Verkuilen. The four parties went to the casino in Green Bay and, as they arrived at the casino, LB was texting on his phone. After a period of time, Hannah told Heidi that it was time to leave. While riding home, Robertson observed LB utilizing LB's phone and then turning it over to Hannah, who was in the front passenger seat. Robertson recalled that LB told Hannah to text something to the effect that they would be home in 15-20 minutes. Robertson also stated that LB said something to the effect that LB was going to make a serve and then head back to the casino. Robertson knew that term to be used by LB when LB was going to sell heroin. Robertson stated he had seen LB and Hannah sell heroin to a female named "Val" on approximately three or four occasions. Robertson admitted hat on Monday or Tuesday of the previous week, which would have been 10/12/15 or 10/13/15, Robertson did provide the female known as "Val" with one half bindle of heroin for \$20.

Inv. Holdorf reports that on 10/20/15 he and Inv. Romenesko interviewed Heidi Verkuilen who stated that on the previous Monday or Tuesday, which would have been 10/12/15 or 10/13/15 she sold one half bindle of heroin for \$20 to a female named Valerie. Inv. Holdorf reports Heidi stated she had not had contact with Valerie since that time.

Inv. VanSchyndel reports that on 10/21/15 he met with James Arnoldussen who stated that the last time he had used heroin with Rhoades was the weekend of October 10th and 11th. Inv. VanSchyndel reports Arnoldussen stated that the was normally gray, rocky, and hard but that the last time Rhoades had showed Arnoldussen heroin it was a fine golden powder. Inv. VanSchyndel reports Arnoldussen stated that Rhoades showed him the fine golden powder heroin at Arnoldussen's house on October 18th during halftime of the Packers game. Arnoldussen stated Rhoades did not have the heroin when she first got to his house. Inv. VanSchyndel reports Arnoldussen stated Rhoades was texting "LB" to pick up the heroin from "LB's" house. Arnoldussen told Inv. VanSchyndel that Rhoades stated she had picked up the fine golden powder heroin from "LB." Inv. VanSchyndel reports Arnoldussen stated Rhoades did not have her heroin kit with her at his house so she could not use the heroin there.

Inv. Romenesko reports that on 10/27/15 he had a search warrant signed for the white HTC cell phone with phone number 920-378-5860 that was seized from the vehicle operated by

Leslie Brown on 10/19/15. Inv. Romenesko reports he also had a search warrant signed for the blue Nokia touch screen phone which was seized from the purse of Hannah Verkuilen on 10/19/15.

Inv. Romenesko reports there are various text message conversations with various people on the blue Nokia touch screen phone seized from Hannah's purse. Inv. Romenesko reports one of the conversations is on 10/19/2015 with a contact named "Jamie." Inv. Romenesko reports the conversation includes the following: Hannah sent a message stating, "What the hell is this?" Hannah then said, "He said that the last time he's doing anything for you." Hannah sent a message to Jamie stating, "That's bogus I got out of my way for you cuz I know you're probably feeling like shit and then you go and do that which makes everything shitty as fuck for me because of course it's my fault. I didn't look you cuz I'm a dumb ass and just assumed I could trust you. So now I get to sit here and be treated like shit until he forgets about it. Thank you so very much. I'm done feeling bad and rushing him for you cuz you're just an ass." The contact "Jamie" responded saying, "Hey it's Sidney. What did he do now. He told me he was going to his moms but that was a lie obviously. This bs is exactly why he's got kicked out of my house. Let me know what he owes you. I will see what I can, I'm sorry and he told me the other day he did not, he did this to you and he blamed it on me and that's not bs he did that all o his own. He isn't supposed to be using but he keeps fucking doing it." Hannah responded saying, "He gave me like Chinese money and some bullshit. He had the real \$1 bill wrapped around it so I didn't even see what it was that. Then I gave it to LB and he of course noticed it right away. He's really mad, like not even gonna deal with him anymore mad. Just wish I wouldn't have been such a dumb ass."

Inv. Romenesko reports Hannah had a conversation with a contact listed as "My King" who Inv. Romenesko was able to identify as being Leslie Brown based on the phone number associated with that contact, 920-378-5860. Inv. Romenesko reports he identified the phone number of 920-378-5860 as belonging to Leslie Brown. Inv. Romenesko reports that on 9/22/15 Hannah sent a message to "My King" stating "140 for a half gram" and then "Nevermind they only need a bin." "My King" responded stating, "Yeah babe sorry" and Hannah sent a response back stating, "You have \$258." Inv. Romenesko reports that on 10/10/15 Hannah sent a message to "My King" stating "Ain't you still telling people to call me?" "My King" responded stating, "No babe why?" Hannah responded stating, "Cuz Bart, Val, everybody's been calling me." "My King" responded stating, "Cuz I'm ignoring them."

Inv. Romenesko reports that on 11/24/15 he and other investigators met with CI-2362 (CI). Inv. Romenesko reports CI explained that Leslie Brown, who CI knew to be called LB, moved into the same block as CI in the Outagamie County Jail about two weeks prior to the interview. Inv. Romenesko reports CI told investigators that, the first night Brown was in the block, Brown talked to CI about selling two bindles of heroin for \$50 each to a female name Val. Inv. Romenesko reports CI stated Brown said Val had passed away after he sold her the heroin. Inv. Romenesko reports CI stated Brown stated investigators had followed him up to a casino in Green Bay and later executed a search warrant at his residence. Inv. Romenesko reports CI stated Brown said that 11.3 grams of heroin along with other items were seized from the residence. Inv. Romenesko reports CI stated Brown was not remorseful about Val's death and laughed about the police being able to arrest him in reference to Val's death. Inv. Romenesko reports CI stated Brown told CI it would be very tricky for the police to arrest Brown for Val's death because the only people who witnessed the heroin deal that day were Brown and Val.

Inv. Romenesko reports CI stated Brown told CI that Val only bought heroin through Brown because Brown's heroin was better than everybody else's heroin.

Inv. VanSchyndel reports that on 12/17/15 he viewed messages on the Samsung phone identified as belonging to Rhoades. Inv. VanSchyndel reports he viewed SMS messages between Rhoades and "LB." Inv. VanSchyndel reports the numbers listed for the contact of "LB" were 920-378-5860 and 920-659-9145.

Inv. VanSchyndel reports the following messages between Rhoades and "LB" were located on the phone:

10/18/2015

To: "LB"	13:55	Hey u got another G?
From: "LB"	13:56	I only got bins left
To: "LB"	13:56	K. I will let chic know and get back to ya
From: "LB"	14:06	Ight
To: "LB"	14:09	Can u do 9 for 300?
From: "LB"	14:15	Yea
To: "LB"	14:15	K I will let her know
From: "LB"	14:15	I'm at dukas
To: "LB"	14:15	K
To: "LB"	14:20	U going to b there a bit. My chic is coming from GB so it will b a bit.
From: "LB"	14:21	Imma be at home
To: "LB"	14:22	K. Will just txt when on my way and c where u at.

Complainant reports that (s)he has reviewed the records of the Circuit Court Access Program (CCAP), which records are presumed truthful and reliable as they are kept in the normal and ordinary course of business. These records indicate that Leslie A. Brown, DOB: 11/21/1991, was convicted of Possession of THC in Winnebago County Court Case No. 2011CM1118 on 1/23/2012, Disorderly Conduct in Outagamie County Court Case No. 2011CM105 on 5/3/2011, Misdemeanor Bail Jumping in Outagamie County Court Case No. 2013CM1636 on 4/15/14, and Possession of Drug Paraphernalia in Calumet County Court Case No. 2013CM217 on 6/9/2014. Said conviction(s) remain of record and unreversed by appeal.

Subscribed and sworn to before me on 06/12/18

Electronically Signed By:

Electronically Signed By:

Daniel Running

Christine Bruen

Complainant

Special Prosecutor

State Bar #: 1114253