

ORIGINAL

STATE OF WISCONSIN

CIRCUIT COURT
COMMISSIONERS COURT ROOM A

PCH
BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

SUMMONS

vs

98CF 568 Branch 7

Brandon L. Yellowbird-Stevens DOB: 7/31/78
2766 Vestco Court SEX: Male
Green Bay, WI 54313

Defendant.

THE STATE OF WISCONSIN TO SAID DEFENDANT:

A Complaint, a copy of which is attached, having been made before me accusing the defendant of committing the crime(s) of:

COUNTS 1 & 2: ATTEMPTED BURGLARY-Felony, contrary to Sections 943.10(1)(a) and 939.32, Wisconsin Statutes.

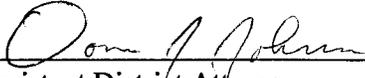
COUNTS 3-7: BURGLARY-Felony, contrary to Section 943.10(1)(a), Wisconsin Statutes.

You, Brandon L. Yellowbird-Stevens, are therefore summoned to appear at the below listed time and place to answer the attached Complaint:

July 2, 1998, at 1:15 p.m.
Circuit Court of Brown County
Court Commissioner
Commissioner's Court Room A
100 S. Jefferson
Green Bay, WI

Posting of bail does not release the requirement of your appearance in court. Failure to appear in court may result in the issuance of a warrant for your arrest.

Executed at Green Bay, Brown County, Wisconsin, this 2nd day of July, 1998.


Assistant District Attorney

M

STATE OF WISCONSIN

CIRCUIT COURT
COMMISSIONERS COURT ROOM A

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs

CRIMINAL COMPLAINT

Brandon L. Yellowbird-Stevens DOB: 7/31/78
2766 Vestco Court SEX: Male
Green Bay, WI 54313

Defendant.

Complainant, Dana J. Johnson, being first duly sworn on oath deposes and says that on June 19, 1998 in the City of Green Bay in Brown County, State of Wisconsin, the defendant did:

COUNT ONE: attempt to intentionally enter a building without the consent of the person in lawful possession, to-wit: Susan Maier, and with intent to steal; ATTEMPTED BURGLARY-Felony, contrary to Sections 943.10(1)(a) and 939.32, Wisconsin Statutes.

The offense is defined as an attempted Class C Felony; upon conviction of the offense, the defendant is subject to imprisonment of not more than 5 years and a fine of not more than \$5,000.

COUNT TWO: attempt to intentionally enter a building without the consent of the person in lawful possession, to-wit: Mary Muenssens, and with intent to steal; ATTEMPTED BURGLARY-Felony, contrary to Sections 943.10(1)(a) and 939.32, Wisconsin Statutes.

The offense is defined as an attempted Class C Felony; upon conviction of the offense, the defendant is subject to imprisonment of not more than 5 years and a fine of not more than \$5,000.

COUNT THREE: intentionally enter a building without the consent of the person in lawful possession, to-wit: Michelle Rodriguez, and with intent to steal; BURGLARY-Felony, contrary to Section 943.10(1)(a), Wisconsin Statutes.

The offense is defined as a Class C Felony; upon conviction of the offense, the defendant is subject to imprisonment of not more than 10 years and a fine of not more than \$10,000.

COUNT FOUR: intentionally enter a building without the consent of the person in lawful possession, to-wit: Bernice Dicke, and with intent to steal; BURGLARY-Felony, contrary to Section 943.10(1)(a), Wisconsin Statutes.

The offense is defined as a Class C Felony; upon conviction of the offense,

the defendant is subject to imprisonment of not more than 10 years and a fine of not more than \$10,000.

COUNT FIVE: intentionally enter a building without the consent of the person in lawful possession, to-wit: Diane Van Straten, and with intent to steal; BURGLARY-Felony, contrary to Section 943.10(1)(a), Wisconsin Statutes.

The offense is defined as a Class C Felony; upon conviction of the offense, the defendant is subject to imprisonment of not more than 10 years and a fine of not more than \$10,000.

COUNT SIX: intentionally enter a building without the consent of the person in lawful possession, to-wit: Keith Brunette, and with intent to steal; BURGLARY-Felony, contrary to Section 943.10(1)(a), Wisconsin Statutes.

The offense is defined as a Class C Felony; upon conviction of the offense, the defendant is subject to imprisonment of not more than 10 years and a fine of not more than \$10,000.

COUNT SEVEN: intentionally enter a building without the consent of the person in lawful possession, to-wit: Patty Hansen, and with intent to steal; BURGLARY-Felony, contrary to Section 943.10(1)(a), Wisconsin Statutes.

The offense is defined as a Class C Felony; upon conviction of the offense, the defendant is subject to imprisonment of not more than 10 years and a fine of not more than \$10,000.

that the basis for the complainant's charge of such offense is:

Complainant is an Assistant District Attorney with the Brown County District Attorney's Office and knows of the above offense on information and belief based upon:

1. His review of the report of Officer Kelly Lewis of the Green Bay Police Department, who reports that on June 19, 1998 at approximately 5:43 a.m., she was dispatched to a call of a disturbance near West Mason Street and Packerland Drive in the City of Green Bay, Brown County, Wisconsin. Lewis was informed that two Oneida Police Officers had stopped a male subject on a bicycle on suspicion of breaking into a number of storage sheds and attempting to break into a residence nearby. At the scene, Officer Lewis observed the defendant, Brandon L. Yellowbird-Stevens, was in custody of two Oneida Police Officers. One of the officers, William Cone, showed Lewis three screwdrivers, which he had removed from the defendant. At the scene, the defendant claimed he had the tools on him because he needed them to fix the tire of his car. Lewis observed that the defendant appeared to be sweating and that his shoes and pants legs were wet. Officer Paul Ebel of the Green Bay Police Department also responded and informed Officer Lewis that Susan A. Maier complained that the defendant had attempted to break into her nearby residence on Country Club Road in the City of Green Bay, Brown County, Wisconsin. The defendant was on a bicycle when he was stopped. Officer Lewis asked the defendant if the bicycle belonged to him and the defendant admitted that it did not. He claimed

it was lying in some grass behind his house and he just took it. He stated the bike was not in his yard, but had been in someone else's yard. The Oneida Officers who were at the scene of the stop informed Officer Lewis that there had been a burglary in the Chief Hill Drive area nearby. Officer Lewis transported the bike to 1251 Chief Hill Drive and spoke with Diane Van Straten, who resides at that address in the City of Green Bay. She explained that someone had broken into the storage shed behind her home sometime during the night or in the early morning hours of June 19, 1998. Van Straten stated her son's bike was stolen from the locked storage shed. Van Straten identified the bike the defendant had been riding as her son's bike. Officer Lewis indicates the defendant had been drinking alcohol.

2. His review of the report of Officer Paul Ebel of the Green Bay Police Department, who indicates that he responded to the above referenced call. Officer Ebel went to the residence of Susan Maier on Country Club Road. Maier explained that she was sleeping in the family room of her residence when she was awakened by a noise from the garage early in the morning on June 19, 1998. She walked into the kitchen and looked out the kitchen window. She saw a bicycle in her front yard that did not belong to them. Maier then went to the door leading to her garage and opened the door. She yelled, "Is someone there?" and slammed the door shut. She then went back to her kitchen window and observed the defendant walk from near the garage to the bicycle that was lying on the ground and ride away toward Country Club Road. Maier then got into her vehicle and followed the defendant on his bicycle until she confronted him. The defendant claimed he was just cutting through some yards. She returned to her home and found a garage window had been opened. She called 911 to report that someone had tried to break into her house. She went back to the location of where she had confronted the defendant and was able to flag down some Green Bay Public Works employees to assist her in detaining the defendant. The police then arrived at the scene. Officer Ebel observed pry marks on the bottom of the window that Maier said was opened by someone. The pry marks were consistent with the screwdrivers found on the defendant. Officer Ebel also checked the residence next-door to Maier, the residence of Mary Muenssens. Muenssens' residence also had pry marks on the back door to the garage of her residence. It did not appear there was any entry into the Muenssens' garage.

3. His review of the report of Officer Dale Metoxen of the Oneida Police Department, who indicates he also responded to the above referenced call. A citizen witness, Susan Maier, told Officer Metoxen that she had confronted the defendant and that he had ridden a bicycle into the III Sisters subdivision near Maier's residence in Green Bay. Officer Metoxen spoke with a number of residents in the III Sisters subdivision nearby. Keith Brunette indicated that on the morning of June 19, 1998 at approximately 5:30 a.m., he observed that the door to his storage shed was opened. Someone had pried the lock off the door. Metoxen observed other storage sheds behind houses near Keith Brunette's residence. He spoke with Michelle Rodriguez, who stated that someone had entered her storage shed without consent and had stolen two bicycles. ✓ Metoxen spoke with another resident, Bernice Dicke, who stated her storage shed was broken into, but she wasn't sure if anything was taken. Metoxen spoke to another resident in the area, Diane Van Straten. She stated that her storage shed was broken into and that her son's bicycle was stolen. Her son's bicycle was recovered with the defendant by the police and returned to her. ✓ Bonnie Doxtator, another resident in the area, indicated her storage shed was broken into, but nothing appeared to be missing. Patty Hansen, another resident in the area, also stated her storage shed was broken into, but nothing appeared to be missing. Officer Metoxen turned the information he had obtained over to Officer Mark Ninham and Sergeant Marty Antone of the Oneida Police Department. They spoke with the defendant who admitted to breaking into a

number of storage sheds in the area where he was stopped on the morning of June 19, 1998. He stated the sheds were in the III Sisters subdivision.

Complainant believes the information from Susan Maier, Mary Muenssens, Michelle Rodriguez, Bernice Dicke, Diane Van Straten, Keith Brunette, Patty Hansen and Bonnie Doxtator because they are citizen witnesses. He believes the reports of Officers Kelly Lewis, Paul Ebel, Dale Metoxen, William Cone, Mark Ninham and Marty Antone because their reports are similar to reports he has relied upon in the past and found to be trustworthy.


Complainant

Hereby approved for filing and
subscribed and sworn to before me at
Green Bay, Brown County, Wisconsin
this 2nd day of July, 1998.


Assistant District Attorney