

**FILED**  
**05-16-2023**  
**Clerk of Circuit Court**  
**Brown County, WI**  
**2023CF000845**  
**Honorable Donald R.**  
**Zuidmulder**  
**Branch 1**

STATE OF WISCONSIN	CIRCUIT COURT BRANCH	BROWN COUNTY
--------------------	-------------------------	--------------

STATE OF WISCONSIN Plaintiff,	DA Case No.: 2023BR002524 Assigned DDA: Dana J. Johnson Agency Case No.: 22-508122 Court Case No.: 2023CF ATN:	
vs.		

**ANDREW NELSON NINHAM**

2555 South Trillium Circle  
 Green Bay, WI 54313  
 DOB: 08/13/2001  
 Sex/Race: M/I  
 Eye Color: Brown  
 Hair Color: Brown  
 Height: 5 ft 11 in  
 Weight: 154 lbs  
 Alias:

**CRIMINAL COMPLAINT**

Defendant.

*For Official Use*

Complainant, Dana Johnson, a Deputy District Attorney, being first duly sworn on oath, deposes and says that:

**Count 1: 1ST DEGREE CHILD SEXUAL ASSAULT - SEXUAL CONTACT WITH A CHILD UNDER AGE 13, REPEATER (touching of breasts)**

The above-named defendant on or between March 24, 2019 - March 25, 2019, in the Village of Hobart, Brown County, Wisconsin, did have sexual contact with a person who has not attained the age of thirteen, TN, a 9 year old child, contrary to sec. 948.02(1)(e), 939.62(1)(c) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Burglary - Commit a Battery on Person and Throw/Discharge Bodily Fluid at Public Safety Worker or Prosecutor in Brown County Wisconsin, Case 21CF813 with a conviction date of 2/3/22 and an offense date of 5/17/21, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

**Count 2: 1ST DEGREE CHILD SEXUAL ASSAULT - SEXUAL CONTACT WITH A CHILD UNDER AGE 13, REPEATER (touching of vagina)**

The above-named defendant on or between March 24, 2019 - March 25, 2019, in the Village of Hobart, Brown County, Wisconsin, did have sexual contact with a person who has not attained the age of thirteen, TN, a 9 year old child, contrary to sec. 948.02(1)(e), 939.62(1)(c) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

STATE OF WISCONSIN - VS - Andrew Nelson Ninham

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Burglary - Commit a Battery on Person and Throw/Discharge Bodily Fluid at Public Safety Worker or Prosecutor in Brown County Wisconsin, Case 21CF813 with a conviction date of 2/3/22 and an offense date of 5/17/21, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

**Count 3: 1ST DEGREE CHILD SEXUAL ASSAULT - SEXUAL CONTACT WITH A CHILD UNDER AGE 13, REPEATER (Subsequent to Counts 1 and 2 - touching of vagina)**

The above-named defendant on or between March 24, 2019 - March 25, 2019, in the Village of Hobart, Brown County, Wisconsin, did have sexual contact with a person who has not attained the age of thirteen, TN, a 9 year old child, contrary to sec. 948.02(1)(e), 939.62(1)(c) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Burglary - Commit a Battery on Person and Throw/Discharge Bodily Fluid at Public Safety Worker or Prosecutor in Brown County Wisconsin, Case 21CF813 with a conviction date of 2/3/22 and an offense date of 5/17/21, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

**Count 4: INCEST, REPEATER**

The above-named defendant on or between March 24, 2019 - March 25, 2019, in the Village of Hobart, Brown County, Wisconsin, did have sexual contact with a child he knows is related by blood or adoption, to a degree of kinship closer than second cousin, TN, a 9 year old child, contrary to sec. 948.06(1), 939.62(1)(c) 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 Burglary - Commit a Battery on Person and Throw/Discharge Bodily Fluid at Public Safety Worker or Prosecutor in Brown County Wisconsin, Case 21CF813 with a conviction date of 2/3/22 and an offense date of 5/17/21, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

Complainant is a Deputy District Attorney with the Brown County District Attorney's Office and knows of the above offense(s) on information and belief based upon:

**PROBABLE CAUSE:**

Complainant's review of the details and information of Investigator Dan Van Lanen of the Hobart - Lawrence Police Department which indicates that on November 15, 2022, I, Investigator Dan Van Lanen of the Hobart-Lawrence Police Department, spoke to a Brown

STATE OF WISCONSIN - VS - Andrew Nelson Ninham

County Child Protective Services worker, Rachel Vandevort, who said she received a case of a possible Sexual Assault Incident.

CPS Worker Vandevort was originally told the incident address occurred on Ferndale Drive in the City of Green Bay. The CPS Worker said after further investigation the incident address was on North Overland Road in the Village of Hobart, Brown County, Wisconsin.

The CPS Worker said the victim is TN, a juvenile female and the suspect is Andrew Nelson Ninham, dob: 08-13-2001, who is TN's first cousin. TN's mother is KN. CPS Worker Vandevort said the North Overland Road is the address for TN's and Andrew's grandparents MN and BN. Andrew and TN are related as TN's mom, KN, is the sister to Andrew's father, CN, making them first cousins.

On November 16, 2022, at approximately 3:07 P.M., CPS Worker Vandevort and I went to Ferndale Drive in Green Bay and met with KN and her daughter TN.

CPS Worker Vandevort and I did not discuss specifics of the incident with KN and TN but did discuss the investigation process such as a Willow Tree Forensic Interview. An appointment was made for a forensic interview with TN on November 23, 2022, at 8:30 A.M.

KN informed CPS Worker Vandevort and I the suspect Andrew Ninham is currently incarcerated at Oshkosh Correctional Institution. KN said she believes Andrew is possibly getting released in the next month or so and was making arrangements to move into her residence with her and TN. KN said she just learned of this incident involving Andrew and TN and he is no longer welcome to live at her residence.

CPS Worker Vandevort and I discussed the process with KN and TN without discussing the case and the meeting ended.

KN said she did not discuss details of the incident with TN but did discuss when the incident happened. KN explained about 3 years ago Andrew got arrested for a disturbance at her Grandparents home on North Overland Road when he punched a hole in a wall and stole her grandparents van. KN said in talking to TN the incident occurred a day before the police incident with Andrew. I did some checking with Oneida Police Department and discovered the incident date was March 25, 2019. KN and TN said the incident date for her incident with Andrew would have been March 24, 2019, the night before the arrest.

KN said she is concerned about Andrew getting released from prison as she believes he may be released in the middle of December of 2022. KN said Andrew's plan when he gets released from prison was to live at her address but now with TN's disclosure this is not an option. Based on the incident date of March 24, 2019, the victim would have been 9 years old, and the suspect was 17 years old.

On November 23, 2022, I responded to Willow Tree Cornerstone Child Advocacy Center, 503 South Monroe Avenue for a forensic interview. The appointment was set up with forensic interviewer Megan Hackl to interview TN.

TN was brought to Willow Tree Cornerstone Child Advocacy Center by her mother KN. Present to observe the interview was Rachel Vandevort of Brown County Child Protection.

STATE OF WISCONSIN - VS - Andrew Nelson Ninham

At approximately 8:48 A.M., Megan and TN started the forensic interview.

The interview started with Megan obtaining basic information from TN as well as going over the rules and administering TN an oath. The video and audio devices were pointed out and explained to TN. TN was informed others were watching and listening to their conversation. TN was offered an opportunity to see the viewing room and to see the equipment and the observers.

Below is a synopsis of the interview, for the full interview please watch the video interview that is with the case file.

Megan asked TN what they were supposed to talk about, and she said an incident with her cousin Andrew. TN said she was with Andrew during the evening getting food and eventually went to their grandfather and grandmother's house to sleep over. TN said her grandparents were renting out rooms in their house like an Air BnB, so she and Andrew had to share a room and bed. TN said Andrew was touching her inappropriately and she would leave the room and go out by her grandmother. TN said she went back to bed, but Andrew was still awake and trying to touch her inappropriately again, so she went in the living room. TN said she heard Andrew go into another room and eventually got into an argument with their grandmother. TN said Andrew hit a hole into her grandparent's wall and stole their car. TN said the police were involved and Andrew was arrested for the incident.

Megan asked TN who else was home when this occurred and she said her grandfather was sleeping, her grandmother was in the living room during laundry, and Andrew's sister was in a different room. TN said when the incident happened, her and Andrew were in a room her family calls the green room because they painted it green. TN said the room has two chairs in it, some pictures, a small tv, a desk and a bed by the closet door. TN said Andrew's clothes were also in the room as he had been sleeping over in that room. TN said Andrew also had some pictures he painted in the room.

TN explained while she was laying down watching TV, Andrew was getting closer to her and started touching her. TN said Andrew was touching her breasts and vagina with his hands. TN said while she was laying there her hands were at her sides when Andrew was touching her breasts and vagina under her clothes. TN said when Andrew touched her breasts, he put his hand under her shirt and bra. TN said Andrew touched her breasts first and then touched her vagina.

TN said when Andrew touched her vagina with his hands it felt cold as his hands were cold. TN explained Andrew pulled down her pants and her underwear about halfway down to touch her vagina. Megan asked TN about words or sounds when this happened, and she said she remembered a tv being on and someone on the tv was fighting. TN said she didn't know what to say and was shocked when this happened. TN said she eventually pulled her pants back up from being down halfway and went into the living room. TN said she stayed in the living room for 10-20 minutes and she went back to bed, but Andrew started touching her vagina again. Megan asked where TN's clothes were the second time Andrew was touching her vagina and she said he pulled them down again like the first time. Megan asked TN where Andrew's body was compared to her when this happened, and TN said he was next to her on his side. Megan

STATE OF WISCONSIN - VS - Andrew Nelson Ninham

asked TN if she could feel anything else from Andrew's body besides his hands and she said no. TN said Andrew left his clothes on during the incident.

Megan asked TN how she was feeling in the moment when the incident was occurring, and TN said she was scared and didn't know what to do. Megan asked TN how the second time it stopped when Andrew was touching her. TN said the second time it stopped because Andrew got up out of bed and went into his sister's room.

Megan asked TN if any other touching happened to her body, and she said no. Megan asked TN if any touching happened to Andrew's body and she said no. Megan asked TN if she felt any pain and she said no. Megan asked if anything like this ever happened with Andrew a different time and she said no.

TN said she was scared to talk about the incident and was worried about her family being upset with her. TN said she was afraid to talk about the incident as she didn't know how her family would react. TN said she kept it quiet, but it was bothering her, so she felt better talking about it. TN said her mom KN is the Power of Attorney for Andrew and when he gets released from prison he was scheduled to live with her and KN. TN said she overheard KN and Andrew on the phone talking about him moving in and made her nervous. TN said this caused her to talk to her boyfriend about what happened because she thought it would make her feel better talking about it. TN said later her boyfriend told KN about the disclosure with Andrew. TN said KN immediately questioned her about the incident wanting to know what happened. TN said she started crying and immediately hugged her mom, KN. TN said KN told her it would be alright, and they would get the situation handled. TN said KN went to her grandparents' house but wasn't sure what was discussed.

Megan asked TN if anything else occurred with Andrew and she said no, and the interview ended.

On December 08, 2022, at approximately 1:15 P.M., I responded to Oshkosh Correctional Institution, 1730 W Snell Road, Oshkosh, WI and spoke to Andrew in a conference room. I told Andrew I was looking to speak to him about an incident with TN and Andrew did not waive his rights and said he would like to consult with an attorney. Due to Andrew not waiving his rights, I did not ask Andrew any questions, and Andrew left the conference room.

Complainant believes the details and information of Investigator Dan Van Lanen of the Hobart/Lawrence Police Department because he has relied upon them in the past and found them to be true and accurate. Complainant believes the information from KN and TN because they are citizen witnesses. Complainant believes the information from Brown County Child Protective Services Worker, Rachel Vandevoort, because it is part of her duties as a child protective services worker.

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

STATE OF WISCONSIN - VS - Andrew Nelson Ninham

Subscribed and sworn to before me on  
05/16/23

Electronically Signed By:

J. Foss Davis

Assistant District Attorney

State Bar #: 1105914

Electronically Signed By:

Dana J. Johnson

Complainant