

**FILED**  
**09-06-2023**  
**Clerk of Circuit Court**  
**Brown County, WI**  
**2023CF001595**

STATE OF WISCONSIN	CIRCUIT COURT BRANCH	BROWN COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2023BR006030 Assigned DA/ADA: J. Foss Davis Agency Case No.: 23-229062	
vs.	Court Case No.: 2023CF001595	
MICHAEL MATTHEW TORRES 1198 Roland Lane #4 Green Bay, WI 54303 DOB: 03/22/1995 Sex/Race: M/I Eye Color: Brown Hair Color: Black Height: 6 ft 0 in Weight: 250 lbs Alias:	ATN:  <b>AMENDED CRIMINAL COMPLAINT</b>	
Defendant.		For Official Use

Complainant, an Assistant District Attorney, being first duly sworn on oath, deposes and says that:

#### **Count 1: 1ST DEGREE SEXUAL ASSAULT OF A CHILD UNDER AGE 12**

The above-named defendant May 1, 2017 through September 30, 2017, in the City of Green Bay, Brown County, Wisconsin, did have sexual intercourse with a child under the age of twelve, MRV, a six old child, contrary to sec. 948.02(1)(b), 939.616(1r) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And furthermore, invoking the provisions of Wisconsin Statutes 939.616(1r) and (3), the defendant being 18 years of age or older at the time of the offense, the court shall impose a bifurcated sentence under s. 973.01. The term of the confinement in prison portion of the bifurcated sentence shall be at least 25 years. Otherwise the penalties for the crime apply, subject to any applicable penalty enhancement.

#### **Count 2: 1ST DEGREE SEXUAL ASSAULT OF A CHILD UNDER AGE 12**

The above-named defendant May 1, 2017 through September 30, 2017, in the City of Green Bay, Brown County, Wisconsin, did have sexual intercourse with a child under the age of twelve, MRV, a six old child, contrary to sec. 948.02(1)(b), 939.616(1r) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And furthermore, invoking the provisions of Wisconsin Statutes 939.616(1r) and (3), the defendant being 18 years of age or older at the time of the offense, the court shall impose a bifurcated sentence under s. 973.01. The term of the confinement in prison portion of the

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bifurcated sentence shall be at least 25 years. Otherwise the penalties for the crime apply, subject to any applicable penalty enhancement.

### **Count 3: INCEST**

The above-named defendant *May 1, 2017 through September 30, 2017*, in the City of Green Bay, Brown County, Wisconsin, did have sexual intercourse with a child he knows is related by blood or adoption, to a degree of kinship closer than second cousin, MRV, a six old child, contrary to sec. 948.06(1) 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.

Complainant is an Assistant 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:**

The complainant, being duly sworn on oath, swears that he has had the opportunity to review the police reports from Officer Younk and Detective Brey of the Green Bay Police Department, and other documents supporting this complaint referenced herein, which are the types of reports and documents kept in the ordinary course of business, which complainant believes to be truthful and reliable because they have proven to be truthful and reliable on numerous occasions in the past.

The complainant further asserts that based upon his/her review of the referenced reports and/or supporting documents, the incidents alleged occurred in Green Bay, Brown County, Wisconsin.

1. Complainant has reviewed the report of Ofc. Younk, which states, in part:

"On Wednesday, May 31, 2023, I was working as a school resource officer at Washington Middle School, 314 S. Baird St. in the City of Green Bay. I was able to follow up on a CPS report that I was assigned in reference to Washington sixth grader MV (an now 13 year old child). CPS report stated that MV was speaking to somebody who was a mandated reporter, and it was stated that she was wearing shorts today and MV has not worn shorts in five years. When asked why, she stated because she was not confident because five years ago, her uncle reached up her shorts and touched her inappropriately. The uncle's name was not known to the reporter, but the reporter was told that it was MV's mom's brother. MV's mom is identified as MT (an adult female).

I told her that I wanted to ask her about a time that she had reported to somebody that her uncle had touched her inappropriately. I asked if she would be able to tell me more about that, and I noticed that her body language changed right away. She began tapping her foot and her leg up and down and I noticed that her voice became more shaky, her hands trembled, and she appeared to look more nervous than when we were just talking about who she lived with and times she did not feel safe at home. MV told me that she never told anybody about what

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happened with her uncles, and I asked her to tell me more about what she meant by “uncles”. She stated that she has one uncle that she doesn’t know very well and doesn’t remember his name, so she just calls him “uncle” and then another uncle who is Michael Torres, who is her mom’s brother. She stated the guy that she calls “uncle”, something might have happened, but she said it might have been a dream. She stated that it replays in her head like a dream and sometimes her dreams seem real and she’s not sure about what happened.

She stated that these incidents happened when she was six, seven or eight years old, and she was not sure about the incident with the guy she calls “uncle”. I asked her if she could remember anything about her uncle Michael and she stated that that happened when she was six, seven or eight years old at her grandma KT’s house. She stated her grandma KT used to live in an apartment on Badger St.{Green Bay, brown County, WI} I asked MV what she could remember about the incident with Michael, and she stated that she slept in the same bed with him because she felt more safe when sleeping at her grandma’s, but that her uncle Michael touched her legs after lifting her nightgown. She stated that she made an excuse that she was too hot and stated she then took her pillow and got up and went to the couch. She stated when that happened, he had touched her leg only after lifting her nightgown.

She indicated that she felt uncomfortable, and I asked her if there were any other times where her uncle Michael made her feel uncomfortable. She stated one other time she felt him touching her on the leg in bed, and then on her privates and she pointed to the area of her vagina. I asked MV if she could tell me what her uncle Michael’s hand was doing, and she stated that it lifted her nightgown and touched her inside of her underwear and also said that it was “holding me”.

2. Complainant has reviewed the report of Det. Brey, which state, in part:

“On 9/1/23 at approximately 8:50am, I, Det. Brey of the Green Bay Police Department observed the forensic interview of MV, which was conducted by Kristie Sickel of the Willow Tree Child Advocacy Center. Kristie then asked MV why she was there to talk with her today. MV said it is about something that happened and it is about her Uncle touching her and his name him Michael. MV said one time, she woke up and he was touching her in her in the down area and she said Michael thought she was sleeping but she said she moved her hand and then her looked at her and she said she then pretended to still be asleep. MV said Michael then put a pillow over her face and he continued to touch her down there. MV said she was sleeping on the couch at her Grandma KT's Apartment when this happened.

MV said when she was would sleep on the couch the couch was tan with flowers on it. Kristie asked MV to tell her about a time that something happened on the couch and MV said she remembers waking up to someone touching her and she said she felt that she knew who it was and she said she moved her hand and that is when her Uncle put the pillow on her face. MV said she could not sleep because she was uncomfortable and she said it happened at like 2 or 3 in the morning. MV said she then watched him walk away and her clothes and her underwear were still off and covered the blanket on her. MV said she then looked back and she saw that it was her Uncle Michael. MV said she could feel his fingers down there in her private parts. MV said she uses her private parts to pee and she said it was uncomfortable and she was not sure if what he was doing was right or wrong so she did not tell anybody. MV said she was laying sideways on the couch and her face was facing the back of the couch when

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this happened. MV said he saw her looking and he put the cushion over her face so she could not see. MV said her clothes were at the bottom of her feet and her legs were open when the touching happened. MV said her clothes were on her but he took them off and she could feel them on the bottom of her feet with her toes. MV said she could feel him taking her clothes off and MV showed Kristie how she moved her hand. MV said she could see Michael looking at her because she was using one to squint while she looked at him. MV said after he put the pillow on her face he kept doing it. MV said it was uncomfortable, but it did not hurt and she could not smell anything or hear anything. MV said Michael touched her for 5 to 10 minutes and then Michael put a blanket on top of her and she watch the back of Michael's head as he walked away to his room. MV said she was wearing her pajamas, with a shirt and she was not sure if she had a blanket on when she went to sleep because she fell asleep watching TV. MV also said that she was wearing underwear and they were moved to her feet. MV said when she woke up she put her clothes back on because everyone was still sleeping and she said she went back to sleep. MV said Michael then woke up around 6 or 7 and he went to work. MV said the only people in the apartment were Michael and her Grandma, KT.

MV said she would spend the night at KT's often when she did not have school because her mom would have to work. Kristie asked MV if this has happened any other times and MV said she was watching TV and Michael told her that she could sleep in his room and MV agreed to sleep in Michael's room because when she opens her Grandma's door it is loud and that upsets her grandma. MV said then she went into Michael's room the lights were off and MV said she thinks that Michael assumed she was sleeping and Michael tried to put his fingers down by her legs and she said she felt him doing that and she said she tried to pull her night gown down. MV said she was also wearing underwear. MV said she told Michael that she was hot and she wanted to use the bathroom and then she went to sleep on the couch because it was too hot in his room. MV said she was on his bed and Michael was behind her when she told him his bedroom was too hot. MV said she felt uncomfortable and she made that excuse to go to the living room and that is when she told him that she was going to sleep on couch and no more touching happened that night.

MV said Michael was kneeling down next to the her the time it happened on the couch and she said Michael's head was down there and she felt licking. MV said it felt wet and she did not hear anything and she could hear him breathing. MV said she could feel the mouth and the mouth was down at the same spot where the mouth was. MV said the licking happened to her private that pees and Michael fingers were under his tongue inside of her private that pees. MV said she does not know if anyone else has done this to her and that she feels that someone may have but she does not know. MV said no one told her not to say anything and it has not happened at any other location. MV said her mom knows about this and she said the first person she told was her school counselor at Washington M.S. MV said the reason she talked about what happened is because another student in her class tried to touch her leg and she kicked the student. MV said she had to go to the office and she told her what happened with the other student and she told the counselor about what happened with her Uncle and she told her Counselor who had her talk to the school police and she said she told the police what happened.

MV said her mom found out because the police told her and her mom asked her (MV) if it was true and MV told her mom that it was true. MV said the incident with the boy at school was the right time to tell someone what happened with her Uncle because she realized that touching

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someone without permission is wrong. MV said she was starting first grade of elementary school at Anne Sullivan when this happened.”

I, Detective Brey, of the Green Bay Police Department, was assigned to follow-up with this case. After the Forensic Interview was completed, see attached details reference the Forensic Interview of **MV**. I spoke with her mom, **MT**. MT confirmed that there were several times that MV would stay at her grandma’s house, which would be MT’s mom identified as **KT (an adult female)** who resides at [a residence on] Badger Lane. MT said that she knew a little bit about what had happened; however, she’s never talked to Michael about it personally, but that their mom KT who is the mother to both Michael and MT because they are siblings, stated that she, KT, had confronted Michael and Michael made the comment that if anyone believes MV they can just unfriend me.

MT said she would drop MV off often times overnight at KT’s house because she was a machine operator and she was to be at work very early in the morning, and she did not want to wake her kids up to bring them to their grandma’s house for the day. I asked MT to explain if there were any couches at KT’s address and she described a tan couch with flowers and a green love seat type couch, which is consistent to what MV disclosed in her interview.

I also noted that on 08/07/2023, officers made contact with Michael Torres who was on the Leo Frigo Bridge threatening to jump off to commit suicide. Michael stated at that time the reason for the suicide attempt was that his place of work suffered a fire and they might be closing which would cost Michael his job. I have talked since with Michael’s roommate, **Morgan E. Grib (07/13/98)** at 1198 Roland Lane, Apt. #4 and she stated that at no point did Michael lose his job.

I asked MT if she knew why Michael was suicidal and MT feels that Michael was suicidal that day because he is having a hard time living with the guilt of what he did to MV. I have made several attempts to talk with Michael and he refuses to come out of his apartment.”

Complainant is aware that the victim attended first grade during the 2017-2018 school year and that the victim would have been under the age of twelve at that time.

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

Subscribed and sworn to before me on 09/06/23

Electronically Signed By:

Kimberly A Hardtke

Assistant District Attorney

State Bar #: 1087991

Electronically Signed By:

J. Foss Davis

Complainant