

FILED
04-01-2022
Clerk of Circuit Court
Brown County, WI
2022CF000553
Honorable Tammy Jo
Hock
Branch 3

STATE OF WISCONSIN	CIRCUIT COURT	BROWN COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2021BR001259 Assigned DDA: Wendy W Lemkuil Agency Case No.: 21-203309 21-002018	
vs.	Court Case No.: 22CF _____ ATN:	
WINTER FORREST BENTON 1303 Chief Hill Drive Green Bay, WI 54304 DOB: 12/20/1980 Sex/Race: M/I Eye Color: Black Hair Color: Brown Height: 6 ft 2 in Weight: 310 lbs Defendant.	CRIMINAL COMPLAINT	
		<i>For Official Use</i>

Complainant, an Deputy 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 on or between January 1, 2007, and December 31, 2008, at 1062 Lime Kiln Road, Apt. 3, in the City of Green Bay, Brown County, Wisconsin, did have **sexual intercourse** with a child under the age of twelve, KME, contrary to sec. 948.02(1)(b) 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 CHILD SEXUAL ASSAULT - CONTACT WITH A CHILD UNDER AGE 13

The above-named defendant on or between January 1, 2007, and December 31, 2008, at 1062 Lime Kiln Road, Apt. 3, in the City of Green Bay, Brown County, Wisconsin, did have **sexual contact** with a person who has not attained the age of thirteen, KME, a old child, contrary to sec. 948.02(1)(e) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 3: 1ST DEGREE CHILD SEXUAL ASSAULT - CONTACT WITH A CHILD UNDER AGE 13

The above-named defendant on or between January 1, 2007, and December 31, 2008, at 1064 Lime Kiln Road, Apt. 7, in the City of Green Bay, Brown County, Wisconsin, did have **sexual contact** with a person who has not attained the age of thirteen, KME, contrary to sec.

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948.02(1)(e) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 4: 1ST DEGREE CHILD SEXUAL ASSAULT - CONTACT WITH A CHILD UNDER AGE 13

The above-named defendant on or between January 1, 2007, and December 31, 2009, 2076 Allouez Avenue, in the Village of Bellevue, Brown County, Wisconsin, did have **sexual contact** with a person who has not attained the age of thirteen, KME, contrary to sec. 948.02(1)(e) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Complainant is an 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:

The complainant, being duly sworn on oath, swears that she has had the opportunity to review the police reports of the Green Bay Police Department and other documents supporting this complaint, 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 complaint further asserts that based upon her review of the reports and/or supporting documents, the incidents alleged in Brown County, Wisconsin.

1. Your complainant's review of the reports of Officer Nathan Ness of the Oneida Police Department, who indicates: On 1/12/21, I Sgt Nathan Ness responded to the Oneida Police Department for a sexual offense complaint that occurred at W123 Janz Ct, Town of Oneida, Outagamie County. The victim K.M.E. DOB 5/26/2001 wanted to report she was sexually abused at this location by her mother's former boyfriend Winter F. Benton DOB 12/20/1980 when she was in the 4th grade. K.M.E. said she was also sexually abused by Winter when they lived at 1062 Lime Kiln Road and 1064 Lime Kiln Road, City of Green Bay and at 2076 Allouez Avenue, Village of Bellevue, County of Brown.

I met with K.M.E. in an interview room at the Oneida Police Department and activated my body camera. K.M.E. said she is currently 19 years old. K.M.E. said her mother J.M.E. DOB:10/8/81 has been dating Winter since as long she could remember. K.M.E. said her biological father lives in Milwaukee, J.M.E. and Winter have 2 children together. They were living together with K.M.E. until last year when Winter and her mom broke up and Winter moved out.

I asked K.M.E. to explain to me what happened with Winter regarding the sexual contact. K.M.E. said they lived in 2 different apartments on Lime Kiln Road in the City of Green Bay, Brown County, Wisconsin when she was around 6 or 7 years old (2007-2008). It was later determined she lived at the addresses of 1062 Lime Kiln Road and 1064 Lime Kiln Road. K.M.E. said they later moved to Oneida when she was in 4th grade and around the age of 9 (2010) and It happened again in the Oneida at her current address of W123 Janz Court.

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First sexual assault occurred between 2007-2008, when K.M.E. was 6 or 7 years-old. K.M.E. described the first incident occurred at 1062 #3 Lime Kiln Road, City of Green Bay. K.M.E. said this happened in the first apartment complex when you walk in and it is on the left. K.M.E. said her mother was gone and she was home alone with Winter. Winter showed her magazine with naked people and a porno video he had. K.M.E. remembers Winter putting her on the couch in the living room and pull her underwear off. K.M.E. said Winter performed oral sex on her, K.M.E. said Winter put his mouth on her vagina. K.M.E. remembered Winter looking up at her and asking her if she liked it. K.M.E. said she stared at him because she did not know what to say or do.

Second sexual assault occurred between 2007-2008, when K.M.E. was 6 or 7 years-old. K.M.E. described the second incident occurred again at 1062 #3 Lime Kiln Road, City of Green Bay. K.M.E. remembered being pulled on top of Winter with her underwear off. K.M.E. said she could feel Winters penis against her vagina and said he had an erection. K.M.E. remembers Winter's penis slipping fall out of the position he had it in, K.M.E. remembers Winter looking at her like she was supposed to put his penis back where it was. K.M.E. said Winter put his penis back into position. K.M.E. said she did not remember anything after this, K.M.E. said she was not sure if Winters penis made penetration into her vagina. K.M.E. said she is not sure Winter at any point made any penetration into K.M.E.'s vagina with his penis or his fingers.

Third sexual assault occurred between 2007-2008, when K.M.E. was 6 or 7 years-old. K.M.E. described the third incident occurring at 1062 #3 or 1064 #7 Lime Kiln Road, City of Green Bay. K.M.E. said this happened at the other apartment but still in the same complex. K.M.E. described this apartment as having had a stovetop fire in it at some point. K.M.E. said she could not remember details before or after this incident but remembers being on top of Winter. K.M.E. said she remembers Winter had a shirt on but did not know if he had underwear on off or pulled down, K.M.E. said Winter always wore a shirt. K.M.E. said she remembers being on top of him and she could feel his penis against her vagina, K.M.E. said Winter would put his hands on her hips and pull her down on to his penis.

Fourth sexual assault occurred between 2008-2009, when K.M.E. was 7 or 8 years-old. K.M.E. described the fourth incident occurring at 2076 Allouez Avenue, Village of Bellevue, County of Brown, K.M.E. said this was a house and it is now a vacant lot since the house has been torn down. K.M.E. said she thinks they had to move out of this house because it was going to be torn down, K.M.E. said they lived at this house with Winter and her mother and brother who was an infant. K.M.E. describes being in the 2nd grade, K.M.E. remembers being scared one night and sleeping on the floor in Winter and her mom's bedroom. K.M.E. said her mother left for work. K.M.E. said Winter reached down by her and woke her up and started pulling her underwear down. K.M.E. said she pulled them back up and he pulled them back down. K.M.E. said Winter finally pulled her up on to the bed and pulled her underwear off. K.M.E. said Winter put her on top of him. K.M.E. said Winters pants were off and he forced her down on to his penis by placing his hands on her hips. K.M.E. said she could feel his penis against her vagina. K.M.E. said she does not remember if there was penetration but specially remembers it hurting that night to pee and said it burned. K.M.E. said she remembers going to the bathroom and she leaned out of the bathroom door and told her mom who was sitting on the couch that it burned when she peed.

Fifth sexual assault occurred at the 2076 Allouez Avenue house. K.M.E. said she was in the living room leaning on a chair with her knees on the ground, K.M.E. said Winter came into the

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room and came up behind her and started dry humping her. K.M.E. described it as Winter grabbing her and pulling her back and forth towards his body. K.M.E. said Winter got on his knees behind her and did this. K.M.E. said they both had all their clothing on, K.M.E. said she remembers getting mad and running to her room and calling her mom to come home from work. K.M.E. said she was in her room and remembers Winter had taken her door off the hinges. K.M.E. remembers being mad because she did not have any privacy.

K.M.E. eventually moved out of this house and into a 1-bedroom apartment with all of them and her grandpa. K.M.E. said nothing happened at this apartment because her grandpa was always there. The Sixth sexual assault occurred between 2010-2011, when Kaylyn was 9 or 10 years-old. K.M.E. described the sixth incident occurred at W123 Janz CT, Town of Oneida, Outagamie County. K.M.E. said they were finally able to move in towards the end of 4th grade. K.M.E.'s mother and Winter had a room in the basement and K.M.E.'s bedroom was upstairs. K.M.E. said she was in the basement with Winter and nobody else was home, K.M.E. said she was on the Winter and her mom's bed with Winter, Winter began to hump her while they were on the bed and both had clothes on. K.M.E. said Winter was behind her and she was facing away from him. K.M.E. said her underwear was taken off and Winters underwear came off. K.M.E. said he felt Winter's penis had an erection and pushing against her back just above her butt. K.M.E. said she did not remember if there was vaginal or anal penetration at any point. K.M.E. said this was only time she remembers anything happening at the Janz CT address, K.M.E. said this is the last time she remembers anything happening and said nothing happened to her in high school.

K.M.E. said Winter and her mom broke up last year in 2020 and thought maybe it was sometime during the summer. K.M.E. said they broke up because it had to do with Winter cheating on her mom and having naked pictures of girls on his phone. K.M.E. said Winter had become violent with their 2 new Pitbull's they had and would hit them and choke them until they defecated on the floor.

On 01/12/21 I spoke with K.M.E.'s mother, J.M.E., on the phone. J.M.E. said she recently became aware of what happened to K.M.E. J.M.E. has been dating Winter since 2005 and they broke up in September of 2020. J.M.E. has 2 boys with Winter. J.M.E. was able to remember the addresses of the apartments they lived in, J.M.E. said they were 1062 Lime Kiln in apartments #3 & #4, 1064 #7 Lime Kiln, and 2076 Allouez Avenue, J.M.E. said she never suspected anything going on with Winter and K.M.E. I asked J.M.E. if Winter had any pornographic materials in the residence. J.M.E. told me Winter had both pornographic videos and magazines that he brought with him when he moved in with her. J.M.E. said Winter went on a trip to Canada and brought back even more porn when he returned.

Interview with Winter Benton:

On 01/19/21 I located Winter Benton at his residence and I told Winter I needed to interview at the Oneida Police Department, Winter was willing to come with and I transported him to the Oneida Police Department, I placed Winter in interview room 1 and activated the video recording system. Officer Edward Metoxen sat in the interview.

I read Winter his Constitutional Rights and Winter agreed to speak with me. Winter signed the form. Winter said he was dating and living with J.M.E. but they broke up in August of 2020.

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I had Winter tell me about his relationship with J.M.E.. Winter said they dated in 2006 and broke up in August of 2020. They broke up because the relationship had run its course. Winter did not know if being quarantined in the same house the whole year had something to do with it, Winter said the relationship since has been good and there is no animosity between them. Winter said there was cheating during the relationship and there was an incident in 2013 when they broke up for a few months, J.M.E. dated someone one else during this time. Winter did not know who J.M.E. dated, I asked Winter about the concerns involving violence towards the dogs they owned while living at the Janz Ct address, Winter said he may have gone a little overboard when he was trying to put a muzzle on their new dog, and it bit him. Winter said there was no other incidents of violence.

I told Winter that K.M.E. was making allegations that he had touched her sexually, Winter said, "No, never Uh Ah no this is crazy this is all news to me" when I told him. Winter said he did not know where this was coming from, Winter said the relationship between him and K.M.E. has always been strained. K.M.E. would never call him by his real name and would call him Victor. Winter said it started when he took a joke too far in Walmart and told everyone she was a lost little girl. Winter said he was a bit of a bully to K.M.E..

Winter told me about the places they used to live, on Lime Kiln, Bellevue Street and Louise Street. Winter did not know any of the addresses. I asked Winter about having pornographic magazines. Winter said he did have them. Winter was given a big stack of them by his friend. Winter could not remember where he kept them because it was so long ago. Winter said he never showed them to K.M.E. and does not think she would have found them.

Winter said he did not know why K.M.E. would make allegations against him. Winter said he kind of blames K.M.E. partially for his breakup with J.M.E.

I advised Winter he was going to be placed under arrest. Winter was placed in handcuffs, searched and transported to Outagamie County Jail. Winter was booked in for 1 count of 948.02(1)(E) - 1st Degree Sexual Assault - Sexual Contact/Intercourse with a child under age 13. Winter was also booked in for 948.025(1)(E) - Repeated Sexual Assault of Same child 3 or more, I am requesting these charges in Outagamie County for the sexual contact that occurred at W123 Janz Ct, Town of Oneida as stated by the victim K.M.E..

The other five sexual assaults occurred in Brown County. Three reported incidents occurred at the Lime Kiln addresses in the City of Green Bay jurisdiction of the Green Bay Police Department. The other two sexual assaults occurred at the 2076 Allouez Ave residence in the Village of Bellevue jurisdiction of the Brown County Sheriff's Office. This report will be forward to the Green Bay Police Department and the Brown County Sheriff's Office.

2. Your complainant's review of the reports of Det. Cassie Pakkala of the Green Bay Police Department, who indicates: On 01/20/21, around 10 AM, I received a fax from the Oneida Police Department. Lt. L. Skenandore forwarded a report that their agency had taken of sexual assault of a child. It was noted that three incidents happened in the City of Green Bay, and the suspect was currently in the Outagamie Co. Jail.

The report was taken by Sgt. N. Ness. He met with K.M.E. 5/26/01 on 01/12/21 at the Oneida Police Department. She proceeded to tell him about multiple sexual assaults done to her by Winter F. Benton DOB:12/20/80 that started when she was in the 4th grade and ended when

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she was in high school. Benton was K.M.E.'s mother's boyfriend. K.M.E.'s mother was identified as J.M.E.. K.M.E. said Benton had been dating her mother as long as she could remember and that he had two children with her mother as well. Benton broke up with K.M.E.'s mother in 2020.

K.M.E. told Sgt. Ness about 3 incidents that happened when she was living in Green Bay. The first two happened when she was living at 1062 Lime Kiln Apt #3, City of Green Bay, Brown County, Wisconsin when K.M.E. was 6 or 7 years old (2007-2008). The first time was when her mom was gone. Benton had shown K.M.E. a pornographic magazine and movie. Then she remembered Benton putting her on the couch in the living room and taking her underwear off. K.M.E. said that Benton performed oral sex on her, putting his mouth on her vagina. She remembered Benton asking her if she liked it, but all she could do was stare at him because she didn't know what she should do.

The second sexual assault by Benton occurred during the same time period, 2007-2008 when K.M.E. was 6-7 years old. It also happened at 1062 Lime Kiln Rd #3. K.M.E. remembered being pulled on top of Benton with her underwear off. K.M.E. said that she could feel Benton's erect penis against her vagina. She talked about how it slipped out of position and Benton looking at her like she should know to reposition his penis. This was all K.M.E. remembered about this incident. She could not recall if he penetrated her with his penis or with his fingers.

The third sexual assault happened at 1064 Lime Kiln #7, also between 2007-2008, when K.M.E. was 6-7 years old. K.M.E. remembered being on top of Benton and feeling his penis against her vagina. She said he put his hands on her hips to pull her down on his penis. K.M.E. remembered that Benton had a shirt on but didn't remember how his underwear was, or if he was wearing any. She did remember she was on top of him.

Sgt. Ness spoke to K.M.E.'s mother, J.M.E. on 01/12/21. J.M.E. confirmed that they had lived at 1062 Lime Kiln in Apts 3 & 4, as well as 1064 Lime Kiln #7. J.M.E. remembered an ex-boyfriend, J.C.R. had told her something about K.M.E. and Benton, but she thought that Riedel was just trying to get her to dump Benton and date him. J.M.E. did remember Benton having pornography in the home and said he had both videos and magazines, and after a trip to Canada, he came back with even more.

I am referring the following charges to the Brown County District Attorney's Office against Benton: Engaging in Repeated Acts of Sexual Assault of Same Child (948.025[1][e]), Child Enticement (948.07[1]), and Exposing a Child to Harmful Material (948.11[2][a]).

These were the three assaults that happened in the City of Green Bay. Multiple other assaults of K.M.E. by Benton happened in other jurisdictions, including Oneida Police Department and the Brown County Sheriff's Department. As of 02/22/21, 2:11 PM, Benton was incarcerated in the Outagamie Co. Jail. No further details.

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

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Subscribed and sworn to before me on
04/01/22

Electronically Signed By:

Eric R Enli

Assistant District Attorney

State Bar #: 1020873

Electronically Signed By:

Wendy W. Lemkuil

Complainant