

FILED
11-14-2019
Clerk of Circuit Court
Brown County, WI
2019CF001767
Honorable Marc A.
Hammer
Branch 5

STATE OF WISCONSIN	CIRCUIT COURT GROUP BRANCH B	BROWN COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2019BR004925 Assigned DA/ADA: Jill L. Vendetti Agency Case No.: 19-006510 Court Case No.: 2019CF ATN:	
vs.		
DANIEL JAMES SUMMERS JR 3780 North County Line Road Oneida, WI 54155 DOB: 11/07/1984 Sex/Race: M/I Eye Color: Hazel Hair Color: Brown Height: 6 ft 00 in Weight: 200 lbs Alias:	CRIMINAL COMPLAINT	
Defendant.		<i>For Official Use</i>

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

Count 1: SUBSTANTIAL BATTERY, REPEATER

The above-named defendant on or about Tuesday, July 9, 2019, in the Village of Hobart, Brown County, Wisconsin, did cause substantial bodily harm to Shadia Loni Metoxen, by an act done with intent to cause bodily harm to that person, contrary to sec. 940.19(2), 939.62(1)(b) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Escape, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 4 years if the prior conviction was for a felony.

Count 2: DISORDERLY CONDUCT, REPEATER

The above-named defendant on or about Tuesday, July 9, 2019, in the Village of Hobart, Brown County, Wisconsin, while in a public or private place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke a disturbance, contrary to sec. 947.01(1), 939.62(1)(b) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Escape, which conviction(s) remain of record and

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unreversed, the maximum term of imprisonment for the underlying crime may be increased 4 years if the prior conviction was for a felony.

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 she has had the opportunity to review the police reports from Detective Sergeant Ron King Jr. and Officer Cletus Ninham of the Oneida 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 her review of the referenced reports and/or supporting documents, the incidents alleged occurred in the Village of Hobart, Brown County, Wisconsin.

The reports of Officer Cletus Ninham of the Oneida Police Department are as follows:

On Tuesday, July 09, 2019, at approximately 10:47 PM, Oneida Police Sergeant Brandon Vande Hei #808, and I, Officer Cletus Ninham #816, were dispatched to the White Eagles Sports Bar, located at 2994 E Service Rd, Village of Hobart, Brown County. Dispatch advised Officers of a Male / Female Disturbance with a female bleeding from her face. The female was reported to be laying on the ground and the male kicked the female in the face.

Upon arrival, Officer's attempted to locate the female involved, who was later identified as Shadia L Metoxen, (DOB 04/05/1991). Shadia was escorted to the south entrance of the bar and asked to sit on a picnic table during questioning. I observed a strong odor of an intoxicates as she spoke. Her speech was slurred, and she appeared unsteady. Shadia was asked if she was injured and she stated, "I'm not even supposed to be here." I observed what appeared to be blood on the right side of her face. When asked if she consumed alcoholic beverages prior to Officer interaction, Shadia stated she had. She also advised she was at White Eagles Sports Bar to pick up her sister. She identified her sister as Sienna R Metoxen, (DOB 12/11/1997).

I spoke with a female who I identified from prior Officer interactions as Randi R Walkingeagle, (DOB 03/08/1985). I asked Randi if she witnessed how Shadia became injured. Randi advised me she was working at the bar as a bartender. She stated she was getting off of work when she observed her niece, "Play fighting with her sister," Sienna. Randi stated she did not witness how Shadia went to the ground outside the West entrance of the bar. She stated she did witness a male, who she knew as Daniel, bring his foot backwards and kick her niece in the head. Randi demonstrated the action taken by Daniel by bringing her right leg back behind her person at a height of about one foot and brought the tip of her foot forward past her left knee, in a motion consistent with a kicking action. Randi stated she saw the injury open up on Shadia's face and blood began to drip down her right cheek. Randi stated she went to check

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on Shadia and observed the male, who was wearing a grey colored tank top leave the property on foot going towards Commissioner St, Village of Hobart, Brown County. Shadia refused all medical aid. She also stated she did not want to file a voluntary statement.

On Wednesday, July 10, 2019, at approximately 1:47 AM, I was advised Shadia went to St Mary's Hospital, located at 1726 Shawano Ave, City of Green Bay, Brown County, for medical attention, by Oneida Police Dispatch. I was also advised Shadia wanted to file a report. I responded to St Mary's Hospital to meet with Shadia.

I asked Shadia for a reason why she wanted to file a report. Shadia advised she was kicked in the face and required four stitches. Shadia continued, stating she originally declined to file a report because she was on probation and did not want to be placed in jail. I asked Shadia if she knew the person who kicked her in the face. She stated she did, explaining how her uncle, Wayne D Metoxen, (DOB 11/26/1966), owner of the bar, told her to "Be careful of those two," as he entered into the bar. Shadia stated Wayne directed his attention to an unidentified female and a male, later identified as Daniel J Summers Jr, (DOB 11/07/1984), who were standing outside the south entrance of the bar. Shadia stated Daniel was acting, "Awkward," and suspicious. When asked to explain what she meant by "Awkward," she stated, "He was just standing there. It was kind of suspicious."

Shadia advised she approached Daniel asking for his name. After the male told her his name was Daniel, he told her that he was recently released from prison. Shadia said, "I looked him up on Google.com to verify his identity." Shadia stated she located his on-line picture, and noted the picture showed Daniel previously had hair. But, was now bald." After finding Daniel's picture on-line, Shadia stated she began to horse play with her sister. She provided a physical description of Daniel and advised he was wearing a grey colored tank top with light colored basketball type shorts.

I informed Shadia I was made aware she had been on the ground prior to being kicked. I asked Shadia if she remembered how she ended up on the ground and she said, "No. I don't remember at all." I asked her if she felt pain when she was kicked in the head. Shadia stated she did not remember. She continued, advising she felt pain after coming to, while at home. I asked her to rate the level of pain she currently felt, on a scale of one to ten with one being the least amount of pain and ten being the worst pain she had ever felt. Shadia rated her pain level at a seven. I asked Shadia if she gave anyone permission to cause her pain or if she gave permission to anyone to kick her in the head. Shadia stated no to both questions. I asked Shadia how she knew Daniel kicked her in the head. Shadia stated, "My sister, (Sienna), and my auntie, (Randi R Walkingeagle, DOB 03/08/1985), told me what happened," and how she got her injuries to her face. Shadia also remembered speaking with Daniel prior. I asked Shadia if she wanted to file charges and she stated she did.

The reports of Det. Sgt. Ron King Jr. inform as follows:

In Friday, July 26, 2019, Det. Sgt. King interviewed Daniel J. Summers Jr. at the Brown County Jail. Daniel confirmed he was at the White Eagle Bar on July 9, 2019. Daniel stated people are telling him about what happened. Daniel was told he kicked some girl in the face with a steal toed boot, but he didn't wear steel toed boots that night. Daniel said he thinks the girls name is Shadia. Whomever the girl was came outside and started making comments and asking him if he was a "bum". Daniel said he wasn't sure how drunk this girl was, but he was picking up

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cigarette butts that he found and broke open to roll his own cigarettes. Daniel said she swung faintly at him and he tried to move away from her because she was trying to swat the cigarette out of his hand. Daniel said she was yelling at the bartender that he needed to stop this. Daniel said Shadia kept swinging at him. Daniel got out of his chair and was trying to demonstrate what he was doing. Daniel picked up his right foot off the ground and extended his leg away from his body. Daniel was leaning to the left side balancing on his left foot. Daniel said he did this because she kept trying to swat his cigarette out of his hand.

Daniel said Shadia told him and Marla that she was going to kick both their asses. This is when Shadia started swinging wildly at them. Daniel said he was honestly drinking and taking pills that day, but wasn't drinking at the bar that night. Daniel got out of his chair again and demonstrated that he was only trying to lean away from Shadia, but this time he showed and told me he was backing up and went behind Marla because Shadia was swinging at them.

Daniel said a guy came out from the bar who wanted to fight, then a group of people came out. The guy told Daniel to "Get the fuck out of here". Daniel said he rolled on the ground in the parking lot with the guy and was hit in the face, but wasn't sure how many times. Daniel remembers the mark under his left eye and blood in his nose. Daniel walked away because they said they were going to call the cops.

All of this is what Daniel said he "heard" what happened. Daniel said his cousin Dwight told him Shadia had some injuries, like she got stitches and a concussion. Daniel said, "that's all I know is she came after us all wildly and swinging at us." Daniel said he feels bad for her but did not do anything.

Your complainant has reviewed the records of the Wisconsin Circuit Court Access Program (CCAP) website, which records are believed to be truthful and reliable as they are records kept in the ordinary course of departmental business. Said records indicate that on September 27, 2016, the defendant was convicted of Escape-Criminal Arrest, a felony in Brown County Case 16CF1048. Said conviction remains of record and unreversed.

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

Subscribed and sworn to before me on
11/14/19

Electronically Signed By:

Meranda J Teller

Special Prosecutor

State Bar #: 1102495

Electronically Signed By:

Jill L. Vendetti

Complainant