

STATE OF WISCONSIN

CIRCUIT COURT

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

Case No. 22CF1068

JACOB VENTURA,

Defendant.

JOINT MOTION TO SEVER

Jacob Ventura appearing specially by his attorneys, May Y. Lee and Angela Cunningham, and the State of Wisconsin, by Assistant District Attorney David Lasee, hereby move the court to sever the trial of Jacob Ventura from co-defendants Gustavo F. Cantu (22CF1066)(“GFC”) and Alejandro P. Cantu (22CF1067)(“APC”) for the purpose of trial.

AS GROUNDS THEREFORE Mr. Ventura states the following:

I. FACTS

1. On July 16, 2024, Mr. Ventura proffered a statement to Assistant District Attorney David Lasee and Green Bay Police Department detectives.
2. Mr. Ventura stated he knew GFC shot the alleged victim.
3. Mr. Ventura stated that, after the shooting, GFC was about to throw a black revolver out of the window around the Mason Bridge over the Fox River near the bridge tower; fearful that the firearm would hit him (Mr. Ventura) or accidentally discharge, Mr. Ventura took the firearm and threw it out the window.
4. Mr. Ventura recounted details of the alleged incident with APC while they were both incarcerated in Waupun Correctional Institution. APC shared information about the

night of the alleged incident explaining that Chentis McKenna (“CM”) was fighting RD and APC did not get to fight RD because RD broke away from the fight and ran around the building. That is where RD was confronted by GFC. APC told Mr. Ventura he heard arguing then gunshots.

II. LEGAL STANDARD

1. Wisconsin Statute § 971.12 codifies the law governing joinder of crimes and defendants. Wisconsin Statute § 971.12(3) states:

(3) Relief from prejudicial joinder. If it appears that a defendant or the state is prejudiced by a joinder of crimes or of defendants in a complaint, information or indictment or by such joinder for trial together, the court may order separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires. The district attorney shall advise the court prior to trial if the district attorney intends to use the statement of a codefendant which implicates another defendant in the crime charged. Thereupon, the judge shall grant a severance as to any such defendant.

2. Circumstances in which a defendant could face prejudice in a joint trial include:
 - (1) Conflicting and irreconcilable defenses;
 - (2) A massive and complex amount of evidence that makes it almost impossible for the jury to separate evidence as to each defendant;
 - (3) A codefendant’s statement that incriminates the defendant; and
 - (4) A gross disparity of evidence between the defendants.

United States v. Clark, 989 F.2d 1490, 1499 (7th Cir. 1993).

III. ARGUMENT

1. The statement Mr. Ventura provided on July 16, 2024 incriminates both co-defendants. Further, Mr. Ventura’s defense is that GFC shot and killed the victim, and that Mr. Ventura was not a party to planning to meet up with the victim.

2. With the new information, the state intends use Mr. Ventura as a witness to testify against GFC as the shooter who killed the victim.
3. DA Lasee agrees, along with Mr. Ventura's counsel, that severing Mr. Ventura's trial from the other alleged co-defendants is appropriate.

THEREFORE, Mr. Ventura and the state move this court to sever Mr. Ventrua's trial from the co-defendants.

Dated at Milwaukee, Wisconsin, this 2nd day of August 2024.

Electronically Signed by

Attorney May Y. Lee, #1093976

Attorney Angela D. Cunningham, #1092034

Counsel for Jacob Ventura

Attorney David Lasee, #1041798

Assistant District Attorney