

State of Wisconsin

Circuit Court

Dunn County

STATE OF WISCONSIN

Plaintiff,

-vs-

DA Case No.: 2005DN001420

Assigned DA/ADA: James M Peterson

Agency Case No.: 05-3436

Brandon L. Green
 1001 7th Ave. S.W., #120
 Forest Lake, MN 55025
 DOB: 03/22/1985
 Sex/Race: M/W
 Eye Color: Blue
 Hair Color: Brown
 Height: 5 ft 10 in
 Weight: 165 lbs
 Alias:

Court Case No

05CF210

ATN:

Defendant,

Criminal Complaint

Kristine Cusick, Assistant District Attorney, Dunn County, Wisconsin, upon information and belief, being first duly sworn, states that:

Count 1: SECOND DEGREE SEXUAL ASSAULT

The above-named defendant on Friday, July 01, 2005, in the City of Menomonie, Dunn County, Wisconsin, by threat or use of force or violence, did have sexual contact with MSB, without the consent of that person, contrary to sec. 940.225(2)(a) 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.

Count 2: BURGLARY OF A BUILDING OR DWELLING

The above-named defendant on Friday, July 01, 2005, in the City of Menomonie, Dunn County, Wisconsin, did intentionally enter a dwelling, the home of MSB, without the consent of the person in lawful possession of the place, and with intent to commit a felony, contrary to sec. 943.10(1m)(a) Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

Count 3: MISDEMEANOR BATTERY

The above-named defendant on Friday, July 01, 2005, in the City of Menomonie, Dunn County, Wisconsin, did cause bodily harm to M.S.B., by an act done with intent to cause bodily harm to that person, without that person's consent and with the knowledge that the person so harmed did not consent, contrary to sec. 940.19(1) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 4: FALSE IMPRISONMENT

The above-named defendant on Friday, July 01, 2005, in the City of Menomonie, Dunn County, Wisconsin, did intentionally confine or restrain M.S.B., without that person's

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consent, and with the knowledge that he had no lawful authority to do so, contrary to sec. 940.30 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

PROBABLE CAUSE:

Your complainant bases this complaint on the reports of Officer Patrick Van Kirk, of the Menomonie Police Department, said reports having been prepared, filed and maintained in the normal and ordinary course of that business.

Officer Van Kirk advised your complainant that he was working for the Menomonie Police Department on July 01, 2005. At 08:13 PM, he was dispatched to the home of M.B., DOB 11/28/1955. M.B. resides at [REDACTED] in a mobile home at that location. This is located in the City of Menomonie, Dunn County, Wisconsin. M.B. had called the police to report that she had just been sexually assaulted and beaten up. Officer Van Kirk went to the scene and spoke to M.B. When he saw her, he immediately noticed that she had bruises on both eyes, bumps and bruises on her forehead, bruising near her mouth area, and she complained of other injuries.

M.B. advised that she had been in her mobile home that evening. At about 07:30 PM, a male subject came to her door and knocked. She opened the door and a young male subject with a thin build in his twenties indicated that he was "Brandon." He was trying to sell magazines. He even gave her a brochure about the magazines that his company was selling. She specifically noticed that he had a distinctive tattoo on his right forearm. She told this man, Brandon, that she did not want to buy any magazines. She felt sorry for him so she gave him a couple of dollars to buy himself a soda. The man then kissed her hand and thanked her and left.

Just a few minutes later, M.B. stated that the man came back. He again knocked on the door and she opened the door for him. It was the same man that had been there earlier trying to sell her magazines. The man stated that he was "attracted" to her. She told the man that he was too young for her and again, he kissed her hand and started to rub her leg. She told him she did not like that and she told him not to do it. At that point, Brandon pushed her inside of her own mobile home. He entered the mobile home without her consent. He tackled her down onto the floor. She told him to stop several times but he would not do so. He then proceeded to beat her. He punched her in the face and head several times.

M.B. stated that the assault continued. Brandon took her by the shirt and dragged her into a bedroom in the mobile home. Once inside, he shut the door and she stated that she was "trapped." She could not get out of the bedroom. Brandon pushed her onto the bed and tried to take down her pants. He would pull them down and she tried to pull them back up. He hit her again. Next, he tied her wrists together. He pulled down her pants and pulled his own pants down. He laid on the bed next to her. Brandon grabbed her by the head and pushed her head and told her to "give me a blow job." She refused to do so. The defendant then tried to penetrate her by putting his penis in her vagina. M.B. stated that he could not do it. Next, he took his hand and put it inside her vagina. She tried to push him away. M.B. stated that she pushed him away enough so she could get off the bed. When she did so, Brandon grabbed her by the throat and began to choke her. She stated

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that she could not breathe. The defendant then threw her onto the floor and hit her many more times in the face and head. He told her to relax because, "I usually get what I want, but you are too tough for me." She then started to shout and Brandon told her, "If you don't stop shouting, I will use the gun rack to shut you up and finish you off." The defendant again tied up her wrists and threatened her by saying, "If you call the cops, I will return and kill you." He then left her mobile home.

M.B. described the man identified as "Brandon" and even drew a picture of his tattoo that was on his right forearm. Further, Brandon had left a brochure of the magazine sales company at her mobile home and she gave that to the officer as well.

Thereafter, Officer Bakken discovered that the magazine sales company had a van that would drive around picking up various employees who were soliciting for magazine sales. He stopped the van on July 01, 2005 and spoke to the driver, who was identified as Eldon Warr. Mr. Warr stated that he does have an employee by the name of Brandon, Brandon Lee Green, hereinafter referred to as the defendant. He stated that the defendant had been selling magazines near the mobile home park where M.B. resides and Mr. Warr was supposed to pick up the defendant near the Burger King or Wal-Mart parking lot in the City of Menomonie, which is in close proximity to the home of M.B. He stated that as he drove near the Burger King restaurant by Wal-Mart, the defendant came running up to his van and he did not have a shirt on. The defendant got in the van and explained to Mr. Warr that he had been having sex with a "chick" when the woman's husband showed up and so he had to run out of the residence.

Another employee of the magazine company was interviewed. He was identified as Randy Meek. Mr. Meek indicated that he knows the defendant and the defendant does work for the same company Mr. Meek works for. Mr. Meek had a brochure in his possession that he gave to Officer Bakken. The brochure Mr. Meek had was identical to the brochure that was found at the home of M.B. that she indicated was given to her by the defendant.

Eventually, on July 02, 2005, Officer Stolp found the defendant walking on Douglas Street in the City of Menomonie. The defendant identified himself as Brandon Lee Green. The defendant matched the description of the person who had assaulted M.B., the description she gave to the officers. He even had a distinctive tattoo on his right forearm that matched the picture that M.B. had drawn of the defendant's tattoo. The defendant was then taken into custody. The defendant admitted to Investigator Pellett that he was selling magazines in the City of Menomonie, Dunn County, Wisconsin, on July 01 & 02, 2005. At first, he indicated that he never went to solicit sales at any mobile homes whatsoever. He stated that he only went to more expensive stick-built homes and not trailer homes. Later, he admitted that he had gone to a few homes in the mobile home court where M.B. resides. He did indicate that he went to two or three mobile homes and he described where those mobile homes were. Two of the mobile homes he said he went to solicit sales from were approximately two mobile homes away from M.B.'s home or across the street from M.B.'s home. He indicated that he was in that area at about the same time as the assault.

A man by the name of Garland Johnson was interviewed. Mr. Johnson stated that he saw a man in his early twenties running right by his mobile home, which is located in the same mobile home court as M.B.'s. The man was running by his mobile home at around 8:00 PM on July 01, 2005. Investigator Pellett verified that Mr. Johnson's mobile home is about 300 feet away from M.B.'s mobile home.

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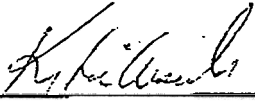
Mr. Meek also indicated to the officer that the defendant had made a comment about a sexual encounter he had on July 01, 2005. Mr. Meek stated that the defendant came running up to the van being driven by Mr. Warr. The defendant was not wearing a shirt and he said, "Let's get the hell out of here, I just fucked this chick and her husband is on my ass chasing me." This incident occurred on July 01, 2005, at about the same time the assault was reported.

The statements made by the law enforcement officers can be considered truthful, credible, and reliable because of the positions of trust they hold. The statements of the citizen witnesses can be considered truthful, credible, and reliable because they are made by citizen witnesses. The statements of the defendant(s) can be considered truthful, credible, and reliable to the extent to which they are admissions against interests.

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

Subscribed and sworn to before me,
and approved for filing on:

This 6th day of July, 2005.


Complainant


Assistant District Attorney

State Bar No.