

STATE OF WISCONSIN

-vs-

Plaintiff,

James Walter Allen Jr  
1118 Chantel Street  
Green Bay, WI 54304  
DOB: 01/14/1986  
Sex/Race: M/B  
Eye Color: Brown  
Hair Color: Black  
Height: 6 ft 5 in  
Weight: 225 lbs

DA Case No.: 2017BR001896  
Assigned DA/ADA: Caleb J Saunders  
Agency Case No.: 16-000189  
Court Case No.: 2017CF \_\_\_\_\_  
ATN:

**CRIMINAL COMPLAINT**

Defendant,

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

**Count 1: MANUFACTURE/DELIVER COCAINE (>1G BUT <=5G), REPEATER**

The above-named defendant on or about Wednesday, September 21, 2016, in the City of Green Bay, Brown County, Wisconsin, did deliver a controlled substance, to-wit: Cocaine, in an amount of more than one gram but not more than 5 grams, contrary to sec. 961.41(1)(cm)1r, 939.62(1)(c) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of THC as a 2nd or subsequent offense, contrary to 961.41(3g)(e), a class I Felony, on February 26, 2014 in Brown County case number 2013CF1250, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 2: MANUFACTURE/DELIVER COCAINE (>1G BUT <=5G), REPEATER**

The above-named defendant on or about Tuesday, September 27, 2016, in the City of Green Bay, Brown County, Wisconsin, did deliver a controlled substance, to-wit: Cocaine,

in an amount of more than one gram but not more than 5 grams, contrary to sec. 961.41(1)(cm)1r, 939.62(1)(c) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of THC as a 2nd or subsequent offense, contrary to 961.41(3g)(e), a class I Felony, on February 26, 2014 in Brown County case number 2013CF1250, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 3: MANUFACTURE/DELIVER COCAINE (>1G BUT <=5G) - PTAC, AS A PARTY TO A CRIME, REPEATER**

The above-named defendant on or about Wednesday, December 14, 2016, in the City of Green Bay, Brown County, Wisconsin, as a party to a crime, did deliver a controlled substance, to-wit: Cocaine, in an amount of more than one gram but not more than 5 grams, contrary to sec. 961.41(1)(cm)1r, 939.05, 939.62(1)(c) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of THC as a 2nd or subsequent offense, contrary to 961.41(3g)(e), a class I Felony, on February 26, 2014 in Brown County case number 2013CF1250, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 4: MANUFACTURE/DELIVER COCAINE (>1G BUT <=5G), REPEATER**

The above-named defendant on or about Wednesday, December 21, 2016, in the City of Green Bay, Brown County, Wisconsin, did deliver a controlled substance, to-wit: Cocaine, in an amount of more than one gram but not more than 5 grams, contrary to sec. 961.41(1)(cm)1r, 939.62(1)(c) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of THC as a 2nd or subsequent offense, contrary to 961.41(3g)(e), a class I Felony, on February 26, 2014 in Brown County case number 2013CF1250, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 5: MANUFACTURE/DELIVER COCAINE (>1G BUT <=5G), REPEATER**

The above-named defendant on or about Wednesday, January 04, 2017, in the City of Green Bay, Brown County, Wisconsin, did deliver a controlled substance, to-wit: Cocaine, in an amount of more than one gram but not more than 5 grams, contrary to sec. 961.41(1)(cm)1r, 939.62(1)(c) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of THC as a 2nd or subsequent offense, contrary to 961.41(3g)(e), a class I Felony, on February 26, 2014 in Brown County case number 2013CF1250, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 6: MANUFACTURE/DELIVER COCAINE (>1G BUT <=5G) - PTAC, AS A PARTY TO A CRIME, REPEATER**

The above-named defendant on or about Thursday, January 12, 2017, in the City of Green Bay, Brown County, Wisconsin, as a party to a crime, did deliver a controlled substance, to-wit: Cocaine, in an amount of more than one gram but not more than 5 grams, contrary to sec. 961.41(1)(cm)1r, 939.05, 939.62(1)(c) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of THC as a 2nd or subsequent offense, contrary to 961.41(3g)(e), a class I Felony, on February 26, 2014 in Brown County case number 2013CF1250, which conviction(s) remain of record and

unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 7: MANUFACTURE/DELIVER COCAINE (>1G BUT <=5G), REPEATER**

The above-named defendant on or about Monday, January 30, 2017, in the City of Green Bay, Brown County, Wisconsin, did deliver a controlled substance, to-wit: Cocaine, in an amount of more than one gram but not more than 5 grams, contrary to sec. 961.41(1)(cm)1r, 939.62(1)(c) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Possession of THC as a 2nd or subsequent offense, contrary to 961.41(3g)(e), a class I Felony, on February 26, 2014 in Brown County case number 2013CF1250, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Complainant is an Assistant District Attorney with the Brown County District Attorney's Office and knows of the above offense 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 Narcotics Investigators assigned to the Brown County Drug Task Force, 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 complainant further asserts that based upon his review of the reports and/or supporting documents, the incidents alleged occurred in Brown County, Wisconsin.

Your complainant has reviewed the reports from Narcotics Investigators assigned to the Brown County Drug Task Force and other state and local law enforcement agencies. Your complainant believes the information contained in the reports is truthful and reliable as the

state and local law enforcement officers who conducted the investigation and drafted the reports have specialized training and knowledge in narcotics investigations, have participated in numerous narcotics investigations, and were acting in the course of their official duties. The information contained in the reports indicates the following information:

1. On or about September 21, 2016, Narcotics Investigators (N/I) Messerschmidt and Katers met with a confidential informant (CI) who was going to attempt to obtain cocaine base (crack cocaine) from James W. Allen, Jr. whom the CI knew as "Walt" for \$200. The CI and the CI's vehicle were searched with no contraband or currency being located. The CI was provided \$200 in U.S. currency and a wireless recording device. The CI placed a call to Allen who answered the phone and instructed the CI to meet him in the alley behind 1121 Eastman Avenue in the City of Green Bay. Various agents and officers provided surveillance on the CI to the location. The CI was observed arriving in the area of the meeting and moments later a GMC Yukon was observed arriving in the alley and parked near the CI. Contact could be heard on the wire a short time later and the CI and Allen were seen entering the door to 1121 Eastman Avenue. The CI and Allen could then be heard over the wire talking and counting money. Both were then seen exiting the residence and entering their respective vehicles. The CI was followed to a location where N/I Messerschmidt and Katers met with the CI, and the CI provided a plastic baggie containing an off white chunky material, which was later weighed by N/I Katers, who observed the weight of the substance to be 2.36 grams. The CI and the CI's vehicle were searched again with no contraband or currency being found. N/I Katers used the Modified Scott Reagent test on a sample of the substance and observed a positive result for cocaine base. The CI informed N/I Katers that when the CI arrived in the alley, the CI saw "Walt" arrive in an SUV, the CI made contact with "Walt," and they entered the residence together. The CI reported that once inside the residence, "Walt" took out a scale and weighed some cocaine base and placed it in a plastic bag, which he handed to the CI. The CI then provided "Walt" with the \$200 given to the CI by the investigators, had a short conversation with "Walt" as they left and got into their vehicles.

2. On or about September 27, 2016, N/I Messerschmidt and Katers met with a CI who was going to attempt to purchase \$200 worth of cocaine base (crack cocaine) from a person known by the CI as "Lil' Walt," identified by police as James W. Allen, Jr. The CI placed a phone call to "Lil' Walt" who told the CI to come to Maple Avenue to complete the deal. The CI and the CI's vehicle were searched with no contraband or currency being located. The CI was provided \$200 in U.S. currency and a wireless recording device. Various officers provided surveillance of the CI's movements and confirmed the address the CI arrived at was 919 South Maple Avenue. The CI was observed arriving at the meet location and walking toward the back of the residence. Contact could then be heard on the wire device between the CI and a male individual. A short time later, the CI was seen walking back to the CI's vehicle and leaving. The CI was followed to a location where N/I Messerschmidt and Katers met with the CI, and the CI provided a clear plastic bag with a zip closure containing a white rock-like substance, which was later weighed by N/I Messerschmidt, who observed the weight of the substance to be 1.86 grams. N/I Messerschmidt used the Modified Scott Reagent test on a sample of the substance and observed a positive result for cocaine. The CI and the CI's vehicle were searched again

with no contraband or currency being found. The CI informed N/I Messerschmidt that upon arriving at the Maple Avenue address, the CI walked up the driveway and entered the rear of the residence. The CI stated that "Lil' Walt" was at the kitchen table when the CI made contact with him. "Lil' Walt" handed the CI the plastic bag of crack cocaine, that the CI later provided to investigators, and the CI handed "Lil' Walt" the \$200. The CI stated they made small talk until the CI told "Lil' Walt" the CI had to leave and departed.

3. On or about December 14, 2016, N/I Messerschmidt and Katers met with a CI who was going to attempt to purchase 4.0 grams of cocaine base (crack cocaine) from Joshua Cook for \$400. The CI had made prior contact with "Lil' Walt," James W. Allen, Jr., who told the CI the CI was good to go. The CI stated that prior to meeting with investigators that Joshua Cook had called the CI and said that "Lil' Walt" had a basketball game and Cook would serve the CI up. Cook told the CI to come to a brown house on Harvey Street near North Irwin Avenue. The CI was provided \$400 in U.S. currency and a wireless recording device. Various officers provided surveillance of the CI to the location of the meet, 1305 Harvey Street. After the CI arrived at the meet location, contact between the CI and a male could be heard over the wire device and the CI departed. The CI was followed to a location where N/I Messerschmidt and Katers met with the CI, and the CI provided a clear sandwich style baggie containing a white rock-like substance, which was later weighed by N/I Messerschmidt, who observed the weight of the substance to be 4.0 grams. N/I Messerschmidt used the Modified Scott Reagent test on a sample of the substance and observed a positive result for cocaine base. The CI and the CI's vehicle were searched again with no contraband or currency being found. The CI informed N/I Messerschmidt that upon arriving at the meeting location, the CI observed the numbers 130 on the front of the brown house. The CI stated that the CI believed the address to be 1304 or 1305 Harvey Street. The CI walked up the back stairs and knocked on the door, which was opened by Josh Cook. The CI stated that Cook handed the CI a baggie of crack cocaine, which the CI later provided to the investigators, and the CI gave Cook the \$400 provided by investigators. The CI said Cook placed the money in his pocket without counting it.

4. On or about December 21, 2016, N/I Katers and Shield met with a CI who was going to attempt to purchase cocaine base (crack cocaine) from Christopher J. Howard. The CI placed a phone call to Howard and ordered two eight-balls, 7 grams, of crack cocaine. Howard told the CI to meet at the McDonald's restaurant at 1125 Radisson Street in the City of Green Bay. The CI and the CI's vehicle were searched with no contraband or currency being located. The CI was provided \$400 in U.S. currency and a wireless recording device. Various officers provided surveillance of the CI to the location of the meet. The CI was observed arriving at the meeting location. The CI then placed multiple calls to Howard but Howard did not answer any of the calls. The CI then called James W. Allen, Jr., who answered, and the CI informed him he was looking to buy two eight-balls. Allen instructed the CI to come over to "Cuz's" house and he would take care of the CI. The CI then departed the McDonald's and was surveilled to 1121 Eastman Avenue in the City of Green Bay. The CI was then observed knocking on the side entrance to 1121 Eastman Avenue and could then be heard over the wire device speaking with a male. The CI could be heard telling the male that the CI was supposed to meet

Howard but he never showed up. A short time later, the CI was heard over the wire exiting the residence and was seen exiting the side door of 1121 Eastman Avenue. The CI was followed to a location where N/I Katers and Shield met with the CI, and the CI provided two plastic corner baggies, each containing an off white chunky material that the CI received from James W. Allen in exchange for \$400. The chunky material was later weighed by N/I Katers who observed the weight of the substance in one baggie to be 2.96 grams and the second baggie to be 2.94 for a total of 5.9 grams. N/I Katers used the Modified Scott Reagent test on a sample of the substance and observed a positive result for cocaine base. The CI and the CI's vehicle were searched again with no contraband or currency being found. The CI stated that after receiving no contact with Howard after arriving at the meeting location, the CI contacted James W. Allen, Jr. who stated he would provide the crack cocaine to the CI. The CI stated once the CI arrived at the address, the CI knocked on the side door of the residence, Allen opened the door, and provided the CI with the two bags of crack cocaine. The CI stated the CI then provided Allen with the \$400 given to the CI by the investigators and departed the residence a short time later.

5. On or about January 4, 2017, N/I Katers and Messerschmidt met with a CI who was going to attempt to purchase cocaine base (crack cocaine) from James W. Allen, Jr. for \$400. The CI placed several calls to Charles J. Howard that went unanswered. The CI then called "Lil Walt", James W. Allen, Jr. who answered and told the CI to meet him in the "alley". The CI knew this location to be the alley by Yogi's house on Eastman Avenue. The CI and the CI's vehicle were searched with no contraband or currency being located. The CI was provided \$400 in U.S. currency and a wireless recording device. Various officers provided surveillance of the CI to the location of the meet. The CI was observed arriving at 1121 Eastman Avenue, entering the northwest door and almost immediately exiting the same door again. The CI could be heard speaking with a female on the wire. The CI was then followed to a location where N/I Katers and Messerschmidt met with the CI, and the CI provided two clear, knotted baggies containing a white rock-like substance that the CI received from "Lil Walt," James W. Allen, Jr., in exchange for \$400. The white rock-like substance was later weighed by N/I Messerschmidt, who observed the total weight of both baggies of the rock-like substance to be 5.34 grams. N/I Messerschmidt used the Modified Scott Reagent test on a sample of the substance and observed a positive result for cocaine base. The CI and the CI's vehicle were searched again with no contraband or currency being found. The CI informed N/I Messerschmidt that upon arriving at the alley near 1121 Eastman Avenue, the CI called "Lil Walt" who told the CI to come to the side door of the residence. The CI stated that the CI went to the side door where "Lil Walt" was waiting and he put two baggies of crack cocaine in the exterior pocket of the CI's coat. The CI stated that the CI then gave "Lil Walt" the \$400 provided by investigators. "Lil Walt" did not count the money but put it in his pocket and the CI left.

6. On or about January 12, 2017, N/I Katers and Stuckart met with a CI who was going to attempt to purchase cocaine base (crack cocaine) from James W. Allen, Jr. for \$400. The CI sent a text message to Joshua T. Cook prior to meeting with investigators, which was provided to them upon meeting. The CI then placed a phone call to Cook to ask where the CI should go and Cook responded with "alley" in 25 minutes. The CI knew this to mean the CI should meet Cook at 1121 Eastman Avenue in the City of Green Bay. The

CI and the CI's vehicle were searched with no contraband or currency being located. The CI was provided \$400 in U.S. currency and a wireless recording device. Various officers provided surveillance of the CI to the location of the meet. The CI arrived at the meet location and attempted to contact Cook several times, receiving no response. The CI then walked up to the residence and contact could be heard on the wire as the CI entered the residence and could be heard talking to several individuals. The CI then exited the residence and was followed to a location where N/I Katers and Stuckart met with the CI, and the CI provided a plastic corner baggie containing an off white chunky material that the CI received from "Walt," James W. Allen, Jr., in exchange for \$400. The off white chunky material was later weighed by N/I Katers, who observed the weight of the substance to be 5.64 grams. N/I Katers used the Modified Scott Reagent test on a sample of the substance and observed a positive result for cocaine base. The CI and the CI's vehicle were searched again with no contraband or currency being found. The CI informed N/I Katers that the CI entered the residence at 1121 Eastman Avenue after the CI's calls went unanswered. The CI stated when the CI knocked, "Yogi," Edward Allen, yelled asking who was at the door and when the CI answered, the door was opened. The CI stated the CI entered and saw "Walt," "Yogi," "SB" and a female known as Carlita. The CI then met "Walt" and asked to purchase two eight-balls of crack cocaine. The CI stated that "Walt" walked out of the CI's view and returned a moment later with a baggie containing the crack cocaine. The CI stated that "Walt" directed the CI to a hallway while he weighed the crack cocaine in the kitchen area. "Walt" then approached the CI and placed the corner baggie containing the crack cocaine into the CI's pocket, they talked briefly, and the CI departed.

7. On or about January 30, 2017, N/I Katers and Messerschmidt met with a CI who was going to attempt to purchase cocaine base (crack cocaine) from a person known to the CI as "Lil' Walt" for \$400. The CI placed several phone calls and text messages to Charles J. Howard and received no response. The CI then placed a call and text messages to "Lil' Walt," James W. Allen, Jr. without any response. A short time later the CI received an incoming call from Allen who agreed to sell the CI two balls of crack cocaine and said he would call back with a meet location. A short time later, the CI called Allen and was told to meet at Beach Road Liquor located at 1020 North Irwin Avenue in Green Bay. The CI and the CI's vehicle were searched with no contraband or currency being located. The CI was provided \$400 in U.S. currency and a wireless recording device. Various officers provided surveillance of the CI to the location of the meet. A short time later, the CI placed another call to Allen and was told he was on his way. Allen's vehicle was observed traveling toward the meet location and then Allen could be heard over the wire device telling the CI to follow him. The CI and Allen were surveilled to an apartment complex off Eastman Avenue. The CI could be heard having contact with a male over the wire device. The CI departed shortly after making contact and was followed to a location where N/I Katers and Messerschmidt met with the CI, and the CI provided two clear knotted corner baggies containing a white rock-like substance that the CI had received from James W. Allen, Jr. The rock-like substance was later weighed by N/I Messerschmidt who observed the total weight of both of the bags was 5.56 grams. N/I Katers used the Modified Scott Reagent test on a sample of the substance and observed a positive result for cocaine base. The CI and the CI's vehicle were searched again with no contraband or currency being found. The CI stated that after following Allen to the



apartment complex, the CI got out of the CI's vehicle, opened the passenger door of Allen's red Denali and asked "Lil' Walt" if he knew the guys in the van that had also followed them to that location from the liquor store. "Lil' Walt" said yes and handed the CI two bags of crack cocaine that the CI later provided to the Investigators and the CI handed "Lil' Walt" the \$400 provided by investigators.

8. Records of the Wisconsin Circuit Court Access Program (CCAP). Said records indicate that James W Allen, DOB: 1/14/1986, was the defendant in Brown County Case 2013CF1250. Said records further indicate that on February 26, 2014, there was a disposition in said case with a Judgment of Conviction on a charge of Possession of THC as a 2<sup>nd</sup> or subsequent offense, a Felony, with an offense date of September 4, 2013, contrary to Section 961.41(3g)(e), Wis. Stats. Said conviction(s) remain(s) of record and unreversed making the defendant a repeater.

Complainant believes the records of CCAP to be true and accurate in that they are records kept in the ordinary course of business and it is within the ordinary course of business to keep said records.

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 28 day of March, 2017.

  
\_\_\_\_\_  
(Assistant) District Attorney

  
\_\_\_\_\_  
Complainant