

FILED
09-17-2020
Clerk of Circuit Court
Winnebago County, WI
2020CF000590
Honorable Teresa S.
Basiliere
Branch 1

STATE OF WISCONSIN CIRCUIT COURT WINNEBAGO COUNTY

STATE OF WISCONSIN
 Plaintiff,
 vs.
 JUSTIN X WOMBLE
 1752 PLANK RD
 MENASHA, WI 54952
 DOB: 04/08/1995
 Sex/Race: M/B
 Eye Color: Brown
 Hair Color: Black
 Height: 5 ft 7 in
 Weight: 140 lbs
 Alias:
 Defendant.

DA Case No.: 2020WN004335
 Assigned DA/ADA: Tracy A. Paider
 Agency Case No.: L-MP-09-15-2020-
 0002441
 Court Case No.:

CRIMINAL COMPLAINT

For Official Use

CRIMINAL CHARGE

Count 1: BATTERY TO A LAW ENFORCEMENT OFFICER

The above-named defendant on or about Tuesday, September 15, 2020, in the City of Menasha, Winnebago County, Wisconsin, did intentionally cause bodily harm to DERRICK ROTTA, a law enforcement officer, without their consent, and at the time of the act, the defendant knew or should have known that DERRICK ROTTA was a law enforcement officer and the act was in a response to any action taken by a law enforcement officer in an official capacity, contrary to sec. 940.203(2), 939.50(3)(h) 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.

Count 2: RESISTING AN OFFICER CAUSING A SOFT TISSUE INJURY TO OFFICER

The above-named defendant on or about Tuesday, September 15, 2020, in the City of Menasha, Winnebago County, Wisconsin, did cause a soft tissue injury to an officer while knowingly resisting the officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(2r), 939.50(3)(h) 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.

Count 3: ESCAPE

The above-named defendant on or about Tuesday, September 15, 2020, in the City of Menasha, Winnebago County, Wisconsin, did intentionally escape from custody, having been lawfully arrested for a crime, contrary to sec. 946.42(3)(a), 939.50(3)(h) 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.

Count 4: DISORDERLY CONDUCT, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, September 15, 2020, in the City of Menasha, Winnebago County, Wisconsin, while in a public place, did engage in violent, abusive, profane, boisterous, or otherwise disorderly conduct, under circumstances in which such conduct tended to cause a disturbance, contrary to sec. 947.01(1), 939.51(3)(b), 939.63(1)(a) 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. 939.63(1)(a) Wis. Stats., because the defendant committed this crime while possessing a dangerous weapon, the maximum term of imprisonment may be increased by not more than 6 months.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

The undersigned, being first duly sworn on oath and in that capacity has knowledge of the following:

Your affiant is informed from the reports of the Menasha Police Department kept in the normal and ordinary course of business in which your affiant believes to be truthful and reliable and have proven so on numerous occasions in the past that

ACCORDING TO PORTIONS OF THE REPORT OF OFFICER D. ROTTA

On 9/15/2020, at approximately 4:29 p.m., officers were dispatched to 1275 Appleton Road, FAST N EASY PAYDAY, in regards to a weapons complaint. Earlier in the shift, there was a disturbance at this location involving a male identified as **JUSTIN X. WOMBLE DOB: 04/08/1995**, who had refused to leave the store. Eventually, JUSTIN left the store, and officers still needed to interview him regarding the disturbance. OFFICER OBERLE responded to this location, and I checked the area for the vehicle, but I was unable to locate it. OFFICER OBERLE advised to check JUSTIN's residence at 1752 Plank Road, in the City of Menasha, and I responded to that location. I did not observe the black Envoy at this location, but made contact with JUSTIN's mother, identified as ROBIN M. WOMBLE DOB: 04/21/1969, who advised both of her sons were not at home, and the vehicle was not there. ROBIN was provided with my business card, and advised to call the police department if JUSTIN arrives, or to have JUSTIN call the police department directly. I then cleared the scene and went back to the police department.

While at the police department, I received a phone call from ROBIN, who advised JUSTIN came back to the residence and left in the black Envoy. She stated he was headed to a pawn shop up in Appleton, and advised that JUSTIN has some mental issues and indicated that he might be resistive if he came in contact with officers. At 4:29 p.m., when the weapons compliant came in, I was at the approximate location of Airport Road and Appleton Road, traveling southbound. I turned my squad around and responded to 1275 Appleton Road, emergently. Upon arrival, due to dispatch advising that

an axe could be involved in this situation, I deployed my AR-15 and began heading towards the building. While approaching, I observed a black Envoy bearing Wisconsin license plate AEG4629, and ran the plate over the air. I then entered the store and observed JUSTIN standing to the left of me near some merchandise, and two employees near the counter to my right. One of the employees stated that they wanted JUSTIN to leave as they had told officers earlier in the day. At this time, the axe was leaning against the register on the counter to my right, and JUSTIN was to my left, separated from the axe by approximately 15 feet. I then advised the other responding to units that they could slow their response due to JUSTIN being separated from the axe. I asked JUSTIN if he would be willing to step outside so that we could talk about what was going on, and he stated he would not do that. One of the employees told JUSTIN that he was causing a scene, in which JUSTIN responded with, "I don't care." I advised JUSTIN that because the store wanted him to leave, that he needed to leave. JUSTIN stated, "Make me leave." JUSTIN began to raise his voice and use profanities such as, "fuck," and I told him he needed to lower his voice. He stated, "No, fuck my voice." JUSTIN began to approach the register, and I moved in the same direction as JUSTIN. JUSTIN stated, "Get the fuck out of my face." At this point, JUSTIN was speaking with an employee who was behind the counter, and I was standing between JUSTIN and the axe, with my back towards the axe.

JUSTIN then moved back over to his original position, and I stayed where I was. I advised the responding units that JUSTIN was becoming uncooperative and agitated via radio. JUSTIN overheard this, and was upset that I referred to him as uncooperative. JUSTIN then began to approach the counter in the area where the axe was located, and I moved in front of him so that he could not grab the axe. I put my left hand out towards his body to gain distance, and when my hand made contact with his body, he took his right fist and struck me in the left side of my face. I then wrapped both of my arms around JUSTIN's person, locked my hands together, and decentralized him to the ground. We landed with me being face down on top of JUSTIN, and JUSTIN being on his back. JUSTIN continued to strike my face on the ground, and a store customer assisted me while we were on the ground. While we were on the ground, I tried to keep my elbows as tight as possible to protect the AR-15 from getting taken from me. I continued to hold my position until OFFICER OBERLE arrived on scene. OFFICER OBERLE began to assist, and advised the other responding units that JUSTIN was actively fighting. While on the

ground, I could not communicate on the radio, nor hit my emergency button due to the situation. LT. SCHULZ then arrived on scene, and ultimately deployed his taser on JUSTIN.

When JUSTIN struck me in the face, it caused me pain and I did not consent for him to strike me in the face. When GOLD CROSS arrived on scene, I went inside the ambulance where I was checked out by EMS personnel. The EMS members cleaned the blood spatter that I had on my arms and assisted with the nosebleed I endured due to the altercation. LT. SCHULZ then got into the ambulance as well to see how I was doing, and when LT. SCHULZ and I exited the ambulance, we were advised via radio that JUSTIN was now fleeing from officers. LT. SCHULZ and I observed JUSTIN and OFFICER SAWYER running towards the area of Geneva Road, and we began pursuing after JUSTIN. Eventually, OFFICER SAWYER regained custody of JUSTIN.

ACCORDING TO PORTIONS OF THE REPORTS OF OFFICER K. OBERLE

On Tuesday, September 15, 2020, at approximately 3:31 p.m., I, along with OFFICER ROTTA were dispatched to FAST N EASY PAYDAY at 1275 Appleton Road for the report of a possible disturbance. Upon further investigation of this complaint, it was determined that a male by the name of JUSTIN entered the establishment and caused a verbal disturbance with a store employee by the name of NICOLE. NICOLE ultimately had to contact the MENASHA POLICE DEPARTMENT because JUSTIN was refusing to leave, per her request. Prior to officers arriving on scene, JUSTIN left the area in his 2002 black GMC Envoy bearing WI license plate AEG4629. Because of the disturbance that JUSTIN caused inside of the establishment, NICOLE requested that officers attempt to make contact with him to inform him that he is no longer welcome at the FAST N EASY location. At the time of this initial incident, officers were unable to make contact with JUSTIN and were going to follow up to try to make contact with him.

At approximately 4:29 p.m., officers were sent back to this location, as NICOLE had contacted 911 stating that JUSTIN was back on scene and causing another disturbance. NICOLE told the dispatcher that JUSTIN had an axe in his hand. NICOLE reported that JUSTIN was not threatening anyone with the axe, however he was refusing to put it down. I responded to the scene with my emergency lights and sirens activated. As I neared the intersection of Appleton Road and Ninth Street, OFFICER ROTTA informed officers that he was on scene and speaking with JUSTIN. OFFICER

ROTTA told officers that they could downgrade their response as he no longer had the axe in his hand and was speaking calmly with him. As I was nearing the location, OFFICER ROTTA then informed officers that JUSTIN was beginning to escalate again and was being very agitated.

As I arrived on scene, I ran into the business. While running through the parking lot, I did observe the vehicle previously described in the first incident parked in the parking lot with the engine still running, unoccupied. When I entered the business, I saw that OFFICER ROTTA was physically fighting on the ground with JUSTIN, along with two civilian patrons. I radioed to other responding units that the male was now physically fighting and attempted to assist OFFICER ROTTA in gaining control over JUSTIN. I saw that JUSTIN's mouth was bleeding and that he also had a bruise on his eye. JUSTIN was continuously pulling his arms away from officers and kept turning his face towards us. I was attempting to gain control over JUSTIN's head to ensure that he did not injure himself further or attempt to spit blood at officers. A short while later, LT. SCHULZ arrived on scene and indexed his taser. I heard LT. SCHULZ give JUSTIN several commands that if he did not stop resisting, he was going to get tased. JUSTIN continued to resist and disobey officer's commands. Because of this, LT. SCHULZ deployed a taser cartridge into the abdomen area on JUSTIN. JUSTIN continued to resist through the taser cycle and OFFICER ROTTA and I continued to try to gain control over JUSTIN. After some time had passed, JUSTIN got on his stomach and was compliant with me placing his hands behind his back and putting handcuffs on his wrist. I put handcuffs on JUSTIN's wrists, checked them for tightness and fit and secured their safety lock. I then immediately rolled JUSTIN onto his left side and asked him if he was injured. JUSTIN would not give me a straight answer on if he was injured and when I asked him if he needed any medical treatment, to which he responded something to the effect of "fuck your treatment."

Once I saw that JUSTIN's breathing had begun to calm down, I moved him into a seated position. At that point, OFFICER SAWYER arrived on scene and I requested his assistance in conducting a search of JUSTIN's person. OFFICER SAWYER and I assisted JUSTIN in standing him up. At that point, OFFICER SAWYER completed the search of JUSTIN's person, finding nothing noteworthy. While OFFICER SAWYER was completing the search of JUSTIN's person, JUSTIN was still being defiant, not wanting to do as officers were instructing him. Eventually, JUSTIN faced the

register as OFFICER SAWYER was instructing him to do. While JUSTIN was standing there he quickly brought his head backwards and then forwards towards the registered, as if he was going to attempt to head-butt it. I backed JUSTIN up and told him not to get himself in any additional trouble by causing damage. After the search of JUSTIN was completed, OFFICER SAWYER and I walked JUSTIN out to the parking lot to wait for GOLD CROSS. OFFICER SAWYER walked JUSTIN out to the grassy area in front of the business. OFFICER SAWYER requested JUSTIN to have a seat in the grassy area while we wait for GOLD CROSS to respond to check him out. JUSTIN refused to sit in the grass, therefore OFFICER SAWYER offered for JUSTIN to sit on a landscaping rock that was also located nearby. JUSTIN said that he did not want to sit on the rock either, and was fine with standing. OFFICER SAWYER then gave JUSTIN the option to either sit on the rock or sit in the back of a marked squad car. JUSTIN then opted to have a seat on the rock while we waited for GOLD CROSS to respond.

GOLD CROSS responded to the area. GOLD CROSS began administering aid to OFFICER ROTTA as he was struck in the face by JUSTIN prior to my arrival. JUSTIN was calmly and patiently waiting on the rock while OFFICER ROTTA was receiving his medical treatment. OFFICER SAWYER, JUSTIN and I were standing in silence while we waited for JUSTIN to receive his treatment. After some time had passed, JUSTIN suddenly jolted away from officers in a full sprint away from OFFICER SAWYER and I. JUSTIN sprinted in a southern direction before cutting to the east along the south side of the building. JUSTIN continued across London Street before continuing southbound to try and flee from officers. On the south side of the FAST N EASY building, there is a grassy area that goes slightly downhill before meeting the neighboring parking lot. While I was running down this grassy area attempting to catch JUSTIN, my foot planted into an uneven surface, causing my ankle to twist. When my ankle twisted, it caused my knee to also twist while I was trying to compensate and catch my balance. I start to feel a great deal of pain in both my ankle and knee, to a point where I had to let myself fall to the ground. When I fell to the ground, I slid along the neighboring parking lot, against the top of my foot, knee and hip on the left side of my body. Sliding across the parking lot also caused me pain, and also damaged my patrol pants, causing abrasion marks on both knees. After I fell, OFFICER SAWYER was right behind me, and I signaled for him to chase after JUSTIN. After I was able to recover and get back on my feet, I also continued to chase after JUSTIN. OFFICER SAWYER was able

to regain custody near the northeast corner of London Street and Geneva Road. When I arrived on scene, numerous other officers were also at our location assisting OFFICER SAWYER. GOLD CROSS responded a short while later to render aid to JUSTIN.

I retrieved my marked squad and brought it to the location where JUSTIN was taken into custody. LT. SCHULZ placed JUSTIN into the backseat of my marked squad car and secured his safety belt. At this point, officers had put a spit hood on JUSTIN because of the fact that he was spitting and had blood in his mouth. I then transported JUSTIN to THEDACARE REGIONAL MEDICAL CENTER - NEENAH for him to be medically cleared to go to WINNEBAGO COUNTY JAIL. While I was getting in and out of my squad car to handle things with JUSTIN, I noticed that my left knee was increasing in pain and was becoming very difficult to bend. I also noted an increase in pain and tightness in my left foot and pain in my left big toe. After JUSTIN was medically cleared by ER staff at THEDACARE REGIONAL MEDICAL CENTER - NEENAH, I brought him back out to my marked squad car and seated him in the backseat. I informed LT. SCHULZ of the situation and he informed me that he was going to have OFFICER SAWYER take over custody of JUSTIN, and transport him to WINNEBAGO COUNTY JAIL so I could seek the medical treatment for my injuries. A short while later, OFFICER SAWYER arrived on scene and took custody of JUSTIN to facilitate the transport.

All of the above incidents occurred in Winnebago County, Wisconsin.

WHEREFORE, as said affiant verily believes and prays that the said **JUSTIN X WOMBLE** might be arrested and dealt with according to law.

Subscribed and sworn to before me on 09/17/20
Electronically Signed By:
Tracy A. Paider
Assistant District Attorney
State Bar #: 1053910

Electronically Signed By:
Inv. Steven Verwiel
Complainant