

FILED
08-10-2021
Clerk of Courts
Oconto County WI
2021CF000173

STATE OF WISCONSIN	CIRCUIT COURT	OCONTO COUNTY
STATE OF WISCONSIN, Plaintiff,	Oconto County Sheriff's Department DA Case No.: 2021OC000631 Assigned DA/ADA: Edward D. Burke Jr. Agency Case No.: 21-010756	
vs.		
ALISHA M. KOCKEN 140 ELM AV; APT 202 OCONTO FALLS, WI 54154 DOB: 08/01/1992, Defendant.	CRIMINAL COMPLAINT	
		For Official Use

The undersigned, being first duly sworn, states that:

Count 1: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE

The above-named defendant on or about Friday, August 6, 2021, in the City of Oconto Falls, Oconto County, Wisconsin, attempted to cause the death of Officer #1, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32 Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Friday, August 6, 2021, in the City of Oconto Falls, Oconto County, Wisconsin, did recklessly endanger the safety of Officer 1, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b) 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. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 3: RESISTING AN OFFICER CAUSING A SOFT TISSUE INJURY TO OFFICER, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Friday, August 6, 2021, in the City of Oconto Falls, Oconto 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), 939.63(1)(b) 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.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 4: BATTERY TO A LAW ENFORCEMENT OFFICER, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Friday, August 6, 2021, in the City of Oconto Falls, Oconto County, Wisconsin, did intentionally cause bodily harm to Officer 1, a law enforcement officer, without their consent, and at the time of the act, the defendant knew or should have known that Officer 1 was a 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), 939.63(1)(b) 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.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 5: AGGRAVATED BATTERY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Friday, August 6, 2021, in the City of Oconto Falls, Oconto County, Wisconsin, did intentionally cause bodily harm to Officer 1, by conduct that created a substantial risk of great bodily harm, contrary to sec. 940.19(6), 939.50(3)(h), 939.63(1)(b) 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.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 6: DISARMING A PEACE OFFICER

The above-named defendant on or about Friday, August 6, 2021, in the City of Oconto Falls, Oconto County, Wisconsin, did intentionally disarm Officer 1, a peace officer acting in an official capacity, by taking a dangerous weapon from Officer 1 without consent, which item was being carried by the officer, contrary to sec. 941.21, 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 7: POINTING A FIREARM AT ANOTHER

The above-named defendant on or about Friday, August 6, 2021, in the City of Oconto Falls, Oconto County, Wisconsin, did intentionally point a firearm at or towards another, contrary to sec. 941.20(1)(c), 939.51(3)(a) 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 8: DISCHARGE FIREARM WITHIN 100 YARDS OF A BUILDING

The above-named defendant on or about Friday, August 6, 2021, in the City of Oconto Falls, Oconto County, Wisconsin, while on the lands of another, did intentionally discharge a firearm within 100 yards of a building devoted to human occupancy situated on and attached to the lands of another, without the express permission of the owner or occupant of the building, contrary to sec. 941.20(1)(d), 939.51(3)(a) 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 9: DISORDERLY CONDUCT, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Friday, August 6, 2021, in the City of Oconto Falls, Oconto County, Wisconsin, while in a private place, did engage in violent 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 using a dangerous weapon, the maximum term of imprisonment may be increased by not more than 6 months.

Complainant states he makes this complaint on information, belief, and personal knowledge, his information is presumed reliable as a police informant, on information provided by the Oconto County Sheriff's Department, which agency complainant believes to be reputable and reliable, and on information provided by Special Agent Justen Ragen, his information is presumed reliable as a police informant.

PROBABLE CAUSE:

Complainant states that in a written report, Special Agent Justen Ragen stated that on Friday August 6, 2021, the Wisconsin Department of Justice Division of Criminal Investigation (WI DOJ-DCI) was requested by the Oconto County Sheriff's Office (OCSO) and the Oconto Falls Police Department (OFPD) to assist with a critical incident where an on-duty OFPD officer was injured. The incident occurred at 140 Elm Avenue Oconto Falls WI 54154. WI DOJ-DCI Special Agent (SA) Justen Ragen and SA Jay Yerges responded to St. Vincent Hospital (835 S. Van Buren St Green Bay, WI 54301) to interview the injured officer who was identified as OFPD Officer 1.

Complainant further states that in a written report, Special Agent Ragen stated that on 08/06/2021 at approximately 4:55pm, SA Ragen and SA Yerges began an interview with Officer 1 at St. Vincent Hospital. Officer 1 was in a patient room at St. Vincent's hospital and hospital staff had been providing medical care to Officer 1. There was a visible injury to the top right side of Officer 1's head. SA Yerges introduced himself and SA Ragen to Officer 1 and explained the purpose of the interview. SA Yerges then asked Officer 1 to provide the incident details.

Officer 1 had been working day shift patrol for the OFPD on 08/06/2021. At approximately 10:30am, the OCSO dispatch center requested that Officer 1 respond to 140 Elm Ave, Apartment 202 in the City of Oconto Falls, for a suspicious incident. Dispatch advised that they received a phone call from a female stating that someone was trying to kidnap her child. The female then hung up the call, but the OCSO dispatcher was able to reconnect with the female caller and the OCSO dispatcher was able to determine that the female was calling from 140 Elm Ave, Apartment 202. Dispatch stated that the female caller was not providing proper details and the information being provided seemed suspicious.

Upon arrival to 140 Elm Ave, Officer 1 parked near the dumpsters on the northside of the building and entered the apartment complex using the westside entrance. Officer 1 went up the westside flight of stairs and knocked on apartment 202. A female opened the door to the apartment who was identified by Officer 1 as Alisha M. Kocken (F/W-DOB-08/01/1992). Officer 1 also observed Kocken's minor child in the apartment and JLW was also in the apartment, seated at a table. Officer 1 inquired with Kocken as to the kidnapping complaint / suspicious circumstances and Kocken indicated that she wanted her "Dad" removed from the residence. Officer 1 inquired who Kocken's dad was and Kocken indicated that it was the one who "Fucked" her mom and indicated that her dad was JLW. Officer 1 learned that JLW was actually Kocken's boyfriend.

Officer 1 looked over to JLW and observed that JLW was attempting to remove Kocken's apartment key from his key ring. Kocken started to become upset and grabbed the key ring out of JLW's hands. Officer 1 inquired why Kocken was becoming upset and why Kocken grabbed the keys out of JLW's hands. Kocken indicated that she wanted JLW removed from her residence and JLW then agreed to leave the apartment. JLW attempted to take some personal items with him and walked into the apartment complex hallway. Kocken became more upset and tried to shut the apartment door but was unsuccessful because Officer 1 had her foot positioned on the threshold of the door near the door frame. Kocken then "Slammed" the door a second time and Officer 1 was unable to keep her foot in the doorway and the door ultimately shut, with Kocken and her minor child still in the apartment.

Officer 1 then began to speak with JLW about what was going on between Kocken and JLW. JLW indicated that he was staying with Kocken, and they had been in a relationship. JLW indicated that before Kocken called the OCSO dispatch center, JLW had brought Kocken's minor child to the park just south of the apartment complex and Kocken walked over to the park and began accusing JLW of kidnapping her child. Officer 1 also spoke to JLW about staying somewhere else for the day/ night and offered to assist in making those arrangements.

Kocken eventually opened the door to the apartment again and MAE, who resided in apartment 108, came out of her apartment and asked what was going on. Kocken's minor child exited Kocken's apartment and went down the east stairs to go by MAE. MAE's grandchildren, "T" and "R," were also with MAE, according to Officer 1. Kocken exited her apartment and became more belligerent and disorderly, and Kocken began accusing others of attempting to kidnap her child. Kocken started walking toward the east stairwell and ultimately went down the stairs and Officer 1 recalled that Kocken had keys and cellular phone in her hands. Officer 1 followed Kocken to try and get Kocken's attention and calm her down.

Towards the bottom of the stairs, near the east entrance of the apartment complex, and while behind Kocken, Officer 1 attempted to "Blanket" the arm of Kocken to try and calm Kocken

down, and gain compliance. Kocken yelled "Don't touch me" and eventually turned around and attempted to lunge at Officer 1 in an aggressive manner. Officer 1 was able to remove her duty electronic control device (ECD), commonly referred to as a "Taser," and deployed the ECD to safely stop Kocken's aggressive manner toward Officer 1. The ECD deployment appeared to not influence Kocken. At that point, Kocken was able to grab a hold of Officer 1's hair, which had been in a "Hair bun" type style. Kocken pulled on Officer 1's hair and Officer 1 ended up on her knees in front of Kocken, and Officer 1 could not get around Kocken or back on her feet.

Officer 1 removed the cartridge from the ECD and attempted to "Drive stun" the ECD on Kocken's calf, approximately three times, to gain compliance and stop the attack from Kocken. (Drive stunning was when a person operating an ECD activates the device and contacts the cartridge bay of the ECD directly to the subject). Officer 1 noticed a reaction from Kocken during one of the "Drive stun" attempts because Kocken became even more upset. During this time Kocken had been to Officer 1's left and Officer 1 recalled seeing the east entrance door (Glass door) to her right.

At some point, Kocken had moved directly behind Officer 1, still holding Officer 1's hair bun with Kocken's left hand. Officer 1 then felt something on her right side, which was where her Smith and Wesson M&P 9mm duty handgun was holstered on Officer 1's duty belt. Officer 1 was able to feel with her arm/ hand that the firearm was missing and realized that Kocken had reached down and removed the firearm from Officer 1's holster. Officer 1 recalled saying something along the lines of "Don't do this, don't do this" to Kocken. Officer 1 also heard two gunshots and then felt a third gunshot hit her head.

At this point, Officer 1 realized she had been shot. She was able to observe that JLW was at the top of the east stairs and determined that Kocken now had her back toward Officer 1. Officer 1 did not know if the lower-level hallway went through to the west entrance door, so Officer 1 went up the east side stairs, past JLW, back down the westside stairs and exited the apartment complex through the west side entrance door.

Officer 1 did not know the extent of her injuries. She determined she was not in a condition to further engage Kocken to attempt an arrest due to the amount of blood coming from a head wound she had sustained.

She maintained contact with Oconto County Dispatch advising other law enforcement personnel of the situation as best she could. Officer 1 drove her patrol vehicle out of the apartment complex parking lot and drove over to an off-duty OCSO deputy's house. The deputy, and a citizen, provided medical assistance to Officer 1. When more on-duty law enforcement assistance arrived, the deputy and the other law enforcement personnel went to locate Kocken. Medical personnel eventually arrived, assisted Officer 1 and she was ultimately transferred to St Vincent Hospital in Green Bay, WI.

Kocken was located in the apartment complex and arrested. She remained combative while being arrested and was booked into the Oconto County Jail.

Officer 1 feared for her safety, her life, and the safety of others during the incident / attack. Officer 1 did not consent to being injured, in any way, by Kocken. Officer 1 advised that she did

have a digital audio recorder activated during the incident, which would have been stored in her ballistic vest.

The interview of Officer 1 was completed approximately 5:28pm.

The digital recording of the incident was played back and during the struggle a female, believed to be Kocken, can be heard screaming "I'll kill you." Three gun shots can be heard as well. It appears one of the rounds struck Officer 1 in the ballistic vest, it is believed a second round went through a wall into a closet, and the 3rd struck her above the right eye causing a laceration at the hairline.

Upon information and belief, the owner of the apartment did not consent to a firearm being discharged within 100 yards of the building. The apartment building was occupied by numerous tenants at the time.

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

Subscribed and sworn to before me on 08/10/21

Electronically Signed By:

Edward D. Burke Jr.

District Attorney

State Bar #: 1001268

Electronically Signed By:

Tony Mossakowski

Complainant