

STATE OF WISCONSIN	CIRCUIT COURT	OUTAGAMIE COUNTY
STATE OF WISCONSIN	DA Case No.: 2021OU003083	Assigned DA/ADA: Joshua A. Dryak Agency Case No.: A21032020 Court Case No.: ATN: CRIMINAL COMPLAINT <i>For Official Use</i>
Plaintiff,		
vs.		
KYLE D. PEEBLES		
810 Grove Street		
Appleton, WI 54915		
DOB: 09/06/1990		
Sex/Race: M/W		
Eye Color: Hazel		
Hair Color: Blonde		
Height: 5 ft 10 in		
Alias: Also Known As Kyle David		
Peebles		
Defendant.		

The undersigned, being first duly sworn, states that:

Count 1: ARMED ROBBERY WITH USE OF FORCE

The above-named defendant on or about Wednesday, August 11, 2021, in the City of Appleton, Outagamie County, Wisconsin, with intent to steal, did take property from the person or presence of the owner, SKB and Memorial Liquor, by use of force against the person of the owner, with intent thereby to overcome that person's physical resistance or physical power of resistance to the taking or carrying away of the property, and accomplished by use or threat of use of a dangerous weapon, contrary to sec. 943.32(1)(a) and (2), 939.50(3)(c), 973.046(1r), 973.047(1f) 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.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Wednesday, August 11, 2021, in the City of Appleton, Outagamie County, Wisconsin, did recklessly endanger the safety of SKB, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 973.046(1r), 973.047(1f) 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 furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

Count 3: FELONY BAIL JUMPING

The above-named defendant on or about Wednesday, August 11, 2021, in the City of Appleton, Outagamie County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h), 973.046(1r), 973.047(1f) 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 furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

Count 4: FELONY BAIL JUMPING

The above-named defendant on or about Wednesday, August 11, 2021, in the City of Appleton, Outagamie County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h), 973.046(1r), 973.047(1f) 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 furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

Count 5: SUBSTANTIAL BATTERY

The above-named defendant on or about Wednesday, August 11, 2021, in the City of Appleton, Outagamie County, Wisconsin, did cause substantial bodily harm to SKB, by an act done with intent to cause bodily harm to that person, contrary to sec. 940.19(2), 939.50(3)(i), 973.046(1r), 973.047(1f) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

PROBABLE CAUSE:

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is a sworn law enforcement officer and bases this Complaint upon the investigation of the officers named below, who are presumed truthful and reliable as sworn law enforcement officials.

On August 11, 2021 at around 0000 hours multiple officers responded to Memorial Liquor, located at 415 S. Memorial Drive, City of Appleton, Outagamie County for a report of an active Robbery. Reports indicated a guy getting hit with a bat; a male wearing a hoodie; a firearm being involved; and that the fight was ongoing.

Defendant Arrested

Officer Kantner approached in his patrol vehicle on the north side of the business. He observed an individual wearing a white sweatshirt with the hood up over their head, walking at a fast pace westbound across S. Badger Avenue. Officer Kantner activated his red and blue emergency light with sirens and proceeded to the area of S. Badger Avenue and W. Spencer Street where the male was still walking westbound. As he got closer, Officer Kantner observed the individual was covered in a red substance consistent with blood.

Officer Kantner stopped and exited his patrol vehicle at the corner of S. Badger Avenue and W. Spencer Street as the individual walked onto the front lawn of 726 S. Badger Avenue. Officer Kantner yelled "Appleton Police, Stop". The individual, later identified as Kyle Peebles, the defendant, complied with the orders to stop and got on the ground.

As he approached Kyle, Officer Kantner observed significant bleeding coming from the top of Kyle's head. Medical personnel were requested. Kyle was handcuffed. While waiting for medical personnel, Kyle informed Officer Kantner that his injuries were caused by an "Arab" male who was at the store.

Victim Located

Officer Christensen responded to the above location. He parked his patrol vehicle nearby and approached the north side of the store on foot. As he approached Memorial Liquor he observed through the glass doors that several display racks appeared to have been knocked over in front of the check-out counter. Officer Christensen observed a male, later identified as SKB, inside the store who was standing behind the counter. When he entered the store, he asked SKB what had happened, however SKB indicated that he spoke Nepalese. SKB twice picked up what appeared to be a revolver from behind the counter to show Officer Christensen. Officer Christensen ordered SKB to put the firearm down, and then removed him from the store while other responding units cleared the area.

An ambulance was requested for SKB, as he was bleeding from a wound on his head. Gold Cross arrived on scene to provide transport to the hospital.

Surveillance Video

Detective Riechers arrived on scene and reviewed surveillance footage from Memorial Liquor. This footage was initially provided to Officer Allen by another associate of the store who had remote access to the surveillance cameras.

On the video, Detective Riechers observed the clerk, SKB, standing in the southwest corner inside the enclosed cashier's station. The cashier's area was enclosed by product shelving and countertops, with a single narrow access point directly beneath the camera.

He observed a white male wearing dark-colored boots, khaki pants and a white hooded sweatshirt over a longer black shirt was standing directly behind SKB in the southwest corner of the cashier's area. The white male's hands were uncovered and visible, the hood of his sweatshirt was completely covering his head, and he appeared to be wearing a medical facemask. The male's back was turned towards the camera for most of the clip. The male was holding what appeared to be a black, full-sized 6" revolver in his right hand and had his index finger on the trigger inside the trigger guard. As the male stood close to SKB's right side, he pointed the gun at him and made a pointing gesture with his left hand towards the cash register inside the cashier area. The male's body language and gestures gave the appearance that he was giving instructions to SKB.

SKB then turned and quickly reached with his left hand for the revolver in the suspect's right hand. The suspect pulled the gun away and appeared to strike SKB in the left side of his head with the gun. SKB and the suspect grappled with each other inside of the cashier's area, and the suspect struck SKB in the head with the gun a total of two times before SKB let go and fell to the ground, facing the suspect with his back resting on the shelving beneath the countertop of the cashier's area. The suspect leaned in towards SKB and looked as if he were either talking to or shouting at him while continuing to point the gun at him. SKB pointed towards the cash register on the west countertop and stood up to move towards it before the suspect

struck him on the right side of his head with the gun. SKB raised his hand towards where the suspect already struck him on the left side of his head.

The suspect began shoving SKB back towards the register and appeared to strike SKB in the midsection with the gun. SKB turned back toward the suspect and grabbed his white hoodie in the center of the collar with his left hand while grasping the suspect's left arm with his right. The suspect's left arm was fully extended with his left hand braced against SKB's left shoulder. The suspect pulled his right arm back and struck SKB a fourth time in the left side of his head with the gun. SKB lunged forward towards the suspect and forced himself and the suspect into shelving on the east side of the cashier's area. While doing so, the suspect's right arm was extended over SKB's left shoulder, and the gun was pointed toward the window on the south side of the register with his finger still on the trigger.

As SKB lunged into the suspect, the barrel of the gun quickly turned upwards in the suspect's right hand as if it were fired. The suspect appeared to maintain a loose grip on the gun, and its sudden backwards and upward movement towards his own head was consistent with the gun being fired. As the gun flipped upwards, the rear sight on the revolver appeared to strike the suspect near the center of his forehead. SKB and the suspect continued to grapple, and the suspect struck SKB three more times on the left side of his head with the gun before they both fell out of the camera's view at the north entrance to the cashier's area. Shelving on the northwest corner of the countertop fell over, and a box was kicked over near where the suspect and SKB were last seen, which gave the appearance of a continued struggle between them.

Observations and Processing of Crime Scene

Having reviewed the surveillance footage, Detective Riechers investigated the interior and exterior of Memorial Liquor. He observed the following:

A black revolver observed initially through surveillance video was sitting on the countertop inside the store. Detective Riechers examined it more closely, and noted that it appeared to be a real firearm- a .357 magnum revolver. The gun was covered in blood, and there were visible droplets of blood inside on the light-colored laminate tile floor of the cashier's area. Detective Riechers noted that the lower-half of the window in front of the cashier's area appeared cracked and broken. He also observed a small area of pavement in front of the main entrance door that was covered with droplets of blood, as well as what looked like a bloody gauze pad on the ground beside the blood droplets.

After initial photos were taken outside, Detective Riechers entered the store. He observed that several displays close to the cashier's area and within the center aisle to the west of the cashier's area were knocked-over. Smaller products were lying on the floor and looked like they may have rolled from the area closest to the register.

The area immediately outside of the cashier's area was covered in droplets of freshly-dried blood. Much of the blood appeared to have been smeared around, giving the impression of a struggle. A medical face mask was observed on the ground in that same area. A large display of cigarettes had fallen from the west countertop of the cashier's area and spilled into the center aisle. A display of Coors Light brand flavored seltzer had been knocked-over. A can that

appeared to have come from the display was observed to be covered in blood droplets, and had a dent on one of its edges. Strands of longer, red hair were stuck to the can.

Several more strands of the same kind of hair were found in a small clump in the area with the smeared blood by the coolers. One of the cooler doors near the bloody area was standing ajar, and some of the canned drinks inside had fallen onto the floor. Another clump of the same long hair was found on top of a shelf in the center aisle.

Detective Riechers also assisted in recovering the firearm located on scene. The revolver was a Taurus model 66 .357 magnum revolver. The serial number "JU974938" was etched twice onto the right side of the barrel and lower frame. The gun was matte black with a black rubber grip and the hammer was in a forward position. The gun was covered in blood and what looked like some strands of the same longer, reddish hair that was found in clumps in other parts of the store. The headstamp on all seven cartridges were the same but were difficult to read because they were covered in droplets of dried blood. Only the cartridge in the top-center position of the cylinder was fired.

Detective Riechers located a single bullet hole that passed through a tape dispenser and into a small shelf on the south side of the cashier's desk. The hole was consistent in size with those left by a .357 hollow point. Sand from inside the weighted tape dispenser had sprayed out onto the wood on the shelf in a circular pattern where the bullet entered in its center. The path of the bullet was traced to the outside window, where the bullet was located, intact, in between the two sheets of glass. The bullet appeared to have broken through the first interior pane of glass and stopped before it could break the second exterior pane.

During the investigation, Officer Grier-Welch sent Detective Riechers photos of Kyle's face and injuries. Kyle had received six staples across a wound near the center of his forehead that was consistent in size with the long, flat leaf sight on the rear of the revolver when it was fired in the video. Detective Riechers noted that Kyle's hair was the same color and length of the hair found on scene and that the wounds on Kyle's scalp appeared to be missing hair.

Statement of Victim

Sgt. Lidbury interviewed SKB at Theda Clark Neenah through the assistance of a translator. SKB detailed a male white individual wearing a white top entered the business with a gun and tried to make him scared. The suspect was further described as having marks on his face, long hair, and a beard. The physical description provided by SKB matched that of Kyle.

SKB detailed the suspect entered through the main counter door and hit him with the firearm. SKB stated he was very afraid, and it was painful when he was struck. He stated he tried to defend himself and he didn't have any money. SKB detailed grabbing the gun and keeping it.

Sgt. Lidbury observed that SKB was still bleeding as he lay in the bed at the hospital. SKB sustained a laceration to the back of his head that required 8 staples. He had abrasions to both arms, an abrasion to the right leg, and a contusion to the right eye.

BAIL JUMPING:

This complaint is also based upon examination of records of Wisconsin Circuit Court Access (CCAP), which indicate that the defendant was out on bond in the following cases at the time of this offense:

- Calumet County Case 2021CF000104- Burglary, PTAC, (943.10(1m)(a)) filed on April 30, 2021. On June 17, 2021, the defendant signed a \$7,500.00 signature bond in that case. Complainant is aware that a standard condition of bond is not commit any further crime.
- Winnebago County Case 2021CF000137- Possession of Narcotic Drugs (961.41.(3g)(am)), Possession of Methamphetamine (961.41(3g)(g)), and Possession of THC (961.41(3g)(e)) filed on March 18, 2021. On April 19, 2021, the defendant signed a \$1,000.00 signature bond. Complainant is aware that a standard condition of bond is not commit any further crime.

These bonds were in full force and effect on the date of this offense.

Subscribed and sworn to before me on 08/12/21

Electronically Signed By:

Melinda Tempelis

District Attorney

State Bar #: 1032157

Electronically Signed By:

Daniel Running

Complainant