

FILED
10-13-2021
Clerk of Circuit Court
Brown County, WI
2021CF001776
Honorable Thomas J.
Walsh
Branch 2

STATE OF WISCONSIN	CIRCUIT COURT BRANCH	BROWN COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2021BR007049 Assigned DDA: Dana J. Johnson Agency Case No.: 21-255406 Court Case No.: 2021CF ATN:	
vs.		
DIANTHONY TERRY ROWE 1120 Winford Avenue Green Bay, WI 54303 DOB: 04/16/2002 Sex/Race: M/B Eye Color: Brown Hair Color: Black Height: 5 ft 9 in Weight: 140 lbs Alias:	CRIMINAL COMPLAINT	
Defendant.		
		<i>For Official Use</i>

Complainant, Dana Johnson, a Deputy District Attorney, being first duly sworn on oath, deposes and says that:

Count 1: SECOND DEGREE SEXUAL ASSAULT

The above-named defendant on or about Friday, October 1, 2021, in the City of Green Bay, Brown County, Wisconsin, by use of force, did have sexual contact, with Victim 1, 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: POSSESSION OF TETRAHYDROCANNABINOLS (THC)

The above-named defendant on or about Friday, October 1, 2021, in the City of Green Bay, Brown County, Wisconsin, did knowingly possess a controlled substance, Tetrahydrocannabinols (THC), contrary to sec. 961.41(3g)(e) Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned for not more than six (6) months, or both.

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 a Deputy District Attorney with the Brown County District Attorney's Office and knows of the above offense(s) on information and belief based upon:

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PROBABLE CAUSE:

1. Complainant's review of the details of Officer Blagoy Dimitrov of the Green Bay Police Department which indicates that on 10/01/2021, I, Officer Dimitrov, was working full uniform patrol for the City of Green Bay as 4A1. At 0322 hours, the complainant had called stating that a male had reached down on the complainant's friend's pants and it is unknown who the male suspect is. The complainant gave a description of the suspect as a male black, 5'11", last seen wearing a green ski mask, gray sweatshirt and gray pants.

Upon arrival, I met with Victim 1, an adult female, and her friends who were with her. I spoke with Victim 1 who had stated they had just gotten back from the bars and there was a male who was asking her for water and she had gone back downstairs and had given him water and she was starting to ask him questions about why he's there and then the male sprung up and put his hand down her pants and started touching her vagina. She then started punching the male and the male then ran out of the apartment complex. Victim 1 stated that she does not know who this male is and she did not give him permission to put his hand down her pants and touch her vagina. Victim 1 stated the male's hand did not go into her vagina; he just was grabbing her vagina. Victim 1 stated she did not take a shower yet and she did not change her clothes. She is still in the original clothes.

I then asked Victim 1 if she wanted to go to St. Vincent Hospital for a S.A.N.E. exam. I then explained what the S.A.N.E. exam consists of and asked her if she wishes for a sexual assault advocate. Victim 1 stated that she is willing to go to St. Vincent Hospital for the S.A.N.E. exam.

Upon arrival at St. Vincent Hospital, I met with Victim 1 and her friends and we were escorted to the family room by the lobby. We started the written statement at 4:21 a.m. During the written statement, Victim 1 had stated on 10/01/2021 at 1:45 a.m. her and her friends were out at the local bars drinking for a friend's birthday party and they came back to her residence on E. Walnut Street where she lives. At around 2:45 a.m. they walked her friend downstairs to her Lyft car and they noticed a male who looked like a black male with a light gray sweatshirt, gray sweatpants and a lime green Balaclava (Half ski mask), 5'11", about 160 lbs., mid to dark brown hair outside who said he had a friend on the 4th floor, but couldn't get in touch with her. Victim 1 stated that they let him in and asked him if he needed anything and the male stated he was asking for water. Victim 1 stated they went up to an apartment and at around 3:10 a.m. she told her friends she was going to give the guy some water. She then got him a smoothie and some water, went down the elevator and the male was in his chair looking down with his face mask completely on. She set the water and the smoothie down next to him and began to talk with him, trying to get more information from him because he was still waiting for his friend on the 4th floor. Victim 1 stated she was standing about 10 feet away from him and she had then questioned him more about the friend on the 4th floor. Victim 1 stated he then looked outside the glass doors from his chair. In the middle of the conversation the male then took his hand and put it down Victim 1's pants, under her underwear and grabbed her vagina hard. She stated it shocked her that he did this and she did not give him permission. She stated his fingers did not go inside of her, but they were on her vagina. Victim 1 stated when he did this, she screamed and beat him up as much as she could to get him off of her. She stated she grabbed him and asked him to stop and when she had asked him to stop he did not stop. Victim 1 stated that she began to punch him and he eventually ran outside. She stated she does not remember what direction he ran off towards. Victim 1 stated that she then hid

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next to the gym and she called her friends who came downstairs and they called the police. Victim 1 stated it almost felt like a joke to him because he did it in mid-conversation and initially he started laughing when he put his hand down her pants. Victim 1 also added that when he put his hand down her pants his fingers were on the skin of her vagina and that he was not wearing any gloves. Victim 1 stated she did not give him permission to put his hand down her pants or touch her. She stated she was terrified when he put his hand down her pants.

2. Complainant's review of the details and information from Detective Craig Brey of the Green Bay Police Department which indicates that myself and Det. Kingston were assigned this sexual assault case to follow up with the victim. On October 1, 2021, Det. Kingston and I made contact with the apartment manager where Victim 1 lives on E. Walnut Street who showed us the video of the assault. Det. Kingston and I broke down the video and noted that based on what Victim 1 told law enforcement and viewing the video that on October 1, 2021, at approximately 2:58:42 a.m., our suspect, who was later identified as Di'Anthony T. Rowe (04/16/2002), arrives at the apartments on E. Walnut Street and sits along the edge of the sidewalk on the exterior of the apartment building. At this time, Victim 1 and her friend are in the lobby area of the apartments. At 2:59:45 a.m. on October 1, 2021, our suspect, Di'Anthony, tries to enter into the apartments, but they are locked. Di'Anthony knocks on the door, and Victim 1 comes out to talk to him in the breezeway of the door. It appears that Victim 1 and Di'Anthony have a conversation for a few seconds, and this is when Victim 1 said that Di'Anthony had told her that he had a friend on the fourth floor, she wasn't answering, and he asked if he could come into the lobby of the apartment. Victim 1 allows Di'Anthony into the lobby at this time. Victim 1's dog is also there in the lobby, and it appears that Victim 1 and Di'Anthony are making small talk.

Di'Anthony is on his phone and then Victim 1 and a female friend exit while a male holds the door, and then Di'Anthony exits the building. This is at approximately 3:01 going into 3:02 a.m. on October 1, 2021. At 3:03 a.m., a male allows Di'Anthony back into the lobby area, and Di'Anthony then sits on a chair in the lobby area. At 3:04 a.m. Victim 1 comes back into the lobby, and it appears that Di'Anthony is sleeping in the chair. Victim 1 approaches him, kind of pats his shoulder and, according to Victim 1, tells him that he can't sleep there. At this time, Di'Anthony tells Victim 1 that he is thirsty, and Victim 1 tells him that she will go up and get him some water from her apartment. Victim 1 and a male then go up to her apartment. At approximately 3:09 a.m., Victim 1 comes down with the water and provides it to Di'Anthony, who is still sitting in the chair.

At this point, it appears that Di'Anthony asks Victim 1 for a hug, and she does hug Di'Anthony. He then grabs her again and asks her for another hug. This is at the 3:09 a.m. mark. Victim 1 then sits in the chair next to Di'Anthony. These are individual chairs. At 3:10 a.m., Di'Anthony asks Victim 1 for another hug, and she gives him a half hug with her left arm. At this point, Di'Anthony asks for another hug, and he stands up. At the 3:10:32 mark, Di'Anthony attacks Victim 1 as she is trying to get away. Specifically, Di'Anthony is grabbing Victim 1 with his left arm and places his right hand towards Victim 1's vaginal area. There is a continued physical struggle in which it appears that Victim 1 is attempting to get away from Di'Anthony. Victim 1 takes a step back and Di'Anthony pulls her in closer and reaches towards her vaginal area again with his right hand. Next, it appears that Di'Anthony forces Victim 1 to the ground. Di'Anthony's right hand is again by Victim 1's vaginal area. Victim 1 appears to pull Di'Anthony's right hand up with her left hand. Victim 1 is on her back and Di'Anthony reaches

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toward Victim 1's vaginal area with both hands. Victim 1 rolls onto her left side. Di'Anthony is observed running from the scene.

His description from the video shows a male/black with black pants with pink stripes going down the side, white shoes, a lime green balaclava, and a black hoodie. We were unable to identify Di'Anthony internally so based on the seriousness of the crime, we felt it was best to go to the media with this information.

Det. Kingston and I responded to PeopleReady, and we made contact with a staffing specialist who advised us that the person in the picture was Di'Anthony Rowe and he did work that night at AK, which is Alive N' Kickin' Pizza Crust in Green Bay. The staffing specialist advised Det. Kingston and me that on 09/30/2021, Di'Anthony arrived at work. He clocked in at 10:21 p.m. and then he fell asleep in the breakroom so the manager told him to go home for the night, and he left at 12:41 a.m. staffing specialist provided myself and Det. Kingston with the timestamp paperwork.

Det. Kingston and I then responded to Alive N' Kickin' Pizza Crust and made contact with the quality assurance manager who was able to pull up the video of Di'Anthony arriving on 09/30/2021 at 10:26 p.m. and then clocking out at 12:41 a.m. on 10/01/2021, which would show he was not at work at the time of this assault. In the video, Di'Anthony is wearing the exact same clothing from the assault at the apartment on E. Walnut Street, which was the black pants with pink stripes, white shoes, and lime green hoodie. The staffing specialist from People Ready gave us an address of 1120 Winford Avenue.

Det. Kingston and I then responded there, and we sat surveillance on the residence and noted a male/black at the door that matched the description of Di'Anthony. We requested marked squads. We made contact with Di'Anthony and took him into custody based on the fact that he was a 100% match from the video surveillance and video surveillance of his workplace and the physical description. I read Di'Anthony his rights, explained to him that he was under arrest for 2nd Degree Sexual Assault Using Force, and asked him if he would be willing to talk with me about this investigation. Di'Anthony stated he did want to talk, and he was transported to the Green Bay Police Department for questioning.

We also showed Di'Anthony's picture from the video surveillance to Di'Anthony's girlfriend, who was identified as TMV. TMV's mom, TMV, also confirmed that this was Di'Anthony in the video surveillance from the apartments. Once Di'Anthony was in custody, I looked at the backdrop on his phone and noted that it was the exact same backdrop from the video surveillance pictures at the Apartments.

I then responded back to the Green Bay Police Department, and I interviewed Di'Anthony in interview room #2. I explained to Di'Anthony that he was under arrest and that he was still under Miranda. I asked him if he wanted me to read Miranda again, and he stated no. I asked him if he still wanted to make a statement or answer questions, and he stated he would. I explained to Di'Anthony the investigation. Di'Anthony stated it was him at the apartments on E. Walnut Street that night, but he did not sexually assault the victim. He said he robbed her of a small wallet that he later threw in the Fox River as he was running across the bridge. Di'Anthony stated he did not sexually assault Victim 1; however, his hand did go towards her vagina area because that's where he said she kept her wallet. Victim 1 denies that she even had a wallet on her that night. The video shows that she was wearing a purse, and he never

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attempts to take the purse off of her. I asked Di'Anthony why he didn't try to take the purse, and he said because he wanted to get the wallet.

I asked Di'Anthony if he would be willing to give consent for his phone, and he stated no. I asked Di'Anthony if he would give a buccal swab because there was a SANE completed on the victim, and he stated he would consent to a buccal swab. This buccal swab was obtained and placed into evidence under Exhibit #769004. This buccal swab will be sent to the lab for testing against the SANE kit completed on Victim 1.

3. Complainant's review of the details of Mark Olendski of the Green Bay Police Department which indicates that on At approximately 1200 hours on Tuesday October 12th, 2021 I, Officer M. Olendzki (1F2) on duty in full patrol uniform operating marked squad #78, responded to a call to assist detectives with the apprehension of a suspect at 1120 Winford in the City of Green Bay, County of Brown, State of Wisconsin.

Officer Kleemann and I arrived on scene and made contact with Detectives Brey and Kingston. Detective Brey had reason to believe his suspect, Di'Anthony T. Rowe [04/16/2002] was at 1120 Winford. Detective Brey decided that we would go to the address and attempt to make contact with Di'Anthony.

Officer Kleemann, Detective Brey and I approached the front of 1120 Winford at which point an adult female, subsequently identified as Theresa Marie Vogel came onto the front stoop and asked us to explain our presence. Detective Brey told Theresa we were looking for Di'Anthony and asked her if he was inside the residence. Theresa at first did not seem to know who Di'Anthony was and stated she would go back inside and check with her daughter. A short time later an adult black male walked out the front door. When asked by Detective Brey the male confirmed he was Di'Anthony. I then observed Detective Brey inform Di'Anthony he was under arrest, secure him in handcuffs. Detective Brey then read Di'Anthony his Miranda rights.

At approximately 1240 hours I assisted Officer Kleemann while she searched Di'Anthony incident to arrest. I observed Officer Kleemann remove the following items from Di'Anthony's right front pants pocket: a gem bag containing a leafy green material [Exhibit#769001] and a clear plastic bag [Exhibit#769003] that appeared to contain several more gem bags [Exhibit#769002] as well as loose pieces of green leafy material. These items were placed in an evidence bag and secured in the back of my squad.

Officer Kleemann and I then transported Di'Anthony to GBPD to be interviewed. Di'Anthony made no statements during this time. Upon arrival at GBPD I escorted Di'Anthony inside and placed him in interview room #2. I then removed Di'Anthony's handcuffs. Di'Anthony was asked if he needed anything and he replied no. Det. Luberdia then activated the cameras in room #2. Officer Kleemann and I then posted outside the room and awaited detectives.

At approximately 1300hrs Detective Brey arrived and in my presence conducted an interview of Di'Anthony. See his details for additional information. At 1334 hours I collected a buccal swab [Exhibit#769004] from Di'Anthony under Detective Brey's direction and supervision. This sample remained in my custody until it was logged into evidence.

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I then took the buccal swab together with the items Officer Kleemann collected during her search of Di'Anthony to evidence for processing. I took a sample of the suspect leafy green material from [Exhibit #769002] and tested it using the Duquenois Levine Reagent Test. I did so by following the instructions on the box and utilizing a nearby clock. I observed the following: upon breaking the first ampoule, no color change was observed. After breaking the second ampule, I observed the liquid turn purple. After breaking the third ampoule and rotating the packet one-quarter turn, I observed a separation in the purple color, light over dark. These observations indicated a positive test for marijuana, which contains THC, which is a controlled substance.

Complainant is aware that the apartment on E. Walnut Street described in this complaint and 1120 Winford are both located in Green Bay, Brown County, Wisconsin.

Complainant believes the details of Detective Craig Brey of the Green Bay Police Department and Officer Blagoy Dimitrov of the Green Bay Police Department because he has relied upon them in the past and found them to be true and accurate. Complainant believes the details of Officer Mark Olendski of the Green Bay Police Department because they are prepared in the normal course of his duties as a law enforcement officer. Complainant believes the information from Victim 1 because she is a citizen witness. Complainant believes some of the information from Di'Anthony Rowe because it is against his penal interests.

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

Subscribed and sworn to before me on
10/13/21

Electronically Signed By:

Caleb J Saunders

Assistant District Attorney

State Bar #: 1094077

Electronically Signed By:

Dana J. Johnson

Complainant