

**STATE OF WISCONSIN      CIRCUIT COURT      OUTAGAMIE COUNTY**

STATE OF WISCONSIN  
Plaintiff,

vs.

BENJAMIN J. BIESE  
Green Bay Correctional Institute  
PO Box 19033  
Green Bay, WI 54307-9033  
DOB: 12/14/1977  
Sex/Race: /  
Alias:

Defendant.

DA Case No.: 2021FL000749  
Assigned DA/ADA: Eric J. Toney  
Agency Case No.: 21-5723  
Court Case No.:  
ATN:

**CRIMINAL COMPLAINT**

*For Official Use*

The undersigned law enforcement officer of the Outagamie County Sheriff's Office, being first duly sworn, states that:

**Count 1: THREAT TO JUDGE, REPEATER**

The above-named defendant on or about February 15, 2021, Outagamie County, Wisconsin, did intentionally threaten to cause bodily harm to VICTIM, a Judge, without their consent, and at the time of the threat, the defendant knew or should have known that VICTIM was a Judge and the threat was in a response to any action taken by a Judge in an official capacity, contrary to sec. 940.203(2), 939.50(3)(h), 939.62(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. 939.62(1)(b) Wis. Stats., because **the defendant is a repeater**, having been convicted of four counts of Threat to Judge in Outagamie County Case No. 19CF1082, which conviction(s) remain of record and unreversed, **the maximum term of imprisonment for the underlying crime may be increased** by not more than 2 years if the prior convictions were for misdemeanors and **by not more than 4 years if the prior conviction was for a felony**.

**PROBABLE CAUSE:**

Complainant relies upon the reports and investigation of Sgt. J. Schuette of the Outagamie County Sheriff's Department. Sgt. Schuette is believed to be truthful and reliable as a sworn law enforcement officer.

On February 15, 2021 I investigator Schuette #227 with the Outagamie County Sheriff's Office was assigned to investigate this case. I received notice from my supervisor LT. Carpenter #265 that [an] Outagamie County Circuit Court Judge [VICTIM] received a letter in the mail threatening [their] life. I was requested to meet with the VICTIM or assistant to obtain the letter.

On February 16, 2021 I drove to the Outagamie County Courthouse and met with [the] Judger's assistant. She turned over a letter to me that was addressed to Judge [VICTIM] and sent from the Green Bay Correctional Institute. The letter appeared to be sent from Darrick Thompson who I later confirmed was an inmate at Green Bay Correctional. The letter was handwritten and contained the following statement:

"If you do not order my brother Ben's release. I will have the MC's kill you.  
He is important to me and needs to be out. I have plenty rank. And I will have you killed and burned without issue. Let me know you did it my pops (773) 408-2314 will pay you for it. Sincerely, Darrick"

I took possession of the letter placing it in an evidence envelope and returned to the Sheriff's Office. While looking at the letter I noticed there was an inmate number listed on the envelope. That number was after the name Darrick Thompson written as 282786. The number was also on the back of the letter which I know to be associated as an inmate identification number. I made phone contact with Capt. Swiekatowki at Green Bay Correctional Institute. I explained to him the letter and the inmate identification number. Capt. Swiekatowski

explained to me that inmate number was associated to Benjamin J. Biese M/W 12/14/1977 who routinely sends letters like this addressed from other inmates. Capt. Swiekatowski said he also received a letter from Benjamin admitting to sending death threat letters to four different judges recently. I asked Capt. Swiekatowski if I could come to Green Bay Correctional Institute to conduct an interview with Benjamin. Capt. Swiekatowski scheduled me for an interview with Benjamin at 9 AM on February 17, 2021. On February 17, 2021 at approximately 9 AM Sgt. Zolkowski #229 and I drove to Green Bay Correctional Institute located at 2833 Riverside Dr. in the City of Green Bay, Wisconsin and met with Capt. Swiekatowski. Capt. Swiekatowski walked me to a private room where I conducted an interview with Benjamin that was recorded on my body camera.

I introduced myself to Benjamin and he confirmed he was Benjamin Biese. I read Benjamin his Miranda Warning which he waived and agreed to talk to me. I asked Benjamin why he sent the death threat letter to Judge [VICTIM] and he admitted to writing and sending it [to VICTIM] out of frustration. I showed Benjamin the handwritten letter which he looked at and confirmed it was his handwriting and admitted to writing the letter. I questioned Benjamin about his intentions on harming [the] Judge and his detailed answers are disclosed in the recorded conversation. Benjamin admitted to knowing Judge [VICTIM] since s/he was a District Attorney with Outagamie County and admitted to not liking her/him very much. Benjamin said he did not have a plan to physically harm Judge [VICTIM] but admitted to threatening her/his life in the letter. Benjamin has sent previous death threat letters to Judge [VICTIM]. I explained to Benjamin these letters needed to stop. I drove to the Sheriff's office and secured the letter in evidence as well as my body camera footage. Capt. Swiekatowski sent me an email with an attachment of the letter Benjamin sent to him admitting to the four letters he drafted and sent to judges in the area. I included a digital copy of that letter in evidence as well. In Benjamin's letter he intentionally threatened to cause harm or death to Judge [VICTIM] with the Outagamie County Circuit Court in February 2021. Due to the threat of harm and death against Judge [VICTIM] contained in letter I am referring charges of § 940.203(2) Threat to Judge against Benjamin Biese. The referral was completed and turned in on February 18, 2021.

Defendant is a repeat criminal offender having been convicted of the following crimes that remain of record and unreversed:

Case No.	County	Offense	Conv. Date
19CF1082	Outagamie	4 cts. Threat to Judge	03/16/2020
13CF218	Dodge	7 cts. Threat to Judge	07/29/2014
13CF189	Outagamie	2 cts. Threat to Judge	07/12/2013
10CF781	Outagamie	2 cts. Threat to Judge	01/25/2012
09CF244	Columbia	1 ct. Threat to Judge	
99CF190	Outagamie	1 ct. Threat to Judge	
99C094	Winnebago	Threat to Judge	
96CF420	Outagamie	OVWOC	
96CF126	Marinette	OVWOC	
96CF028	Lincoln	Threat to Judge	
95CF511	Outagamie	Threat to Judge	

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

Subscribed and sworn to before me on 07/07/21  
 Electronically Signed By:  
 Kristian K. Lindo  
 Assistant District Attorney  
 State Bar #: 1089021

Electronically Signed By:  
 Ryan Carpenter  
 Complainant