

STATE OF WISCONSIN      CIRCUIT COURT      MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2016ML019353

Court Case No.:

vs.

THOMAS, BYRON J  
803 WEST SOMERS STREET  
MILWAUKEE, WI 53205  
DOB: 02/04/1992

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DO NOT REMOVE

11CCFL785  
CRIMINAL COMPLAINT

City of Milwaukee Detective Michael Chaperon BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**Count 1: ARMED ROBBERY, HABITUAL CRIMINALITY REPEATER**

The above-named defendant on or about Sunday, August 14, 2016, at 2683 South 9th Place, in the City of Milwaukee, Milwaukee County, Wisconsin, with intent to steal, did take property from the person or presence of the owner, Briana J Gierbolini, by use or threatening use of a dangerous weapon, contrary to sec. 943.32(2), 939.50(3)(c), 939.62(1)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than 6 years, if the prior conviction was a felony.

**Count 2: ARMED ROBBERY - PTAC, AS A PARTY TO A CRIME, HABITUAL CRIMINALITY REPEATER**

The above-named defendant on or about Sunday, August 14, 2016, at 2519 South Kinnickinnic Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, with intent to steal, did take property from the person or presence of the owner, Alan Polanski, by use or threatening use of a dangerous weapon, contrary to sec. 943.32(2), 939.50(3)(c), 939.05, 939.62(1)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than 6 years, if the prior conviction was a felony.

**Count 3: ARMED ROBBERY - PTAC, AS A PARTY TO A CRIME, HABITUAL CRIMINALITY REPEATER**

The above-named defendant on or about Monday, August 15, 2016, between 1603-1675 North Franklin Place, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, with intent to steal, did take property from the person or presence of the owner, Daniel B Clark, by use or threatening use of a dangerous weapon, contrary to sec. 943.32(2), 939.50(3)(c), 939.05, 939.62(1)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than 6 years, if the prior conviction was a felony.

#### **Count 4: ARMED ROBBERY, HABITUAL CRIMINALITY REPEATER**

The above-named defendant on or about Monday, August 15, 2016, at 2612 South Greeley Street, in the City of Milwaukee, Milwaukee County, Wisconsin, with intent to steal, did take property from the person or presence of the owner, Kristin M Huth, by use or threatening use of a dangerous weapon, contrary to sec. 943.32(2), 939.50(3)(c), 939.62(1)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than 6 years, if the prior conviction was a felony.

#### **Count 5: ARMED ROBBERY - PTAC, AS A PARTY TO A CRIME, HABITUAL CRIMINALITY REPEATER**

The above-named defendant on or about Monday, August 15, 2016, at 3200 North 79th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, as a party to a crime, with intent to steal, did take property from the person or presence of the owner, Chelsea E Williams, by use or threatening use of a dangerous weapon, contrary to sec. 943.32(2), 939.50(3)(c), 939.05, 939.62(1)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased by not more than 6 years, if the prior conviction was a felony.

#### **Count 6: OPERATING VEHICLE WITHOUT OWNER'S CONSENT (KNOWING PASSENGER), HABITUAL CRIMINALITY REPEATER**

The above-named defendant on or about Monday, August 15, 2016, at 810 West Cherry Street, in the City of Milwaukee, Milwaukee County, Wisconsin, knowing that the owner had not consented to the driving of a vehicle, did intentionally accompany, as a passenger in the vehicle, a person while that

erson violated Wisconsin Statutes section 943.23, contrary to sec. 943.23(4m), 939.51(3)(a), 939.62(1)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased to not more than 2 years.

#### **Count 7: RESISTING AN OFFICER, HABITUAL CRIMINALITY REPEATER**

The above-named defendant on or about Monday, August 15, 2016, at 810 West Cherry Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly resist an officer, while such officer was doing an act in an official capacity and with lawful authority,, contrary to sec. 946.41(1), 939.51(3)(a), 939.62(1)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least one felony during the five year period immediately preceding the commission of this offense, which remains of record and unreversed, the maximum term of imprisonment for this offense may be increased to not more than 2 years.

#### **Count 8: OBSTRUCTING AN OFFICER, HABITUAL CRIMINALITY REPEATER**

The above-named defendant on or about Monday, August 15, 2016, at 810 West Cherry Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority,, contrary to sec. 946.41(1), 939.51(3)(a), 939.62(1)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of at least three misdemeanors during the five year period immediately preceding the commission of this offense, which remain of record and unreversed, the maximum term of imprisonment for this offense may be increased to not more than 2 years.

#### **PROBABLE CAUSE**

Complainant is a City of Milwaukee law enforcement officer and bases this complaint upon review of official Milwaukee Police Department Incident Reports. Complainant has relied on such reports in the past and has found them to be truthful, accurate, and regularly prepared in the course of that department's business. Such incident reports indicate the following:

On 08/14/16, at approximately 5:03AM, Briana Gierbolini was at 2683 S. 9th Place in the City and County of Milwaukee, Wisconsin when she was robbed by gunpoint. PO Litwin interviewed Gierbolini on 08/16/16. Gierbolini stated that she had just been dropped off at home and was outside waiting for her ride to return because she forgot her key in the vehicle. Gierbolini stated that while she was waiting, a black male began trotting up to her from the east on the south side of W. Cleveland Ave. and asked whether she knew the time. Gierbolini stated that she lowered her cell from her ear to look at the

...ne and then saw the male subject point a black semiautomatic pistol in her face and demanded her cell phone and purse. Gierbolini stated that she complied and the black male subject took her LG cell phone and purse and trotted back to the East and out of her sight. Gierbolini described the black male subject as mid to late 20s, 5'6"-5'8", 160 lbs, short nappy unkempt hair, wearing a black hooded sweatshirt with zipper down front, and black jeans with white or light colored stitching on rear pockets. Gierbolini did not give anyone consent or permission to rob her or steal her phone. Gierbolini positively identified Byron J. Thomas (02/04/92), the above-named defendant as the black male who robbed her at gunpoint.

On 08/14/16, at approximately 5:45AM, Alan Polanski was at 2501 S. Kinnickinnic Ave. in the City and County of Milwaukee, Wisconsin when he was robbed by gunpoint. PO Strasser interviewed Polanski. Polanski stated that his 2015 gray Honda Accord bearing Wisconsin registration plates 533XSR was parked outside his friend's house at 2501 S. Kinnickinnic Ave. Polanski stated that he had entered his Honda Accord and was checking social media sites before he was to drive home. Polanski stated that a dark colored Hispanic male entered his vehicle and sat in the passenger seat. Polanski saw that the male had a dark colored pistol. Polanski stated that the male pointed the pistol at him and said, "Get out of the car if you want to live." Polanski stated that he then exited his vehicle, he saw the male slide over into the driver's seat and drive away southbound in his Honda Accord. Polanski stated that his silver iPhone 6 was in his car when stolen. Polanski described the armed robber as a dark colored Hispanic male, 22-27 years old, thin build, clean shaven, with a small curly afro, wearing a dark colored hooded sweatshirt or jacket. Polanski did not give anyone consent or permission to rob him or steal his car or phone. Polanski also did not give anyone consent or permission to operate or ride as a passenger in his vehicle. PO Strasser logged onto Polanski's iCloud account and checked the phone locator. PO Strasser learned that Polanski's phone had been powered off at about 11:00AM and that it was last located west of 34th and National Ave. PO Strasser had knowledge that there was a Boost Mobile store located at 3411 W. National Ave.

On 08/14/16, at approximately 11:30AM, above victim Briana Gierbolini's LG cell phone was sold to the Boost Mobile Store at 3411 W. National Ave. in the City and County of Milwaukee, Wisconsin. PO Litwin responded at 12:00PM on 08/14/16 to conduct follow up regarding Alan Polanski's iPhone 6 ping in this location. PO Litwin spoke with Boost employee, Yanawat Sasi-Anantachai. Sasi-Anantachai stated that a short while ago, a black male entered the store and attempted to sell him a silver iPhone 6 which was unlocked, but that the black male could not provide an Apple ID for. Sasi-Anantachai declined to purchase the iPhone 6 because he thought it was suspicious. Sasi-Anantachai did purchase a different LG cellular phone from the black male and transferred possession of that phone to PO Litwin. PO Litwin learned through investigation that this phone belonged to above victim Briana Gierbolini and that it was taken during an armed robbery earlier that same morning. PO Litwin stated that the silver iPhone 6 was consistent with the phone taken from above victim Alan Polanski in an armed robbery earlier that same morning. The Boost Mobile transaction is also on video surveillance. PO Litwin reviewed the video surveillance and described the subject as a black male, in his late 20s to mid-30s, short natural curly hair, longer black hooded jacket with horizontal quilt stitching, vertical zipper on center front, dark blue or black jeans, and dark Nike sneakers, with white Nike swoosh emblem on the sides. PO Litwin observed the black male to have a slight pencil style beard. PO Litwin also observed the subject to have a noticeable deformity to his right ankle, appearing as if the right ankle bowed in, causing him to walk awkwardly. Det. Alvarado presented Sasi-Anantachai with a photo array. Sasi-Anantachai positively identified Byron J. Thomas (02/04/92), the above-named defendant as the person who sold the LG cell phone and attempted to sell a silver iPhone 6.

On 08/14/16, between approximately 8:05-8:19PM, at between 1603-1675 N. Franklin Pl. in the City and County of Milwaukee, Wisconsin, Daniel Clark was robbed by gunpoint. Det. Susler responded to 1675 N. Franklin Pl. to investigate an armed robbery complaint which occurred between there and 1603 N. Franklin Pl. Upon arrival, Det. Susler spoke with Daniel Clark. Clark stated that he had just parked his 2015 white Jetta Volkswagen bearing Wisconsin registration plates 377-XTP in front of 1603 N. Franklin Pl. Clark stated that he did not see anyone when he exited, so he exited and walked

Northbound on the west side of the street towards his friend's house at 1675 N. Franklin Pl. Clark stated that he heard someone walking behind him so he looked back and observed two black males walking northbound about 30' behind. Clark described subject 1 as a black male about 16-24 years old, 5'11"-6'01", medium complexion, short black hair, ¼" chin strap beard, wearing a black baseball hat with grey unknown writing, a black waist length zip-up jacket with black shirt underneath, and wearing faded blue jeans. Clark described subject 2 as a black male, unknown age, 5'06"-5'08", slim build, wearing black clothing. Clark stated that he could hear one of the subjects moaning, as if he were trying to appear heavily intoxicated. Clark stated he walked faster to get to his friend's house. Clark stated that subject 1 caught up to him and asked where he could go to get drunk. Subject 1 then stopped in front of Clark, blocking his path, and showed him a silver full-sized semi-automatic handgun with a black colored grip. Clark stated subject 1 pointed the gun at his stomach, so he stopped walking and raised his hands. Clark stated that subject 1 told Clark to "come over here" and motioned for Clark to walk into a shared driveway. Clark stated that while subject 1 was pointing the gun at him, subject 2 was behind him. Clark stated that subject 1 demanded, "Give me your shit!" Clark stated that he pulled out his Volkswagen key fob and apartment key, along with a Samsung Galaxy S4. Subject 1 told Clark to give it to subject 2. Subject 2 then implied he also had a gun and stuck something in Clark's back. Clark believed it was a gun by the way it felt. Clark stated that subject 1 then asked where Clark's wallet was and reached into his shorts pocket to retrieve it. Subject 1 then told Clark, "Walk up the driveway! Get on the ground, put your face in the ground, and stay there for 10 minutes!" Clark stated he looked at his watch and saw that it was 8:19PM and then felt the gun in the back of his head while subject 1 said, "If you look up I'll fucking shoot you!" After a few minutes, Clark got up and noticed that his Jetta was stolen along with the golf clubs and Nike shoes inside. Clark did not give anyone consent or permission to rob him, steal his car or other belongings. Clark stated that this was the most terrifying event he had ever experienced.

On 08/15/16, at approximately 6:02AM, POs Langfeldt and Wagner were dispatched to 2612 S. Greely St. in the City and County of Milwaukee, Wisconsin for an armed robbery complaint. Upon arrival, PO Langfeldt spoke with Kristin Huth. Huth stated that she arrived at Fitness Asylum, located at 2612 S. Greely St. to work out. Huth stated that she parked her Honda HRV bearing Wisconsin registration plates 791YVV in the parking lot and walked towards the gym entrance. Huth stated that while she was walking, she noticed a black male subject following her. Huth stated that she recalled seeing him in a newer gray Honda Accord that had pulled into the lot behind her while she was parking. Huth stated that she turned back to look at him and the black male subject produced a silver handgun. Huth stated the black male subject pointed the handgun at her and said, "Don't scream, don't do anything. What do you have?" Huth stated that she handed him her house and car keys which were in her hand, and told him she had nothing else. Huth stated that the black male subject then demanded she follow him back out to the parking lot and told her to lay down for five minutes. Huth stated that she then saw the black male subject drive her Honda HRV away with the gray Honda Accord following it. Huth did not give anyone consent or permission to rob her by gunpoint or steal her car and keys. Huth described the black male subject as 23 years old, 5'9", thin-med build, med complexion, mustache, short curly afro, red hooded sweatshirt, and dark pants. Huth positively identified Byron J. Thomas (02/04/92), the above-named defendant as the person who robbed her at gunpoint. Portions of this incident are captured on video surveillance.

On 08/15/16, at approximately 7:15AM, PO Finley was dispatched to an armed robbery complaint at 3200 N. 79th St. in the City and County of Milwaukee, Wisconsin. Upon arrival, PO Finley spoke with Chelsea Williams. Williams stated that on 08/15/16, between 7:07AM and 7:09AM, she parked her 2015 blue Subaru bearing Wisconsin registration plates 277TYX in the alley way behind her residence at 3200 N. 79th St. Williams stated that she opened the driver's side rear door to load her three year old son in a car seat. Williams stated that she had a pink and white bag on the ground next to her which contained a MacBook computer. Williams stated that a black male approximately 20-30 years old, about 5'7", with a thin build and short hair approached her from behind and stated, "Don't make any noises. Give me your wallet!" Williams stated that she grabbed her wallet from inside the floor of her Subaru and that while the black male subject demanded the wallet, he had a gray handgun pointed at

er stomach. Williams stated the black male subject took her bag with computer and got into a gray or silver car driven by an unknown subject and drove northbound through the alley. PO Finley reviewed video surveillance on a neighbor's garage and retrieved a plate of 533XSR which listed to the gray Honda Accord stolen from above victim Alan Polanski at gunpoint the morning prior.

On 08/15/16, at approximately 7:58AM, at Walmart, located at 401 E. Capitol Dr. in the City and County of Milwaukee, Wisconsin, above victim Chelsea Williams' credit card was attempted to be used. PO Litwin met with Walmart Loss Prevention Officer Glorivee Rodriguez on 08/17/16 to review video surveillance. PO Litwin identified Byron J. Thomas (02/04/92), the above-named defendant as the person in possession of Williams' credit card at the time of the attempted transaction. PO Litwin identified the defendant by reviewing 20 prior MPD booking photos and two publicly viewable Facebook profiles. PO Litwin also observed the defendant's abnormal and unique gait which he had previously observed in the above mentioned Boost Mobile video surveillance. PO Litwin also observed in the video that the defendant was wearing the same Nike shoes that were eventually seized from him, as well as the same dark jeans with white designs. In the video, PO Litwin also observed the defendant wearing a black Marvel Comics "Punisher" t-shirt with white horizontal stripes on the sleeves. The "Punisher" t-shirt was later recovered in the stolen Honda Accord which the defendant fled from. PO Litwin observed the defendant exit Walmart and enter the driver's seat of a black Honda HRV, which was consistent with the black Honda HRV which was stolen from above victim Kristin Huth earlier that same morning.

Moreover, Williams' Capitol One bank register indicates 9 fraudulent transactions were made or attempted on 08/15/16 between 8:20AM and 9:29AM, 3 of which were approved and six of which were declined. The total of the three approved transactions was \$130.94.

On 08/15/16, at approximately 9:33AM, above victim Chelsea Williams' MacBook computer was pawned at Smart PC-Milwaukee, located at 1208 W. Mitchell St. in the City and County of Milwaukee, Wisconsin. Det. Susler investigated this matter with NEWPRS and spoke with Fahed Masalkhi, the manager. Masalkhi provided Det. Susler with video surveillance of this transaction. Det. Susler identified Byron Thomas, the above-named defendant, as the person selling the computer. The defendant used his WI identification card to make the purchase and Masalkhi gave PO Susler a copy of the photograph he took of the defendant's ID next to the computer. Masalkhi gave the defendant \$45.00 cash in exchange for the computer. Masalkhi recalled that the defendant told him the computer belonged to his ex-girlfriend. Masalkhi also had the defendant sign for the transaction.

On 08/15/16, at approximately 8:44PM, POs Dillman and Sutyak responded to a shots fired complaint at N. 8th St. and W. Cherry St. in the City and County of Milwaukee, Wisconsin. PO Dillman and PO Sutyak were operating a fully marked Milwaukee Police Department issued squad car equipped with red and blue lights and audible siren. Both officers were wearing department issued uniforms with their name plates and badges affixed to their outermost garments. Upon arrival, PO Dillman observed a vehicle stopped and idling in a parking lot just north of the above address. The vehicle was identified as a gray Honda Accord bearing Wisconsin registration plates 533XSR. A check with DOT revealed this Honda Accord was stolen in an armed robbery from above victim Alan Polanski on 08/14/16 at 2519 S. Kinnickinnic Ave. Based on this information, PO Dillman approached the Honda Accord and observed two subjects, one leaning into the front passenger side door window and the other leaning into the driver side door window. Once those two subjects observed the squad car, they walked away. The Honda Accord then accelerated northbound in the parking lot and crashed into numerous garbage cans, causing the Honda Accord to stop. The driver exited the Honda Accord and fled northwest on foot. The front passenger exited the Honda Accord and fled westbound on foot. PO Sutyak chased after the front seat passenger on foot, identifying himself as a police officer, and shouted, "Stop! Police!" The front seat passenger failed to comply with PO Sutyak's lawful orders and continued running westbound until reaching 810 W. Cherry St. where PO Sutyak was able to secure him. PO Sutyak recovered two automobile key fobs from the ground that the front seat passenger had discarded

prior to being placed into handcuffs. One of the key fobs was for a Volkswagen and the other was for a Honda HRV.

PO Busshardt responded to the scene to search for the driver and located a black Honda HRV bearing Wisconsin registration plates 791YVW in a parking lot behind 673 W. Rev. Cecil A. Fisher Ln. A DOT search revealed this was the Honda HRV stolen from above victim Kristin Huth in an armed robbery at 2612 S. Greely St. on 08/15/16. The Honda HRV key fob recovered near the defendant matched the stolen Honda HRV.

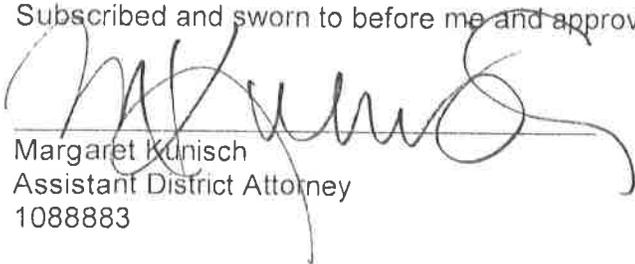
PO Dillman learned that a white Volkswagen Jetta bearing Wisconsin registration plates 377XTP had been taken in an armed robbery at 1641 N. Franklin Place in the City and County of Milwaukee, Wisconsin. PO Dillman searched the area where the two other stolen vehicles were located and located the white Volkswagen Jetta with WI plates 377XTP. PO Dillman observed that on the pavement next to the front driver's side wheel was a black leather wallet containing an identification card bearing a photo and name of David Clark, the above victim of an armed robbery at 1603-1675 N. Franklin Pl.

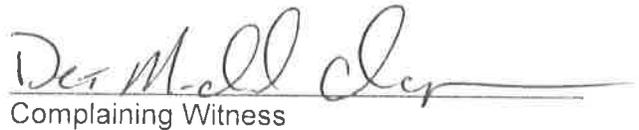
The front seat passenger initially verbally identified himself as James Beasley with a date of birth of 08/16/91. However, a later fingerprint analysis revealed the front seat passenger had lied to officers. The front seat passenger was identified by fingerprints as Byron J. Thomas (02/04/92), the above-named defendant. A wanted check of the defendant revealed he was in violation of probation regarding an armed robbery case, Milwaukee County Case number 13CF4573.

On 08/19/16, while working as District 5 booker, PO Harmon was approached by inmate Louis Greer from cell #2. Greer asked PO Harmon if they had anyone else in his cell before him for a robbery or something. PO Harmon asked why and Greer produced a clear plastic wallet containing identification belonging to Daniel Clark. Upon checking RMS, PO Harmon learned that Clark had been the victim of an armed robbery on 08/15/16. PO Harmon checked the booking room blotter and only three people had been assigned to cell #2 since 08/15/16, including Byron J. Thomas.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 26<sup>th</sup> day of October, 2016.

  
Margaret Kunisch  
Assistant District Attorney  
1088883

  
Daniel Clark  
Complaining Witness

1088883

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**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.: 2013ML022217

Plaintiff,

vs.

Complaining Witness:

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DO NOT REMOVE**

DET MICHAEL CHAPERON

Thomas, Byron J  
803 West Somers  
Milwaukee, WI 53205  
DOB: 02/04/1992

Court Case No.: 130 CR 1573

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**Count 1: ROBBERY, ARMED (THREAT OF FORCE)**

The above-named defendant on or about Sunday, September 29, 2013, at 1000 West Winnebago Street, in the City of Milwaukee, Milwaukee County, Wisconsin, with intent to steal, by the use or threat of use of a dangerous weapon did take property from the person of Jeremiah King, the owner, by threatening the imminent use of force against the person of the owner with intent thereby to compel the said owner to acquiesce in the taking or carrying away of said property, contrary to sec. 943.32(1)(b) and (2), 939.50(3)(c) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

Complainant states that she is a City of Milwaukee Police Detective and bases this complaint upon review of police reports prepared by fellow City of Milwaukee Police Officers and Detectives, which reports are of a type upon which she has relied in the past and found to be truthful and reliable and which she knows are prepared in the regular course of police business.

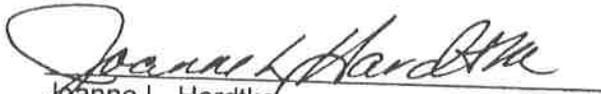
Police Officer Xavier Benitez reports that on September 29, 2013 at approximately 11:16 P.M. he was dispatched to an armed robbery complaint which occurred in the area of 1000 W. Winnebago St. in the City of Milwaukee. He spoke with citizen victim Jeremiah King, who stated that he was approached by two subjects, one of whom brandished a pistol, and demanded his property. He stated that the subject with the gun, whom he later identified through a photo array as the above named defendant, approached him as he was exiting his vehicle on the street and asked him what time it was. King pulled out his I-phone and at that time the defendant pointed the gun at him, causing the victim to hand over his I-Phone and wallet to the defendant.

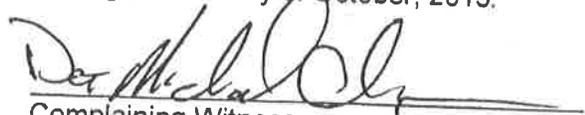
P.O. Joseph Serio reports that the victim's cell phone was tracked using the phone's application for tracking, by P.O. Adam Bradley, and it's location was identified as 1438 N. 9<sup>th</sup> St. Officer Serio spoke with Alisha Wilks, who resides in Apt #565 at that address, and who let the officers into her apartment. Inside the apartment they located juvenile T.W., who matched the description given by the victim as being the person who was with the defendant when he was robbed. In the kitchen of the residence, P.O. Serio located a cell phone case which matched

the description of the case the victim had on his I-Phone. In the Northwest bedroom, P.O. Benitez located a pair of blue jean pants, in which the victim's wallet with his ID card was found in the right rear pocket. In the right front pocket was an ID card for Byron J. Thomas, DOB 2/4/92. Under the mattress in the same room, P.O. Jeff Cline located the victim's Visa Debit card and Mastercard, both in the victim's name. P.O. Benitez located a .45 caliber semi-automatic pistol on the first shelf in the closet of the same bedroom. The pistol was loaded with six .45 caliber FMJ DDI unspent cartridges. The juvenile, T.W., as well as several other occupants of the apartment all stated that the above-named defendant had left those items in the apartment, and had left with the phone because the others were yelling at him for robbing people and had told him that the police could trace the phone. One of the residents stated that the defendant then left with the phone, telling them not to worry, they (the police) will never find the phone. The victim of the offense was subsequently shown a photo array containing a picture of the defendant and positively identified him as being the person who robbed him at gunpoint.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 4<sup>th</sup> day of October, 2013.

  
 Joanne L. Hardtke  
 Assistant District Attorney  
 1022721

  
 Complainant Witness



STATE OF WISCONSIN }  
 MILWAUKEE COUNTY } SS

I, the undersigned Clerk of the Circuit Court of Milwaukee County, Wisconsin, do hereby certify that I have compared this document with the original on file and that the same is a full, true and correct copy of said original and of the whole thereof, as the same remains of record in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said court, this AUG 19 2013 date

  
 JOHN BARRETT  
 Clerk of Circuit Court

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