

State of Wisconsin

Circuit Court

Brown County

STATE OF WISCONSIN

-vs-

Plaintiff,

DA Case No.: 2007BR004807  
Assigned DA/ADA: John F. Luetscher  
Agency Case No.: GBPD06116618  
Court Case No.: 2007CF 897

*Bel*

Donald J. Fleischman  
1121 Goodell Street  
Green Bay, WI 54301  
DOB: 05/07/1970  
Sex/Race: M/W

AUTHENTICATED COPY  
**FILED**

SEP 7 2007

**CRIMINAL COMPLAINT**

Defendant,

USA M. WILSON  
CLERK OF COURTS  
BROWN COUNTY, WI

Complainant, John F. Luetscher, Deputy District Attorney, being first duly sworn on oath, deposes and says that:

**Count 1: CHILD ENTICEMENT**

The above-named defendant, between November 18 and 19, 2006, in the City of Green Bay, Brown County, Wisconsin, with intent to deliver a controlled substance, did cause a child under the age of 18, A.C.O., DOB 06/29/1990, to go into a building, contrary to sec. 948.07(6) Wis. Stats., a Class D Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

**Count 2: CONTRIBUTING TO THE DELINQUENCY OF A CHILD**

The above-named defendant, between November 18 and 19, 2006, in the City of Green Bay, Brown County, Wisconsin, did intentionally encourage or contribute to the delinquency of a child, contrary to sec. 948.40(1) 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 3: CHILD ENTICEMENT**

The above-named defendant, between November 30 and December 8, 2006, in the City of Green Bay, Brown County, Wisconsin, with intent to expose a sex organ to a child or to deliver a controlled substance, did cause a child under the age of 18, A.C.O., DOB 06/29/1990, to go into a building, contrary to sec. 948.07(3) Wis. Stats., a Class D Felony, and upon

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conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

**Count 4: EXPOSING GENITALS OR PUBIC AREA**

The above-named defendant, on or about Wednesday, December 6, 2006, in the City of Green Bay, Brown County, Wisconsin, for purposes of sexual arousal or gratification, did expose his genitals to a child, contrary to sec. 948.10(1) 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 5: CONTRIBUTING TO THE DELINQUENCY OF A CHILD**

The above-named defendant, between November 30 and December 8, 2006, in the City of Green Bay, Brown County, Wisconsin, did intentionally encourage or contribute to the delinquency of a child, contrary to sec. 948.40(1) 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.

Complainant is the Deputy District Attorney with the Brown County District Attorney's Office and knows of the above offense on information and belief based upon your complainant's review of the reports of the Green Bay Police Department:

**PROBABLE CAUSE:**

1. Officer Rodney Reetz of the Green Bay Police Department reports that on November 19, 2006, he was dispatched to 1121 Goodell Street in the City of Green Bay, Brown County, Wisconsin, to check on possible runaways at that location. According to Reetz, officers were informed that two minors, A.C.O., dob: 6/29/90, and R.D.H., dob: 9/27/90, may be staying at that residence. Reetz learned that both of these minor males were runaways from Ethan House at 1470 Emilie Street, which is in the immediate vicinity of 1121 Goodell Street. Reetz reports that he and Officer Merrill of his department knocked on the door at 1121 Goodell Street and a male party answered it and identified himself as Donald Fleischman, the defendant. Reetz asked the defendant if he knew R.D.H. or A.C.O. and Reetz informed him that they were both runaways from the Ethan House next door. The defendant indicated he was familiar with the Ethan House, but he stated no one was in the home except for his dog. Reetz then asked the defendant for permission to enter the house and check for runaways and the defendant stated that was no problem, but he wanted to put his dog away. Reetz states the defendant did leash up his dog and about four minutes later came back and allowed the officers into the residence. Reetz states he again asked the defendant if he knew the parties and he stated no. The defendant showed Reetz a bedroom upstairs that he stated was his roommate's room. Reetz looked into that room and saw a large walk-in closet and noticed the sliding doors to the closet were partially open. Reetz then observed a white male hiding on the floor. The

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officer ordered the male out of the closet and he identified himself as A.C.O., dob: 6/29/90. Reetz observed that A.C.O. was on the floor at the bottom of the closet wearing nothing but a t-shirt and underpants. Reetz asked A.C.O. where his clothing was located and he stated that it was downstairs in the bathroom. Reetz then asked the defendant why he lied to the officers and he stated he was sorry and that he knew better. A.C.O. indicated to Reetz that R.D.H. had left the residence earlier with another juvenile. Reetz reports he, the defendant and A.C.O. went downstairs to the living room and as A.C.O. was getting dressed, Reetz observed a black, purple and bluish swirled glass pipe sitting on the end table in the living room. Reetz asked the defendant who owned the pipe and the defendant stated it was not his. Reetz then asked A.C.O. who the pipe belonged to and at first, A.C.O. stated it was not his and then he stated it did belong to him. Reetz observed a blackish burnt residue, which smelled like burnt marijuana in the bowl of the pipe. Reetz later did a field test on a sample of the black residue in the bowl and it tested positive for THC. Reetz took a written statement from A.C.O., in which A.C.O. states that he and another kid from Ethan House first went over to 1121 Goodell Street around November 5, 2006. The friend told A.C.O. that the resident of 1121 Goodell Street buys cigarettes for him. A.C.O. states that they went to the Goodell address and played with the guy's dog and they talked to the guy who lived there about smoking "pot". A.C.O. states they told the guy they could not smoke "pot" because the staff of Ethan House give them urine tests. The guy stated that he could smoke "pot" all day or any time he wants and he showed them a one-hitter type pipe that he kept in a box in his jacket. The guy told them that he would smoke "pot" with them anytime they wanted. A.C.O. states that on November 17, 2006, his friend came back from the Goodell Street residence to Ethan House and told A.C.O. that the guy on Goodell Street would take them in if they ever needed a place to go. A.C.O. states he and the friend went back over to the Goodell Street residence on November 18, 2006, and they hung out with the guy. A.C.O. states on this occasion, they decided to get high and the guy had a pipe already prepared with "weed" in the bowl and a lighter. A.C.O. described the pipe as being purple and black with swirls in it. A.C.O. states all three of them smoked some of the "weed" and the guy was drinking beer. A.C.O. states the guy, whose name he learned was Donald, told them that he had another kid named Perry living there, but he was grown up. A.C.O. states Donald, the defendant, stated that he had a computer, cable TV and a PS2 videogame, along with a bed for them to use if they wanted to stay there. A.C.O. states the defendant showed them the room. A.C.O. states he and his friend arrived back at Ethan House about an hour late and they decided that if the staff gave them a urine test that they were going to run away. A.C.O. states on the following morning, he got up and was required to provide a urine sample. A.C.O. states he and his friend then decided to take off. A.C.O. states they packed their belongings and went over to Goodell Street. A.C.O. states they sat around and smoked "weed" and A.C.O. drank a couple cans of beer with the defendant. A.C.O. states the defendant provided them with the beer and the "weed". A.C.O. states he was sitting around with the defendant until the police showed up. A.C.O. states he told the defendant he was 16 when he first met him and the defendant stated it would be cool for him to have two 16 year old roommates and he stated he would even do their laundry for them.

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2. Officer David Paral of the Green Bay Police Department reports that on December 8, 2006, he and Officer Nathan Allen of his department were dispatched to 1121 Goodell Street in an effort to locate a runaway. Paral reports that Detective Fifarek informed him that it was believed that A.C.O. was a runaway again and was possibly at the Goodell Street address. Upon arrival, Paral made contact with the tenant, who identified himself as Donald J. Fleischman, the defendant. Paral asked the defendant if A.C.O. was present and the defendant stated yes and that he was trying to convince A.C.O. to turn himself in. Paral went with the defendant upstairs to a bedroom and located A.C.O. A.C.O. was taken into custody and Paral notified the staff of Ethan House of the situation. Paral learned from the staff that A.C.O. ran away from the Ethan House on Thursday, November 30, 2006.

3. Detective Brian Schilt of the Green Bay Police Department interviewed A.C.O. and took a written statement from him on December 11, 2006. In this written statement, A.C.O. indicates that he was placed under a court order at Ethan House on November 3, 2006. A.C.O. stated a man he knows as Donald Fleischman, the defendant, lives right across the backyard from the Ethan House. A.C.O. states he went to the defendant's house on November 29, 2006, and talked to the defendant about running away. A.C.O. states the defendant told him that he had plenty of room for A.C.O. and that A.C.O. could smoke "pot" and drink alcohol at his house. A.C.O. states the defendant told him that he didn't have to worry about anything. A.C.O. states on the morning of November 30, 2006, he ran away and went to the defendant's house. A.C.O. states the defendant brought him to a hotel in Appleton that night and he stayed there all night while the defendant went back to his residence. A.C.O. states the defendant called him in the morning and mentioned that he was going to pick him up and take him up north to his grandfather's cabin in Goodman, Wisconsin. A.C.O. states they stayed at this cabin until the following Tuesday when they came back to the house on Goodell Street. A.C.O. states he spent that Tuesday at the house and the following day, the defendant went to work and got home at about 5:00 p.m. A.C.O. states the routine at the cabin and the house was that they would sit around and watch TV, eat some food and then smoke "pot" and drink beer. A.C.O. states when he would go to bed, the defendant would follow him and fondle him. A.C.O. states on that Wednesday night, he woke up and the defendant was masturbating to his feet. A.C.O. states the defendant was lying on the end of the bed sideways and he was rubbing his penis on A.C.O.'s feet. A.C.O. states the defendant ejaculated and then used a towel or a sock to clean up the mess. A.C.O. states on the following Friday night, the police came and picked him up and he was released to his parents.

4. Your complainant has reviewed laboratory reports from Bellin Health System, located on South Webster Avenue in the City of Green Bay, Brown County, Wisconsin, for A.C.O., dob: 6/29/90. These laboratory results are the findings of the lab after running drug screen tests on samples of A.C.O.'s urine. The three samples were collected from A.C.O. on November 22, 2006, November 29, 2006, and December 8, 2006. In each instance, the drug screen test is positive for the presence of DELTA-9-THC-COOH (Marijuana).

Your complainant has relied upon the reports of the Green Bay Police Department in the past and has found them to be truthful and accurate. The information provided by A.C.O.

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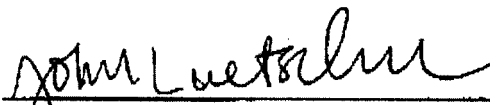
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is believed to be reliable because he is an ordinary citizen witness in this instance. The reports from Bellin Health System are believed to be reliable because these records are kept in the ordinary course of departmental business. Based on the foregoing, the complainant believes this complaint to be truthful and accurate.

Subscribed and sworn to before me,  
and approved for filing on:

This 1<sup>st</sup> day of September, 2007.

  
Complainant

  
(Assistant) District Attorney