

**FILED**  
**08-31-2022**  
**Clerk of Courts**  
**Fond du Lac County WI**  
**2022CF000638**

**STATE OF WISCONSIN      CIRCUIT COURT      FOND DU LAC COUNTY**

<p>STATE OF WISCONSIN Plaintiff,</p> <p>vs.</p> <p>TIMOTHY D BROWN 29 W Cotton St Fond du Lac, WI 54935 DOB: 02/01/1990 Sex/Race: M/B Alias:  Defendant.</p>	<p>DA Case No.: 2022FL002372 Assigned DA/ADA: Eric J. Toney Agency Case No.: 22-5656 Court Case No.: ATN:</p> <p style="text-align: center;"><b>CRIMINAL COMPLAINT</b></p>	<p><i>For Official Use</i></p>
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The undersigned law enforcement officer of the Fond du Lac Police Department, being first duly sworn, states that:

**Count 1: FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON**

The above-named defendant on or about Saturday, August 20, 2022, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did cause the death of Victim 1, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.63(1)(b) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

**Count 2: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Saturday, August 20, 2022, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**PROBABLE CAUSE:**

I am a City of Fond du Lac Police Officer and base this complaint upon my review of Fond du Lac Police Department incident reports whose reports are of the type I have relied upon in the past and found to be truthful and reliable. Said reports state as follows:

1. VICTIM 1 was found deceased on August 20, 2022 at approximately 7:20 a.m. on the sidewalk area of 290 Marquette St. VICTIM 1 suffered numerous gunshot wounds that caused his death, including one gun shot between the eyes. Surveillance videos and audio reflects four gunshots at 3:11:52 a.m., 3:12:09 a.m., 3:12:11 a.m., and 3:12:20 a.m., which is consistent with witness statements. The defendant and VICTIM 1 were observed at Leon’s Corner Pub together at 3:01 a.m. and an argument ensued in which the defendant shoved VICTIM 1. They are both seen leaving Leon’s Corner Pub at 3:09 a.m. and the defendant is observed walking with VICTIM 1 towards the location of where he was located on August 20, 2022. The defendant is then seen leaving the area of the shooting and appears to be attempting to hide from a passing vehicle and arrives home, blocks away, by 3:15 a.m.

**INITIAL RESPONSE BY LAW ENFORCEMENT**

2. Investigators executed a search warrant at the defendant’s residence and located clothing matching what the defendant wore on August 20 and that was observed in the surveillance footage near the shooting. The surveillance reflects the defendant took a different route than what he told investigators and lied about being home the entire night and not having seen or spoken with VICTIM 1 in months. The Crime

Lab matched VICTIM 1's DNA to the red stain consistent with blood located on the defendant's white shoes, which are consistent with shoes worn by the defendant the night of the shooting. Investigators noted the blood found near the body of VICTIM 1 was in close proximity to VICTIM 1's body. Medical Examiner Covach also noted some of the gunshot wounds reflected they occurred at close range.

3. On August 20, 2022 at approximately 7:20 a.m. Officer Fuller was dispatched to 290 Marquette Street in the City and County of Fond du Lac, Wisconsin, for a report of a black male, VICTIM 1, face up on the ground in front of the address with a head wound.
4. Officer Fuller arrived on scene and observed VICTIM 1 motionless on the ground with a head wound between the eyebrows and blood coming from that wound. Officer Fuller also observed blood surrounding VICTIM 1's right hand and blood pooled under the right shoulder.
5. Officer Fuller returned to his patrol car to retrieve an AED. Officer Fuller observed chest compressions being performed and saw blood coming from VICTIM 1's mouth and nostrils. Officer Fuller placed the AED pads on VICTIM 1 and the AED indicated that no shock would be given. Officer Fuller continued chest compressions as additional police officers arrived on scene until instructed to stop by EMS as VICTIM 1 was deceased. Officer believed VICTIM 1 had been shot by firearm based on his observations and those of EMS on scene.
6. Officer Fuller made contact with a neighbor, Witness 1, and learned Witness 1 had touched VICTIM 1's foot and believed he had been shot.
7. Officer Sprangers made contact with neighbors and spoke with Witness 2 and learned that Witness 2 had gotten up to go to the bathroom in the early morning hours and heard 3-4 gunshots around 3:00 a.m. Witness 2 looked outside but did not see anything. While on scene Officer Sprangers located a .380 caliber casing in the roadway about one foot from the curb in line with VICTIM 1's body.
8. Detective Lee Mikulec arrived to the scene and began processing evidence and taking photographs. Detective Mikulec inspected VICTIM 1's body and located four bindles of suspected cocaine in the right rear pocket, which weighed 0.8 grams.

#### **AUTOPSY**

9. On August 21, 2022 Detective Mikulec attended the autopsy of VICTIM 1 performed by Fond du Lac County Medical Examiner Dr. Adam Covach. Dr. Covach's preliminary autopsy findings indicated multiple gunshot wounds. One gunshot wound was observed to the head between VICTIM 1's eyes. A second gunshot wound was located to the right upper wrist. A third gunshot wound was located to the left bicep. A fourth gunshot wound was found on the left hand. Dr. Covach noted the gunshot wound to the left hand was consistent with a grazing wound from close range. Another gunshot wound was located to the right hand, which Dr. Covach also indicated was from close range.
10. During the investigation Detectives learned VICTIM 1 had been celebrating his birthday on August 19. Through witness statements and video surveillance it was determined that VICTIM 1 was at Beernuts in the City of Fond du lac until approximately 1:00 am. Detectives also learned that Witness 3 indicated that VICTIM 1 had gotten into an argument with someone named Tim who lives on Cotton Street the night of the shooting.

#### **LEON'S CORNER PUB**

11. Detectives viewed surveillance footage from the Kwik Trip and the Fond du Lac Police Department on N. Main Street to track VICTIM 1's movements between 2:51-2:55 a.m. VICTIM 1 was then observed at the beer garden at Leon's Corner Pub at approximately 3:01 a.m. VICTIM 1 is observed entering the outdoor beer garden and then attempting to enter the inside of Leon's Pub. Leon's was closed at that time and an employee, Witness 3 of Leon's, was outside near the door and prevented VICTIM 1 from entering the pub.

12. While Witness 3 was outside in the beer garden he was speaking with Timothy D. Brown, the defendant. Timothy Brown was observed wearing grey sweatpants with a black stripe on the outer portion, which went down to the knee area of the pants. Brown was also wearing a black long-sleeve shirt and had white shoes on. Brown was observed to have shoulder length dreadlocks with braids, which were down and not tied together.
13. The video footage at Leon's shows that after VICTIM 1 was denied entry to Leon's, VICTIM 1 turns around and is in close proximity to Timothy Brown. The video appears to show them exchanging words and then Timothy Brown is observed shoving VICTIM 1 with his right arm. VICTIM 1 responds by putting his arms over his head and the two exchanged more words. VICTIM 1 then proceeds under a tent in the beer garden, then walks out and VICTIM 1 and the defendant exchange more words.
14. Video surveillance shows VICTIM 1 and the defendant together in the beer garden for approximately 2 minutes and the defendant appears agitated with Witness 4 appearing to attempt to calm the defendant down. The defendant and VICTIM 1 are seen walking out of the camera's view at 3:03:23 a.m. and then are seen back in the camera's view at 3:06:04 a.m. and the defendant continues to appear agitated at this time. The video appears to show VICTIM 1 and the defendant continuing to exchange words and other individuals in the beer garden attempting to calm the defendant down, including Witness 5.
15. The video also shows the defendant pushing Witness 4 and Witness 6 as these two individuals were attempting to hold the defendant back and calm him down. Witness 7 was also observed trying to defuse the situation in the beer garden. At 3:09:41 a.m. Witness 4 is observed holding onto the back of the defendant's shirt as he is trying to move towards VICTIM 1. At 3:09:50 a.m. both the defendant and VICTIM 1 are observed walking off camera from the beer garden towards E. Arndt St and are followed by Witness 5 and Witness 7.

**WITNESS 7 INTERVIEW**

16. Detective Vandermolen interviewed Witness 7. Witness 7 stated he was at Leon's during the incident between the Defendant and VICTIM 1. Witness 7 stated that the defendant was upset with VICTIM 1. Witness 7 heard the defendant say "you didn't want to fuck around with me at my house" to VICTIM 1 and the defendant was calling VICTIM 1 a "pussy" and similar words. Witness 7 stated that the defendant appeared "pissed off." Witness 7 stated that the defendant and VICTIM 1 discussed talking about the issue to "hash it out" and both the defendant and VICTIM 1 left eastbound on E. Arndt St. Witness 7 stated he went around the side of Leon's to see where they went and observed the defendant and VICTIM 1 walking away together north on Marquette Street. Witness 7 could still hear them talking loudly and it sounded like the issue wasn't resolved.

**WITNESS 8 INTERVIEW**

17. Detective Meilahn spoke with Witness 8, who observed the incident at Leon's between the defendant and VICTIM 1. Witness 8 stated VICTIM 1 was more calm than the defendant but both were arguing and saw them walking away on E. Arndt St and the defendant and VICTIM 1 were about 10 feet from each other as they were walking away.

**WITNESS 5 INTERVIEW**

18. Witness 5 stated he followed the defendant and VICTIM 1 to the E. Arndt St. entrance of Leon's but didn't know where they went. Witness 5 then walked to Timothy's house on 29 W. Cotton St. Upon arrival he knocked on the door and the defendant answered and let him in.

**GUNSHOTS**

19. Detective Meilahn reviewed video and audio surveillance from an address on N. Main St., near where VICTIM 1 was located. The camera points east towards the back parking lot and the back of the west residences of Marquette St. Detective Meilahn heard four gunshots at:

3:11:52 a.m.  
3:12:09 a.m.  
3:12:11 a.m.  
3:12:20 a.m.

**COTTON ST VIDEO SURVEILLANCE**

20. Detective Vandermolen reviewed surveillance video from addresses on E. Cotton St. At 3:12:36 a.m. Detective Vandermolen observed a dark figure come from the south, which is the west side of Marquette Street and then head towards E. Cotton Street in a northwest direction through the yard of 38 E. Cotton St. The person is seen at the sidewalk and then abruptly stops and quickly jogs back towards the area the person just came from and out of view of the camera. A vehicle can then be seen coming from the west and traveling on E. Cotton St. The video then shows the same person re-enter the area and continues walking on E. Cotton St. The person is wearing shoes, light colored pants with a dark colored stripe to the knee of the left side, and a dark long sleeve shirt. The person also appears to have braids, which is all consistent with the defendant's appearance from the video surveillance at Leon's Corner Pub.

**ABE'S CITGO EXPRESS SURVEILLANCE**

21. Detective Bobo reviewed video surveillance from Abe's Citgo Express located at 324 N. Main St and at 3:14:52 a.m. observes a subject matching the same description that Detective Vandermolen observed from the Cotton St. surveillance which is consistent with the defendant's appearance from Leon's Corner Pub. The subject is observed walking on the south sidewalk of E. Cotton St walking west and then crossing N. Main St in a diagonal direction towards the northwest corner of W. Cotton St. and N. Main St. The mail subject continues walking west from Main St. on the north sidewalk of W. Cotton St. until out of view at 3:15:22 a.m.

**FONDY EXHAUST LLC SURVEILLANCE**

22. Detective Bobo then reviewed video surveillance from Fondy Exhaust LLC, located at 18 W. Cotton St. The exterior camera faces northwest with a view of W. Cotton St including 27 and 29 W. Cotton St. At 3:15:38 a.m. a subject is observed walking west on the north sidewalk of W. Cotton St. from the area of Abe's Citgo Express and continues walking to the driveway of 27 W. Cotton St. The individual then walks to the north at 3:15:43 a.m. towards 27 & 29 W. Cotton St., which is the residence of the defendant.
23. At 3:17:04 a.m. a different subject is observed wearing a light colored t-shirt and coming from the east to west into the camera's view. This subject then continues to walk to the area of the driveway of 29 W. Cotton St. where the subject proceeds up the driveway and to the front where the subject opens the front screen door and then enters the residence after about 10 seconds at 3:17:58 a.m. Detective Bobo noted this was consistent with Witness 5's statement.

**29 W. COTTON ST. SEARCH WARRANT**

24. On August 22, 2022 the Fond du Lac Police Department conducted a search warrant at the defendant's residence, 29 W. Cotton St. During the execution of the search warrant clothing matching the description of what the defendant was wearing the morning of August 20, 2022 was located in the basement dryer; a black 1/4 zip Nike shirt/light jacket, gray sweatpants with a black stripe down the side, a pair of socks, and other items. Investigators also located a pair of white shoes belonging to the defendant. Detective Mikulec observed the white shoes appeared to have a red dried substance on them which tested positive for mammal blood. The shoes and other items recovered during the search warrant were submitted to the crime lab for testing along with the DNA of the defendant and VICTIM 1.

**CRIME LAB TESTING**

25. Detective Mikulec received a report from the Wisconsin Crime Lab on August 30 which tested the red substance from the left white shoe of the defendant recovered during the execution of the search warrant on August 22, 2022 at 29 W. Cotton St. The report states that VICTIM 1's DNA is the source of the dried red blood found on the shoe.

**INTERVIEWS WITH DEFENDANT: TIMOTHY BROWN**

26. On August 20, 2022, the defendant, Timothy Brown, was interviewed. The defendant stated he was at a friend's house in Waupun Friday night, August 19, 2022, and arrived home at 10:46 p.m. The defendant stated he then stayed home the rest of the night and a female came over that night and left around 6:00 a.m. August 20, 2022.

27. The defendant stated it had been a couple months since he had last hung out with VICTIM 1 and that it had been a couple months since they last spoke. The defendant also stated he had not seen or spoken with the defendant the night before.
28. The defendant was interviewed again on August 22, 2022 by Detective Hahn and was asked about the August 20, 2022 interview. The defendant maintained that he arrived home between 10:30-10:45 p.m. Friday August 19. The defendant stated a female came over sometime after 3:23 a.m. The defendant maintained that he did not leave his residence after arriving home on August 19.
29. The defendant then brought up people have been bringing up his name and Detective Hahn asked the defendant if he was home all night and the defendant got quiet and didn't respond. The defendant then stated he didn't kill VICTIM 1. The defendant then admitted he lied to Detective Hahn and had been hanging out at Leon's when he got into a "little argument" with VICTIM 1. The defendant stated he went on his way and VICTIM 1 went his way, whichever way that was. The defendant also told Detective Hahn he doesn't own a gun because he's a felon.
30. The defendant stated while at Leon's, standing outside, he felt something wet on him and assumed VICTIM 1 spit on him at which point they began arguing. The defendant then stated he walked home on the sidewalk west on Arndt St and then North on N. Main, then west on Cotton St. to his door. The defendant diagrammed his route on a map and Detective Hahn informed the defendant he knew that wasn't his true route and the interview ended shortly thereafter.

**FELON IN POSSESSION OF FIREARM**

31. Timothy D. Brown was convicted of manufacture/deliver cocaine, a class G felony pursuant to Wis. Stat. 961.41(1)(cm)1g in Fond du Lac County Case No. 12CF11 on or about 10/09/2013, which remains of record and unreversed.

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

Subscribed and sworn to before me on 08/31/22

Electronically Signed By:

Kristian K. Lindo

Assistant District Attorney

State Bar #: 1089021

Electronically Signed By:

Captain Scott Krause

Complainant