

FILED
11-03-2023
Clerk of Circuit Court
Washington County, WI
2023CF000487
Honorable Michael S.
Kenitz
Branch 3

STATE OF WISCONSIN CIRCUIT COURT WASHINGTON COUNTY

STATE OF WISCONSIN
Plaintiff,
vs.
Jonathan Napier
[REDACTED]
Sex/Race: M/W
Defendant.

DA Case No.: 2023WA002806
Assigned DA/ADA: Grant D Scafe
Agency Case No.: 19-547HPD
23-1469HPD

Court Case No.:

CRIMINAL COMPLAINT

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: 1ST DEGREE CHILD SEXUAL ASSAULT - SEXUAL CONTACT WITH A CHILD UNDER AGE 13

The above-named defendant between approximately January of 2006 to December of 2011, in the City of Hartford, Washington County, Wisconsin, did have sexual contact with a person who has not attained the age of thirteen, AE, born in January of 2002, contrary to sec. 948.02(1)(e), 939.50(3)(b) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 2: CHILD ENTICEMENT

The above-named defendant between approximately January of 2006 to December of 2011, in the City of Hartford, Washington County, Wisconsin, with intent to have sexual contact with the child in violation of Section 948.02, Wis. Stats., and/or with intent to exposing genitals, pubic area, or intimate parts to the child or causing the child to expose genitals, pubic area, or intimate parts in violation of s. 948.10., did attempt to cause a child, AE, born in January of 2002, who had not attained the age of 18 years to go into a room, contrary to sec. 948.07(1), 939.50(3)(d) 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 3: 1ST DEGREE CHILD SEXUAL ASSAULT - SEXUAL CONTACT WITH A CHILD UNDER AGE 13

The above-named defendant between approximately January 2018 through December of 2020, in the City of Hartford, Washington County, Wisconsin, did have sexual contact with a person who has not attained the age of thirteen, CS, born in May of 2015, contrary to sec. 948.02(1)(e), 939.50(3)(b) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

PROBABLE CAUSE:

Complainant prays that said defendant be dealt with according to law. The basis for the complainant's charge of such offense is he is a sworn officer with the Hartford Police Department and bases his information upon review of police reports authored by officers of the Hartford Police Department. On March 25, 2019, Officer Albea of the Hartford Police Department received information from the Washington County Department of Health and Human Services that there was an allegation of sexual abuse for the Hartford Police Department to review. CPS worker Savannah Vandenberg had reviewed a complaint from a mandatory reporter referencing statements made by a then 16-year-old juvenile identified as AE, who was born in January of 2002. According to the report, the reporter noted that AE did not remember much but remembered an incident that occurred when she was about 4 or 5 years old. She had described that the upstairs neighbor was standing in the doorway to his apartment, and he was completely naked. This was observed by AE. The reporter noted that AE stated the neighbor asked her to come into his apartment with him, but she did not go in. The reporter noted that AE stated there was a separate incident where the neighbor asked her to touch him. The reporter noted that AE did not remember if she touched him or not.

Officer Albea was able to speak to AE further about what occurred. AE reported that she knew the neighbor's name was Jonathan but was unsure of the last name. She said that Jonathan used to live upstairs and had the last name of possibly Napier. She said that Jonathan now lives up the street on [REDACTED] stating that it was the last house on the north east end of the street. She said the incident in question occurred approximately 12 years prior.

She reported that she had previously seen Jonathan out back of their current apartment and saw him playing with bubbles with his child. She said that Jonathan did answer the door naked, and tried to lure her in. She stated that she did not go in and could not remember much else.

She reported that she had previously seen Jonathan out back of their current apartment and saw him playing with bubbles with his child. She said that Jonathan did answer the door naked, and tried to lure her in. She stated that she did not go in and could not remember much else.

Officer Albea then traveled to the northernmost end of [REDACTED] and on the east side of the street, he noted the address in question where Jonathan was reported to be living was [REDACTED] located in the City of Hartford, Washington County, Wisconsin. Officer Albea noted that in-house records located a Jonathan Napier, date of birth May 6, 1981, the Defendant, located at that address. Hartford Police Department records also showed a prior address for the Defendant listed at [REDACTED] in the City of Hartford, Washington County, Wisconsin. AE's mother had noted that the Defendant was always "creepy" and would always give the apartment building kids candy.

Detective Engebretsen had a follow up interview with AE on November 1, 2023. Detective Engebretsen asked AE to explain about the initial allegations that had been initially disclosed in 2019. AE said the incident occurred approximately ten years prior to when it was reported in 2019. AE said that she now identifies as a male as she had transitioned from a female to a male, but still had the legal name of AE.

AE said that to the best of his recollection, this happened when he was approximately 7-9 years of age. He said there was an incident involving the Defendant that involved him and his sister. He said that he and his sister would often play with the Defendant's son and that is how they interacted with him. He advised that at the time, he and his family were living at [REDACTED] in the City of Hartford. The Defendant and his family were their upstairs neighbors.

During the summer, AE and his sister went over to the Defendant's residence to see if he had bubbles that they could play with. Upon knocking at his door and asking if he had bubbles that they could play with, the Defendant said something to the effect of, "Hold on a second." He then opened the door to his apartment. AE stated that when he opened the door, the Defendant was wearing nothing but a T-shirt and that his lower half had no clothing. AE said that he observed the Defendant's penis was out and exposed and it was erect. AE stated that the Defendant asked his sister and him to touch the Defendant's penis. AE said that his sister did not, but he briefly did. AE said that the Defendant tried to get him and his sister to go into the apartment, but neither of them did so. He said that after this occurred, he and his sister went back to their residence.

AE said there was also a second time during the summer or fall of the same year where a group of kids were playing outside and the Defendant had candy that he did not want to give out anymore. He put a bowl of candy in his pants and told the kids that if they wanted more candy, they had to grab it.

On November 2, 2023, Detective Engebretsen spoke with AE's mother to determine a timeline when she and her family were residing at [REDACTED]. She said that she resided at [REDACTED] from approximately 2005 to October of 2020. She stated that they resided only at #2 in that building. She advised that she recalled that she already resided at apartment #2 prior to the Defendant moving into the building, and that the Defendant moved out before she did.

Detective Engebretsen was able to determine that Napier and his partner, KW, had established a utility bill history at their current address of [REDACTED] dating back to September of 2015.

Detective Engebretsen noted that based upon AE's estimation that the incident occurred when he was 7-9 years of age, this would put the approximate time frame of the incident occurring in the summer or fall of 2009 to 2011.

Detective Engebretsen was able to speak to the Hartford Utilities Department to check the archived closed utility accounts for [REDACTED], specifically looking for either KW or the Defendant for old accounts at that address. Detective Engebretsen was advised that there was an old utility account in the name of KW with a move in date of March 30, 2007 and a move out date of December 31, 2011.

The Hartford Police Department had also been involved in the investigation of a sexual assault involving the same Defendant but a different victim.

On September 30, 2023, Officer Canfield of the Hartford Police Department was dispatched to an address on [REDACTED] in the City of Hartford, Washington County, Wisconsin for the report of a sex offense type of complaint. The initial notes stated that the offense had occurred approximately three to four years ago, and that the male subject, who was the husband of their babysitter, sexually assaulted a child mentioned in the complaint.

Officer Canfield arrived on scene and made contact with the stepfather of the child, identified as JT. JT said that he and his wife had a thing they did with their son and other family

members where they would explain life stories. He said that he walked into a room and overheard CS, an 8 year old juvenile born in May of 2015, explain something to his nephew. JT said that it sounded like a male suspect would pull a kid or two aside and take his penis out, and CS said he'd "pee in his mouth." JT said that he was CS's stepfather.

JT explained that CS used to go to an in-home daycare at the address of [REDACTED] in the City of Hartford, Washington County, Wisconsin. JT said that CS thought he was approximately 4 years old when the incident happened. JT said that CS had not gone to that in-home daycare in a while. Officer Canfield's notes indicate that it was learned through the investigation that CS used to be babysat by KW.

Officer Canfield entered the residence and observed CS and JT's nephew playing inside. CS's mother, CMS, came home. CMS said that she had known nothing at that point. She said that one time, when CS was 3 years old, CS made a really weird comment to her. She said that when she asked him about it, he brushed it off so she dropped it. She said she remembered him saying something about him and the Defendant. She said she did not remember anything other than that. CMS later confirmed to law enforcement that CS did go to the in-home daycare run by KW when CS was approximately 1 years old to 5 years old. Detective Engebretsen noted that this would have been between approximately 2016 to 2020.

Detective Engebretsen of the Hartford Police Department then had a forensic interview set up for CS. The forensic interview occurred at the Lakeshore Child Advocacy Center in Saukville. Detective Engebretsen arrived and met with the Forensic Interviewer, Heidi Kilbourn. Detective Engebretsen noted that CS was an 8 year old male in the third grade, and that he was able to speak clearly and concisely with Heidi. His answers to questions were age-appropriate as well. He was advised that there was no guessing during the interview, and if Heidi got something wrong, to correct her. CS was able to differentiate the difference between

CS talked about what happened to him at the in-home daycare with KW and the Defendant. He said that when he was about 3 or 4, he used to go a babysitter and her husband's name was John. He said that the Defendant would call someone over, make them open their mouths, and then pee into their mouths. He said that it tasted worse than pasta salad with poop on it, and that it was disgusting. CS said that's why the police came over, but that he wasn't in trouble because the Defendant did something very wrong. He said that the Defendant had shown him his private part.

Heidi asked CS what helped him remember that it occurred when he was 3 or 4. He said that he just remembered it. He said that he was pretty sure that the Defendant did it for a couple of months, maybe a year or two, and that he was pretty sure that KW found out about it. When asked where he was during the incident, he said that he was at KW's house. CS was asked to tell about a time that he remembers well. He said that was the only time. CS was asked where he was when this happened. He said that he was in the basement playing with the Defendant's son.

CS was asked if this happened one time or more than one time. He stated more than one time. He stated that it happened a couple months or maybe a year when it finally stopped.

Heidi asked CS to tell her about a time this happened in the basement. CS stated that "he called someone over and makes them open their mouths, and then he'd pee in our mouths." CS said that the Defendant stated, "Don't tell anyone or I will hurt your family." When asked where the Defendant would be, CS stated that the Defendant would be by the steps leading to upstairs. Heidi asked what the Defendant would be doing when he would call someone over, and CS said he'd be yelling someone's name. CS stated that he could see, and then looked at his legs and pointed at his genitalia. CS stated that he calls it a "private part," but also knows it as a penis. Heidi clarified that CS would go by the Defendant and that he could see the Defendant's penis and CS stated, "Yup." When asked what his penis was doing, CS stated, "It was peeing out of it into our mouths."

Heidi pointed out that CS kept saying "our" and asked who else was with him. CS stated that another juvenile was there. He said that she was in the fourth grade at his elementary school but did not know her last name. CS said that when the Defendant would call him over, he would go a couple feet or closer to the Defendant and he would "pee in our mouths." CS then demonstrated the position he would be in, and got down on all fours. When asked what CS's hands were doing, he said they were touching the ground, the steps, or the Defendant's legs. When asked about the Defendant's hands, CS stated that he was free-handed.

Heidi then asked CS to tell her as much as he could about the pee in his mouth. CS said that the Defendant would pee for a couple of seconds, then let them go. When asked what his mouth had to do, CS said that he would open it and it would stay wide open. He then opened his mouth to demonstrate what he was talking about. Heidi asked CS what the pee felt like in his mouth, and CS said that it felt like he was eating warm poop. When asked what happened next, CS stated that he would swallow it and then the Defendant would say go off. CS said that the Defendant got caught doing this later. He said that he did not get caught by the police, but was caught by his wife and she yelled at him.

CS was asked to tell Heidi what the Defendant would say to him when this was happening. CS said that the Defendant would tell him not to tell anyone or he would hurt his family. CS said that he could see the whole thing of the Defendant's penis. When asked what shape it was, CS stated it was like a "normal one of it."

Heidi asked what the Defendant was doing with his hands while this was occurring. CS got off the couch and got onto the floor and leaned back on his hands behind him. He demonstrated that the Defendant was doing this on the steps to upstairs. CS stated that he was pretty sure the Defendant had one hand on it, referring to his penis, holding it from slipping back into his pants. CS said this only happened in the basement. When asked if this happened one time or more than one time, CS stated it happened multiple times.

Defective Engebretsen noted, based upon the description of what CS described the "pee" to look like, he believed that CS was describing ejaculate.

On November 2, 2023, law enforcement made contact with the Defendant at his residence located at [REDACTED] in the City of Hartford. The Defendant answered the door, and Detective Engebretsen was able to identify him. He was eventually taken into custody after he left his residence.

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

Subscribed and sworn to before me on 11/03/23

Electronically Signed By:

Grant D Scaife

Assistant District Attorney

State Bar #: 1099031

Electronically Signed By:

Detective Erik Engebretsen

Complainant

[REDACTED]