

FILED
09-29-2022
Clerk of Circuit Court
Outagamie County
2022CF000870

STATE OF WISCONSIN CIRCUIT COURT OUTAGAMIE COUNTY

STATE OF WISCONSIN

Plaintiff,

vs.

KENNETH NMI MOFFETT

17 Woodmere Court

Appleton, WI 54911

DOB: 05/20/1964

Sex/Race: M/B

Eye Color: Brown

Hair Color: Unknown

Height: 5 ft 8 in

Weight: lbs

Alias: Also Known As Kenneth

Moffett

Defendant.

DA Case No.: 2022OU003536

Assigned DA/ADA: Nicholas P. Grode

Agency Case No.: A22048072

Court Case No.:

ATN:

CRIMINAL COMPLAINT

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: STRANGULATION AND SUFFOCATION (WITH A PREVIOUS CONVICTION)

The above-named defendant on or about Friday, September 23, 2022, in the City of Appleton, Outagamie County, Wisconsin, did intentionally impede the normal breathing by applying pressure on the throat or neck of another person and has a previous conviction under this section or a previous conviction for a violent crime, as defined in s. 939.632 (1) (e), contrary to sec. 940.235(2), 939.50(3)(g), 973.046(1r), 973.047(1f) 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.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

Count 2: FALSE IMPRISONMENT

The above-named defendant on or about Friday, September 23, 2022, in the City of Appleton, Outagamie County, Wisconsin, did intentionally confine A.K.B., without that person's consent, and with the knowledge that he had no lawful authority to do so, contrary to sec. 940.30, 939.50(3)(h), 973.046(1r), 973.047(1f) 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 furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

PROBABLE CAUSE:

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is a sworn law enforcement officer and bases this Complaint upon the investigation of the officers named below, who are presumed truthful and reliable as sworn law enforcement officials.

On September 23, 2022 at 2:28 a.m., Officer Allen of the Appleton Police Department was assigned to a battery complaint by dispatch for an incident that occurred at an address on Woodmere Court, in the city of Appleton, Outagamie County, WI. Dispatch advised the reporting party, who will be referred to as A.K.B., had been choked by someone named Kenneth. Kenneth was described as a black male, around 58-60 years old and later identified as Kenneth Moffett, the defendant.

Officer Allen later arrived on scene at A.K.B.'s residence. A.K.B. met Officer Allen at the front door and he could immediately observe marks on A.K.B.'s face and neck. A.K.B. was emotionally upset and sobbing, having a difficult time catching her breath. A.K.B. invited Officer Allen inside and began telling him what happened that night.

A.K.B. stated she was invited by her friend, Heather Kranz, over to Kenneth's residence. A.K.B. showed Officer Allen text messages from her phone with Heather, and Officer Allen noted the messages showed Heather was trying to arrange for them to meet up. A.K.B. stated she felt like it was a trap or at least the intentions were to have A.K.B. go over to Kenneth's residence, but Heather stated she wanted picked up because she and her boyfriend, Devon, had been arguing. A.K.B. stated she eventually drove over to Kenneth's residence. A.K.B. stated Heather and Devon were arguing on and off again about infidelity in their relationship and A.K.B. had been asked if she knew anything about it, to which A.K.B. indicated she had no idea.

A.K.B. stated while Heather and Devon were in a bedroom at the rear of the residence, she and Kenneth had been talking. Heather described her relationship to Kenneth as friends, having known each other for a week and a half and not being romantically involved. A.K.B. stated she talked to Kenneth for a few hours while he provided alcoholic beverages to her. A.K.B. stated she was there to help Heather leave and it was apparent to A.K.B. Heather was not leaving. A.K.B. stated to Kenneth she was going to leave and Kenneth kept telling her to stay. A.K.B. stated she was in the kitchen, had her belongings and told Kenneth she was leaving and Kenneth stood in front of her blocking the doorway. A.K.B. stated Kenneth

became very upset by this. A.K.B. described Kenneth as being possessive in previous contacts and described him as controlling. Kenneth continued to ask A.K.B. to stay and talk with her. A.K.B. again tried to leave and Kenneth grabbed her with both hands around her throat. A.K.B. stated this caused her airway to become restricted as Kenneth was pushing on the front of her neck, choking her. A.K.B. stated Kenneth pushed her backwards from the kitchen down a hallway towards the back bedroom. A.K.B. stated she was yelling for Kenneth to stop and he did not. A.K.B. stated Kenneth told her to be quiet.

A.K.B. stated she kicked Kenneth's right ankle with her left foot and this caused him to fall on top of her. A.K.B. stated this caused her to fall on her left elbow and hurt her elbow and rib cage. A.K.B. stated Devon and Heather heard the commotion and got Kenneth off of her. A.K.B. stated she and Devon ended up in a bathroom and Devon was trying to get A.K.B. to calm down. A.K.B. stated she sat on the toilet with the lid down as a seat. A.K.B. stated she wanted to call police but Devon and Heather told her not to and would bat her phone away. A.K.B. stated Devon and Heather went in and out of the bathroom and eventually stated Kenneth was not right in her vicinity. A.K.B. stated when she felt she could, she ran from the bathroom to her vehicle catty corner on the street from residence. A.K.B. stated when she got into her vehicle, she locked the doors right away. A.K.B. stated Heather ran after her and tried asking if she wanted to get drinks anywhere and A.K.B. told her no. A.K.B. stated Kenneth came to the vehicle and she was worried about running over Kenneth if she drove off. A.K.B. stated Kenneth was trying to talk calmly to her and get her to stay. Kenneth eventually walked away from the vehicle and A.K.B. drove home from Kenneth's residence to report the incident.

A.K.B. stated she did not consent to Kenneth choking her and did not give Kenneth permission to cause her pain. A.K.B. permitted me to take photographs of her neck and face. A.K.B. had red marks on the right side of her neck that A.K.B. stated were caused by Kenneth choking her. A.K.B. had fresh swelling and marks on her right cheek and right side of her nose, as well as her forehead, which A.K.B. stated was "rugburn" when Kenneth fell on her. A.K.B. stated she had pain in her left elbow, right side of her rib cage, and in her face where she had rugburn.

Officer Allen asked A.K.B. several times while in contact with her if she wanted medical attention and she stated no. Officer Allen completed a victim information sheet and provided it to A.K.B.. A.K.B. declined victim services. A.K.B. had no further statement to provide and Officer Allen cleared from the residence.

Officer Allen then proceeded to the address on Woodmere Court with Officer Beck. Officer Allen attempted knocking several times on the front door, side door, windows, and ringing the doorbell and received no answer from the occupants. Officer Allen called Kenneth's cellphone and received his voicemail, where he identified himself as Kenneth Moffett. Officer Allen did leave a voicemail for Kenneth and did not receive a call back. Officer Allen attempted to contact Heather and did not receive an answer either. Heather's vehicle was still at the residence, in the driveway.

Officer Allen reported he returned to his squad car and ran Kenneth's information on his in-car computer through WIDOT. Kenneth was on probation and his approved probationary residence was the address on Woodmere Court. Officer Allen contacted Probation and Parole after hours number and reported the incident. Officer Allen was advised a warrant would be

issued for Kenneth for a probation violation. Officer Allen confirmed the warrant had been issued at 5:58 a.m. on 9/23/2022.

Officer Allen reviewed Kenneth's previous convictions in Wisconsin CCAP and observed he had a previous conviction under Wisconsin statute 940.225(2)(a), 2nd Degree Sexual Assault, Threat or Violence. The defendant was convicted in Outagamie County Case 1998CF383 on January 11, 1999 and this conviction remains on his record and is unreversed. The records of the Wisconsin Circuit Courts are presumed to be reliable as they are kept in the normal and ordinary course of business. This crime is a "Violent Crime" under 939.632(1)(e)1. This conviction enhances this case to a strangulation and suffocation statute of 940.235(2).

Subscribed and sworn to before me on 09/29/22

Electronically Signed By:

Alex Johnson

Assistant District Attorney

State Bar #: 1090362

Electronically Signed By:

Daniel Running

Complainant