

FILED
07-05-2024
Clerk of Circuit Court
For Official Use
ADAMS COUNTY
2024CF000116

STATE OF WISCONSIN CIRCUIT COURT ADAMS COUNTY

STATE OF WISCONSIN
Plaintiff,

vs.

WALTER ISMAEL GARCIA LAZO
210 Central St; #B
Potter, WI 54160
DOB: 11/11/1990
Sex/Race: M/
Eye Color: Black
Hair Color: Black
Height: 5 ft 3 in
Weight: 150 lbs

Defendant.

DA Case No.: 2024AD000578
Assigned DA/ADA: Jonathan E. Barnett
Agency Case No.: 24-4262
Court Case No.:
ATN:

Criminal Complaint

Your Complainant, being first duly sworn, states that:

Count 1: 1ST DEGREE SEXUAL ASSAULT OF A CHILD UNDER AGE 12

The above-named defendant on or about Saturday, June 29, 2024, at 1049B STH 82, Springville WI, in the Town of Springville, Adams County, Wisconsin, did have sexual intercourse with a child under the age of twelve, ECSO, DOB 03/16/2018, contrary to sec. 948.02(1)(b) Wis. Stats.

Upon conviction for this offense, a Class B Felony, the defendant may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And furthermore, invoking the provisions of Wisconsin Statutes 939.616(1r) and (3), the defendant being 18 years of age or older at the time of the offense, the court shall impose a bifurcated sentence under s. 973.01. The term of the confinement in prison portion of the bifurcated sentence shall be at least 25 years. Otherwise the penalties for the crime apply, subject to any applicable penalty enhancement.

Count 2: 1ST DEGREE SEXUAL ASSAULT OF A CHILD UNDER AGE 12

The above-named defendant on or about Monday, July 1, 2024, in the Town of Springville, Adams County, Wisconsin, did have sexual intercourse with a child under the age of twelve, ECSO, DOB 03/16/2018, contrary to sec. 948.02(1)(b) Wis. Stats.

Upon conviction for this offense, a Class B Felony, the defendant may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And furthermore, invoking the provisions of Wisconsin Statutes 939.616(1r) and (3), the defendant being 18 years of age or older at the time of the offense, the court shall impose a bifurcated sentence under s. 973.01. The term of the confinement in prison portion of the bifurcated sentence shall be at least 25 years. Otherwise the penalties for the crime apply, subject to any applicable penalty enhancement.

PROBABLE CAUSE:

1. Complainant is a duly authorized records officer and law enforcement officer with the Adams County Sheriff and was so employed at all times relevant hereto. Complainant bases this complaint upon police reports of fellow law enforcement officers filed in the course of the officer's official duties and filed and maintained in the normal and ordinary course of business in the Adams County Sheriff, and are of the type of reports that Complainant has referred to in the past and found them to contain accurate and reliable information. Further, this complaint is based upon statements of citizen victim/witness as set forth herein, each of whom had personal knowledge of that which they relate.
2. On July 2, 2024, Adams County Deputies were advised by Dispatch to make contact with T.M.S. for a report of sexual assault of a child that occurred at 1049B STH 82 in the Town of Springville, Adams County, WI. Deputies were informed that the suspect was with the reporting party and the child victim.
3. Sgt. Simmons obtained T.M.S.'s phone number and was able to make phone contact. Sgt. Simmons requested T.M.S. remove herself and the victim from the residence. T.M.S. said she also had another child in the residence that was sleeping. Sgt. Simmons requested she remove both of them from the residence and meet Deputy Spaw at the end of the driveway. T.M.S. agreed, and Deputies arrived at the residence shortly after. Sgt. Simmons observed a van traveling towards the end of the driveway towards Deputy Spaw and Sgt. Simmons. Sgt. Simmons made contact with the driver, identified as T.M.S. Sgt. Simmons observed a child in the front seat and was advised her other child was in the seat behind her. Sgt. Simmons directed her to follow Deputy Spaw to the Springville Town Hall so he could speak with her. T.M.S. advised that the suspect, identified as Walter Ismael Garcia Lazo, had already called her since she drove to the end of the driveway. T.M.S. advised that she believed he would leave her residence. T.M.S. advised Walter was driving a Chevrolet Traverse.
4. Sgt. Simmons remained in the area and observed a vehicle matching the description of Walter's vehicle stop at the end of the driveway. The vehicle remained there for approximately one minute before leaving and traveling east on STH 82. Sgt. Simmons began to follow to identify the vehicle. The vehicle then traveled south on CTH B. While following the vehicle, Sgt. Simmons observed the two passenger side tires enter the gravel shoulder for a moment before re-entering the lane of travel. Sgt. Simmons continued following the vehicle until it turned east on STH 23. Sgt. Simmons was able to observe the vehicle enter Holiday Wholesale on the south entrance off STH 23 and travel north. Sgt. Simmons turned around on CTH B and went to Golden Dr to observe to see Walter was traveling back to the residence. A short time after parking near the intersection, Sgt. Simmons observed the vehicle pass him traveling north towards the residence. Sgt. Simmons contacted Deputy Nielsen and requested he respond to Sgt. Simmons' location as he was going to conduct a traffic stop as a DOT records check showed Walter had no license issued.
5. Sgt. Simmons conducted a traffic stop of the vehicle north of the intersection of CTH B & Gale Ave. Sgt. Simmons made contact with the lone male occupant who was later identified as Walter via Nicaragua photo ID. Walter indicated he did not speak English. Using google translate, Sgt. Simmons obtained his ID. Deputy Nielsen arrived on scene and Sgt. Simmons

contacted SWITS Translation, to speak with Walter while Deputy Nielsen completed a citation for no driver's license.

6. Using SWITS translation, Sgt. Simmins identified himself again and advised the reason for stop was him having no driver's license. Walter indicated he did not have insurance for the vehicle. Walter advised he was coming from his girlfriend's residence. Walter was unable to provide an address for his girlfriend. Walter identified his girlfriend as "T.M.S. Maraniaga." Walter stated he was going to his friend's residence. Walter stated his friend lived in the Wisconsin Dells. Walter stated he did not see his friend as his friend was at work. Walter stated he was returning to his girlfriend's residence. Walter stated his girlfriend's mother resided at the residence with his girlfriend, but did not know her name. Walter said that was the only person that lived with his girlfriend. Walter stated that his girlfriend had four children. Walter stated that they did not live with her as they were old already. While making this statement Walter put his hand up over his head indicating, what Sgt. Simmons believed was he was saying, they were bigger/taller.
7. While speaking with Walter, Sgt. Simmons received a phone from Investigator VanBeek requesting further information. Sgt. Simmons then returned to Walter while still in contact with SWITS to provide him his citation. After providing his citation, Sgt. Simmons advised that he was unable to drive as he did not have a license and needed to have a valid driver come pick him and the vehicle up. Sgt. Simmons advised he would remain on scene until this occurred. Walter attempted several times to call his girlfriend however she was not answering, and he requested Sgt. Simmons call her. Sgt. Simmons advised he would not do that and it was his responsibility to obtain a valid driver. Sgt. Simmons thanked him for his time and advised if Walter required anything further that Sgt. Simmons would contact the translation service again.
8. Inv. VanBeek arrived at the Springville Town Hall at approximately 7:40 a.m. There Inv. VanBeek met with Deputy Spaw. She observed a gold Honda van was also present. Deputy Spaw advised that T.M.S. and the two children were inside the van. Deputy Spaw then advised that E.C.S.O (dob 03/16/2018) had disclosed two incidents to her mother involving touching and vaginal and anal penetration by Walter.
9. Inv. VanBeek made contact with a female who was verbally identified as T.M.S.. Inv. VanBeek introduced herself and advised she was looking to speak with T.M.S. privately about the information that she had shared with Deputy Spaw. T.M.S. then stepped outside to speak with Inv. VanBeek, and the two children remained inside the vehicle. It then began to rain and Inv. VanBeek advised T.M.S. if she felt comfortable, they could speak in Inv. VanBeek's vehicle further. T.M.S. advised that she was comfortable and they sat in the squad car in the front seat and spoke further.
10. T.M.S. stated that this morning her daughter had disclosed two separate incidents involving her boyfriend, who she identified as Ismael. It should be noted, T.M.S. referred to Walter as Ismael, as that is his middle name and his nickname. He will be referred to as such throughout the remainder of the contact with T.M.S.. T.M.S. stated her daughter disclosed that July 1, 2024, Ismael had come into her daughter's bed and touched her "bobo." T.M.S. advised that the word "bobo" is what her children used for the word vagina. She stated that her daughter disclosed that he moved his finger back and forth on her vagina. She stated her daughter also disclosed on approximately Saturday (6/29/24) or Sunday (6/30/24), Ismael took E.C.S.O into her mother's bed and had E.C.S.O. put her hand on Ismael's penis. She stated that E.C.S.O told her that she pulled her hand away, however, he had her do it again and eventually E.C.S.O pulled away again and she put her hand behind her back. She stated E.C.S.O. also disclosed

that he pulled down her underwear and inserted his "jojo," which she stated is the term her children use for penis, into her "bobo," and her butt.

11. While speaking with T.M.S. on scene, she also said that her 2 year old son had made a statement that he wanted to sleep in bed with "dad" like E.C.S.O does. T.M.S. explained that the children call Walter "dad," that he was referring to Walter. She stated that she thought the statement from her son was strange. T.M.S. stated T.M.S. had gotten up at almost 5: 00 a. m., brought her stuff out, and told E.C.S.O that she was getting ready to go to work. E.C.S.O said she had to go to the bathroom, and that she had to go poop. T.M.S. told E.C.S.O to hurry up and go to the bathroom because she had to get ready for work. T.M.S. stated they were hanging out briefly and she told E.C.S.O to stay in her own bed because of what she called her "mother's intuition." E.C.S.O then said, "What if dad comes in bed with me?" T.M.S. said she asked, "What are you talking about?" T.M.S. asked E.C.S.O, "What do you mean if dad comes in bed with you? T.M.S. stated she asked if her dad had come into bed with her. E.C.S.O said, "Yes." T.M.S. asked E.C.S.O if he had touched her, and she said, "Yeah." T.M.S. asked E.C.S.O, "Where?" E.C.S.O said on her shoulder. T.M.S. asked E.C.S.O, "He didn't touch you anywhere else? He didn't touch you in the bobo?" E.C.S.O said, "Yeah," in that he had touched her "in the bobo."
12. Sgt. Simmons then remained on scene with Walter until he was contacted by Lt Roberts advising that Walter would be taken into custody. Deputy Nielsen arrived on scene shortly after and while using the translation service Walter was taken into custody without incident. Sgt. Simmons secured Walter in handcuffs behind his person and double locked them. Sgt. Simmons searched him and located his wallet in his right rear pocket. Walter was secured in the prisoner transport area of Deputy Nielsen's squad for transport.
13. T.M.S. then fed the children and got herself and the children ready to go to the SANE exam. A SANE was completed, the results are still pending.
14. On July 3, 2024, Inv. VanBeek met with Social Worker Deana Johnson and Marah Peterson for a forensic interview at the Adams County Department of Human Services. ADA Jonathan Barnett also observed the interview. Deana conducted the forensic interview. Deana introduced herself and established rapport with E.C.S.O expressed that she knew the difference between the truth and a lie and promised to tell the truth.
15. Deana asked E.C.S.O if she knew why she was there. She stated it was about what Ismael did to her. Deana asked her to tell her more about that. E.C.S.O stated he goes on top of her and touches her privates. She stated she doesn't like and had told him to stop, but he won't. Deana asked E.C.S.O to tell her everything about E.C.S.O telling him to stop. E.C.S.O stated he takes her hand and puts it by his private. She stated she told him to stop, but he didn't, so she pulled her hand behind her back. Deana asked what his private was called. E.C.S.O stated it's his "jojo." Deana asked what the jojo does. E.C.S.O stated it pees. Deana asked what happened next. E.C.S.O stated one day, while she was sleeping, he took her and put her in her mother's bed. She stated he went on top of her and put his jojo in her private and her butt. Deana asked what her private was called. E.C.S.O stated, "bobo." Deana asked E.C.S.O what bobo does. E.C.S.O stated it pees.
16. Deana asked E.C.S.O to tell her everything about Ismael picking her up and taking her to her mother's bed. E.C.S.O stated he takes his finger and puts it in her bobo. E.C.S.O stated she had a fuzzy blanket around her, he picked her up, and put her in her mother's bed. She stated

he then started putting his jojo in her private and her butt. Deana asked E.C.S.O to tell her everything about that. E.C.S.O stated she has told him to stop but he says no. Deana asked E.C.S.O to tell her everything she feels when he puts his jojo in her private. E.C.S.O advised "weird." Deana asked her to tell her more about that. E.C.S.O stated she didn't know about the rest of it.

17. Deana asked what happened next. E.C.S.O stated he gets off her and starts doing it again. Deana asked E.C.S.O how his body was when he was putting his jojo in her private. E.C.S.O stated his private felt wet. She stated his body was next to her when he carried her to her mother's bed. E.C.S.O stated she told him to stop and he said no. Deana asked what happened next. E.C.S.O stated, "I don't really know about the rest" Deana asked if anyone else was home while this occurred. E.C.S.O stated it was her, Ismael, and F.G.S.O. (dob 08/02/2021). E.C.S.O explained F.G.S.O. was in his crib sleeping.
18. Deana stated she heard E.C.S.O say Ismael puts his finger in her privates. E.C.S.O confirmed that was correct. Deana asked E.C.S.O to tell her more. E.C.S.O stated he takes one finger, pulls down her pants, and starts putting his finger in her privates. Deana asked what he did with his finger. E.C.S.O stated he rubbed it around. Deana asked what he did with his other hand. E.C.S.O stated he kept it behind his back. Deana asked what happened next. E.C.S.O stated he takes her hand and put it by his privates. She stated it feels wet on her hands. Deana asked E.C.S.O to tell her about it feeling wet. She stated it feels wet like something is on her. Deana asked what E.C.S.O heard when he puts her hand on his private. E.C.S.O stated she didn't know. Deana asked what she sees when that happens. E.C.S.O stated she saw him take her hand and put it by his privates. Deana asked what happened after he took her hand and put it by his privates. E.C.S.O stated she didn't know and that she forgot about it. Deana asked if anyone was home when it happened. She stated no. She advised her mother was at work and her aunt's house.
19. Deana asked if there was anything else that happened with Ismael. E.C.S.O stated no. She stated he comes into her bed as well. Deana asked E.C.S.O to tell her everything about him coming into her bed. E.C.S.O advised when she is sleeping, he comes into her bed, after her mother leaves for work. E.C.S.O stated she doesn't like when he does that. Deana asked what happened when he slept in her bed. E.C.S.O stated every time she woke up he did "that stuff" to her. E.C.S.O clarified "that stuff" meant him putting his private into her private. Deana asked E.C.S.O where her clothes were when this happened. E.C.S.O stated he pulls her underwear down and puts his finger in her private.
20. Deana clarified that he puts it in her private and her butt. E.C.S.O confirmed. Deana asked E.C.S.O to tell her everything about him putting it in her butt. E.C.S.O stated he puts his hand by his private, goes on top of her, and puts his jojo in her butt and her bobo. Deana asked if he was on top of her when this occurred. E.C.S.O stated yes. Deana asked what happened after that. E.C.S.O stated she didn't think anything else. Deana asked what happened after he was on top of her. E.C.S.O stated he got off of her and goes back to her bed. E.C.S.O stated he says, "come on." She stated she didn't really want to, so she just stays where she is.
21. A short while later, Deana returned to speak with E.C.S.O. Deana asked E.C.S.O if there were any other words she knew for the terms jojo and bobo she used. E.C.S.O stated no. Deana summarized that there was an incident that occurred in her bed and in her mother's bed. Deana asked E.C.S.O to tell her about the last time it happened. E.C.S.O stated it happened the day she told her mom. Deana asked her to tell her everything that happened that day. E.C.S.O

stated she woke up for a short time, then fell back asleep and covered herself up. She stated Ismael came to her bed. She stated she thought it was going to get something to eat. E.C.S.O advised Ismael carried her to her mother's bed. She stated she tried to get out, but he stopped her. E.C.S.O stated he grabbed her by the hair and held her. Deana asked what happened next. E.C.S.O stated she didn't know about the rest of it.

22. Deana summarized that there was an incident that occurred in her bed and an incident that occurred in her mother's bed. Deana asked when the first time happened. E.C.S.O stated Sunday or Monday. Deana asked E.C.S.O how she knew it was Sunday or Monday. E.C.S.O stated she knew. Deana asked E.C.S.O to tell her everything that happened the first time. E.C.S.O stated she forgot.

23. Deana asked E.C.S.O how often this happened with Ismael. She stated it happened every weekend when her mother went to work. E.C.S.O stated when her mother first "found him", she thought he was a "bad person". Deana asked why. E.C.S.O stated her brain told her that. Deana asked if anything happened when her mother was home. E.C.S.O stated no. Deana asked if anything happened when anyone else was home. She stated no. E.C.S.O stated sometimes Ismael is there when her grandma stays. Deana asked her to tell her more about that. E.C.S.O stated she forgot about it and didn't know the rest. Deana asked her to tell her more about the wet stuff. E.C.S.O stated it was like water coming out of his jojo. Deana asked what happened after that. E.C.S.O stated she forgot. Deana asked if E.C.S.O felt anything on her hand. She stated yes. Deana asked her to tell her more about that. E.C.S.O stated it was like water and soap. Deana asked what she did with her hand after that. E.C.S.O stated she put it behind her back. Deana asked what E.C.S.O did when her hand felt wet. E.C.S.O stated she put it behind her back and wiped her hand on her clothes because she didn't have paper towel.

Subscribed and sworn to before me on 07/05/24
Electronically Signed By:
Jonathan E Barnett
Deputy District Attorney
State Bar #: 1088484

Electronically Signed By:
Christina Martin
Complainant