



"...meeting community needs...enhancing quality of life."

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TO: Safety and Licensing Committee  
Common Council

FROM: Lt. Jeff Miller

DATE: 08/13/2019

RE: Police Department's Recommendation for Denial of Jesse Howell's bartender License Application

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Committee Members:

The police department is requesting that the Safety and Licensing Committee recommend to the Common Council to deny Jesse Howell's bartender License Application.

Pursuant to Wis. Stat. §111.335, it is not employment discrimination for a licensing agency to deny an applicant based on conviction record where the circumstances of the conviction substantially relate to the circumstances of the particular licensed activity. If the denial is based on a delinquency adjudication, then the adjudication must be for an exempt offense.

Pursuant to Wis. Stat. §125.04, no license or permit related to alcohol beverages may be issued to a habitual law offender where the circumstances of the habitual law offenses substantially relate to the circumstances of the particular licensed activity.

Also pursuant to Wis. Stat. §111.335, the applicant is allowed an opportunity to show evidence of rehabilitation and fitness to engage in the licensed activity, *unless the conviction(s) are for exempt offenses*. The applicant may produce the following to conclusively demonstrate their rehabilitation and fitness from a given conviction:

A copy of the local, state, or federal release document; and either

- (1) a copy of the relevant department of corrections document showing completion of probation, extended supervision, or parole; or
- (2) other evidence that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime along with evidence showing compliance with all terms and conditions of probation, extended supervision, or parole.

Additionally, the licensing agency must consider any of the following evidence if presented by the individual:

- (1) Evidence of the nature and seriousness of any offense of which he or she was convicted.

- (2) Evidence of all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense.
- (3) The age of the individual at the time the offense was committed.
- (4) The length of time that has elapsed since the offense was committed.
- (5) Letters of reference by persons who have been in contact with the individual since the applicant's release from any local, state, or federal correctional institution.
- (6) All other relevant evidence of rehabilitation and present fitness presented.

## **STATEMENT ON SUBSTANTIAL RELATIONSHIP**

Because Mr. Howell was convicted of Manslaughter 2 in the State of Arizona, that offense equates to Assist Suicide §940.12. Arizona (Maricopa County) case # CR2004-132990-001. This conviction is an exempt offenses under Wis. Stat. §111.335(1m)(b), there is no requirement for the licensing agency to state its reasons for denial in writing or to allow the individual an opportunity to show rehabilitation and fitness to engage in the licensed activity. However, for the sake of consistency we are providing this information in writing.

As part of any denial of licensing, the police department must determine if crimes are substantially related to bartending. Most recently, in Wisconsin, Mr. Howell was convicted of:

Operating after Revocation 2017CT000787, Battery and Disorderly Conduct 2015 CF000778, and OWI 2016TR009280.

The conviction(s) listed are substantially related to bartending for the following reasons.

From the facts alleged in the criminal complaint in Arizona case # CR2004-132990-001, to which Mr. Howell was eventually found guilty of, show that his criminal mentality is not suited for the responsibility of bartending. The criminal complaint is attached and incorporated to this memo. The horrific facts of the assisted suicide case show that his disregard for life is potentially dangerous for individuals who may be drinking. The relationship between depression and alcohol abuse has been definitively proven in study after study. As a person who wants to be responsible to serve alcohol, Mr. Howell has not shown the ability to make good decisions at any time of his life.

The convictions for OWI and Operating after Revocation are substantially related in that both stem from operating a motor vehicle while under the influence of alcohol, other drugs, or both. There is a direct connection between an OWI and the responsible sale of alcohol. The penalty structure for OWI convictions in Wisconsin includes that a person's operating privileges are revoked until certain other guarantees of safety are completed, which include AODA assessment and follow-up treatment and safety planning. The conviction for Operating after Revocation shows that Mr. Howell disregarded the penalty structure used in Wisconsin for OWI offenses and demonstrates a significant inability to exercise the good judgment required for responsible alcohol service.

The criminal case that lead to convictions for Battery and Disorderly Conduct involved

additional felonies that were dismissed and read-in for sentencing purposes including Intimidation of Victim with Use or Attempted Use of Force, False Imprisonment, Strangulation and Suffocation. A copy of that criminal complaint is also attached and incorporated to this memo. The facts in the complaint show that Mr. Howell was drinking alcohol at a bar just prior to committing his offenses, again demonstrating his inability to exercise good judgment around the use of alcohol.

Mr. Howell refers in his materials to “other” felonies committed in Arizona. Due to restrictions on criminal history checks out of state for bartenders I can only locate limited information. But, as far as I can tell, other than a period of incarceration, Howell has committed some kind of crime almost every year.

The police department is not sure he has spent the amount of time necessary to rehabilitate himself and make the necessary life changes to take on the responsibility for alcohol service. The service of alcohol includes coming into contact with individuals in a very vulnerable state and the Police Department feels that through Mr. Howell’s prior convictions he has not demonstrated the necessary maturity and decision making capacity to be allowed a bartender’s license in the City of Appleton.

#### **OTHER CONSIDERATIONS RELATED TO REHABILITATION AND FITNESS**

- The conviction for “manslaughter 2” is for an exempt offense(s) and Wis. Stat. §111.335 does not require the licensing agency to allow the applicant an opportunity to show rehabilitation and fitness to engage in the licensed activity.
- The applicant provided misleading information on the application. He treated this application with a level of disdain that I’ve not seen in 5 years of processing applications. I’m particularly concerned where he wrote: “and others” under the question of “have you ever been convicted of a felony?”

It is the opinion of the Appleton Police Department that Jesse Howell be denied his bartender license.

Very Respectfully:

Lt. Jeff Miller  
Appleton Police Department

11/22

RICHARD M. ROMLEY  
MARICOPA COUNTY ATTORNEY

MICHAEL K. JEANES, CLERK  
BY *Bernadette Maraziti*  
DEP  
FILED

Robert J. Shutts  
Deputy County Attorney  
Bar Id #: 003469  
301 West Jefferson, 4th Floor  
Phoenix, AZ 85003  
Telephone: (602) 506-5780  
MCAO Firm #: 00032000  
Attorney for Plaintiff

2004 NOV 16 PM 3:29

DR 200442150212 - Phoenix Police Dept.  
NORTHWEST PHOENIX JUSTICE COURT  
VACATE  
CA2004040342

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
COUNTY OF MARICOPA, RCC - GLENDALE

THE STATE OF ARIZONA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
JESSE COLLIER HOWELL (001),	)	CR2004-132990-001 DT ____
	)	
Defendant.	)	DIRECT COMPLAINT
	)	
	)	MANSLAUGHTER, A CLASS 2
	)	DANGEROUS FELONY
	)	
	)	IN CUSTODY
	)	


The complainant herein personally appears and, being duly sworn, complains on information and belief against JESSE COLLIER HOWELL, charging that in Maricopa County, Arizona:

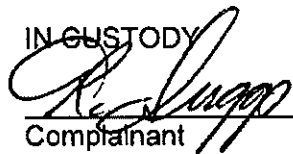
JESSE COLLIER HOWELL, on or about the 11<sup>th</sup> day of November, 2004, intentionally aided KARA WILLIAMS to commit suicide or recklessly caused the death of KARA WILLIAMS, in violation of A.R.S. §§ 13-1101, 13-1103, 13-701, 13-702, 13-702.01, and 13-801.

The State of Arizona further alleges that the offense charged in this count is a dangerous felony because the offense involved the discharge, use, or threatening exhibition of a HANDGUN, a

DCO

deadly weapon or dangerous instrument, and/or the intentional or knowing infliction of serious physical injury upon KARA WILLIAMS, in violation of A.R.S. § 13-604(P).

  
Robert J. Shutts  
Deputy County Attorney

IN CUSTODY  
 7328  
Complainant

Agency: Phoenix Police Dept.

Subscribed and sworn upon information and belief this 16 day of November, 2004.

BS/sd/OK

**COURT INFORMATION SHEET (CIS)**

County Attorney Case Number: CA2004040342

Filing ID Number: CA2004040342-1-1

**STATE v. JESSE COLLIER HOWELL**  
**Defendant Sequence: 1**

Defendant's **IN CUSTODY**  
Address: 1814 West Wahalla Lane  
Phoenix, AZ 85027

Defendant's **UNKNOWN**  
Employer:

Defendant's **Public Defender**  
Attorney:

**DEFENDANT'S DESCRIPTION:**

Race: W Sex: M Hair: BRO Eyes: BRO Hgt: 510  
Wgt: 170 DOB: 5/24/1981 Soc Sec #: 535901522

SID #: 14420592 FBI #: 260930MB0 Old LEJIS #: 0740664  
JMS Booking #: P024811 JMS LEJIS #: Unknown

**FILING STATUS:**

Direct Complaint CR #: CR2004132990001 <sup>OT</sup> Date Filed: \_\_\_\_\_  
Court Designation: RCC - GLENDALE  
Justice Court Precinct: NORTHWEST PHOENIX JUSTICE VACATE

**ATTORNEY: ROBERT J. SHUTTS Bar ID: 003469 Location: DOWNTOWN**

**PRELIMINARY HEARING/GRAND JURY CHARGES**

**COUNT 1: MANSLAUGHTER, A CLASS 2 DANGEROUS FELONY**

<u>Count</u>	<u>ARS</u>	<u>Date of Crime</u>
1	13-1103A3	11/11/2004

**DEPARTMENTAL REPORTS:**

DR 200442150212 - Phoenix Police Dept.

**EXTRADITE: OK**

**DWL**

IN THE NORTHWEST PHOENIX JUSTICE COURT  
STATE OF ARIZONA, COUNTY OF MARICOPA  
RELEASE QUESTIONNAIRE

Information to be supplied by a prosecutor or law enforcement officer.

STATE OF ARIZONA vs. HOWELL, JESSE C.

DOB 052481 CASE/BK. NO.

**A. GENERAL INFORMATION**

1. Charge and Class 1-MANSLAUGHTER-C2F

2. Offense Location: 1814 W. WAHALA ST

Date: 111104 Time: 1440

3. Arrest Location: 1814 W. WAHALA ST

Date: 11-11-04 Time: 1750

**B. CIRCUMSTANCES OF THE OFFENSE**

1. Was a firearm or other weapon used?

YES  NO

Type of weapon: SEMI AUTOMATIC HANDGUN

Was anyone injured by the defendant?

YES  NO

Was medical attention necessary:

YES  NO

Nature of injuries: GUNSHOT WOUND TO CHIN THROUGH HEAD

2. Was anyone threatened by the defendant?

YES  NO

Nature and extent of threats:

3. If property offense, value of property taken or damaged:

Was the property recovered?

YES  NO

**C. CIRCUMSTANCES OF THE ARREST**

1. Did the defendant attempt to:

Avoid arrest?  YES  NO

Resist arrest?  YES  NO

Explain:

2. Was the defendant armed when arrested?

YES  NO

Type of weapon:

3. Was evidence of the offense found in the defendant's possession?

YES  NO

Explain:

4. Was the defendant under the influence of alcohol or drugs at the time of the offense?

YES  NO  UNK

**D. CRIMES OF VIOLENCE**

1. Relationship of defendant to victim:

BOYFRIEND-GIRLFRIEND

Do the victim and defendant reside together?

YES  NO

2. How was the situation brought to the attention of police?

Victim

Third party

Officer observed

3. Have there been any previous incidents involving these same parties?

YES  NO

Explain:

4. Is defendant currently the subject of:

An order of protection

Injunction against harassment

Any other court order

Explain:

**E. OTHER INFORMATION**

1. Is the defendant presently on probation, parole or any other form of release

Involving other charges or convictions?

YES  NO

Explain:

2. List any prior arrests, convictions, and/or F.T.A.'s:

DOMESTIC VIOLENCE ASSAULT/ ASSAULT/

SHOPLIFTING/CRIMINAL DAMAGE/ TRESSPASSING 1<sup>ST</sup>

DEGREE/ ASSAULT

3. Is there any indication the defendant is:

An alcoholic?

An addict?

Mentally disturbed?

Physically ill?

4. Is the defendant currently employed?

YES  NO

With whom

How long

Nature of employment

5. Where does the defendant currently reside?

1814 W. WAHALA ST

With whom

VICTIM'S MOTHER

How long

2 MONTHS

6. What facts indicate the defendant will flee if released?

Explain: DEFENDANT IS CURRENTLY UNEMPLOYEED/ USES MARIJUANA DAILY/ PREVIOUS RECORD/ DEF. IS TRANSIENT IN RECENT RESIDENCES/

7. What facts does the State have to oppose an unsecured release?

Explain: SAME AS #6.

SECTION III: Probable Cause Statement

F. DRUG OFFENSES

1. If the defendant is considered a major drug dealer, please state the supporting facts:
2. What quantities and types of illegal drugs are directly involved in this offense?  
  
Approximate monetary value:
3. Was any money seized?  
 YES  NO  
Amount:
4. Were any automatic weapons in the possession of the defendant at the time of the arrest?  
 YES  NO  
Quantity and type:

1. Please summarize and include the information which establishes probable Cause for the arrest:  
 POLICE WERE CALLED TO 1814 W WAHALA REFERENCE A POSSIBLE SUICIDE. UPON CONTACT THE DEFENDANT TOLD POLICE THAT HIS GIRLFRIEND (VICTIM) SHOT HERSELF WITH THE DEFENDANT'S HANDGUN AFTER AN ARGUMENT BEGAN. DEFENDANT AND VICTIM WERE THE ONLY TWO PEOPLE PRESENT WHEN THIS OCCURRED. DEFENDANT ADMITTED TO GETTING HIGH THE NIGHT BEFORE ON MARIHUANA AND WAKING UP AND STARTED TO ARGUE WITH HIS GIRLFRIEND. DEFENDANT INITIALLY SAID THAT HE HANDED HIS HANDGUN TO THE VICTIM BECAUSE SHE SAID THAT SHE WANTED TO HURT HERSELF. DEFENDANT TAUNTED AND DARED THE VICTIM TO INFLICT HARM UPON HERSELF. DEFENDANT SAID THAT HIS HANDS WERE ON THE VICTIM'S HANDS WHEN HE PULLED THE TRIGGER. DEFENDANT LATER RECANTED STORY AND SAID THAT HE THREW THE HANDGUN ON THE BED AND THAT THE VICTIM PICKED UP THE GUN FROM THE BED. VICTIM HELD GUN UNDER CHIN AND DEFENDANT SAID HE FELT HER SQUEEZE THE TRIGGER AND INFLICT HARM UPON HERSELF. DEFENDANT AT NO TIME ATTEMPTED TO STOP VICTIM FROM HARMING HERSELF. DEFENDANT ADMITTED TO DARING HER TO DO AND TAUNTING HER TO DO IT. DEFENDANT ALSO THOUGHT THAT HE WAS A PROHIBITED POSSESSOR AND DIDN'T WANT TO GET INTO TROUBLE FOR POSSESSING THE GUN. NO FELONY CONVICTIONS SHOWED/ ONLY ARRESTS. DEFENDANT ADMITTED TO NOT STOPPING VICTIM.

**\*\*If a fugitive arrest, a form IVA must also be completed\*\***

MARICOPA COUNTY JUSTICE COURT PRECINCTS

- |                       |                        |
|-----------------------|------------------------|
| 1. Buckeye            | 13. Northwest Phoenix  |
| 2. Central Phoenix    | 14. Peoria             |
| 3. Chandler           | 15. Scottsdale         |
| 4. East Mesa          | 16. South Mesa/Gilbert |
| 5. East Phoenix #1    | 17. South Phoenix      |
| 6. East Phoenix #2    | 18. Tempe East         |
| 7. Gila Bend          | 19. Tempe West         |
| 8. Glendale           | 20. Tolleson           |
| 9. Maryvale           | 21. West Mesa          |
| 10. North Mesa        | 22. West Phoenix       |
| 11. North Valley      | 23. Wickenburg         |
| 12. Northeast Phoenix |                        |

(PLEASE REFER TO PRECINCT MAP)

JUDICIAL OFFICER REVIEW OF PROBABLE CAUSE STATEMENT AND COMPLAINT ON OATH OR AFFIRMATION

I certify that the information presented is true to the best of my knowledge

- Complaint review
- Witness sworn
- Reviewed Form IV
- Other sources:
- PC returned

N. OYEDA 7918  
ARRESTING OFFICER/SERIAL NUMBER

PIX 600  
AGENCY/DUTY PHONE NUMBER

11-11-04  
DATE

Judicial Officer



SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-132990-001 DT

02/03/2006

HONORABLE BETHANY G. HICKS

CLERK OF THE COURT  
C. Kelly  
Deputy

FILED: 2-9-06

STATE OF ARIZONA

WILLIAM W CLAYTON

v.

JESSE COLLIER HOWELL (001)  
DOB: 5/24/1981

JAMES J HARRIS

APO-SENTENCE IMPRISON-CCC  
APPEALS-CCC  
DISPOSITION CLERK-CSC  
RFR  
VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

11:02 a.m.

State's Attorney: Bill Clayton  
Defendant's Attorney: James Harris and Catherine Whalen  
Defendant: Present  
Court Reporter: Treva Colwell

Count(s) 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2 Manslaughter  
Class 2 dangerous felony  
A.R.S. § 13-1101, 13-1103, 13-604, 13-702 and 13-801  
Date of Offense: on or about November 11, 2004  
Dangerous pursuant to A.R.S. § 13-604 - Non Repetitive

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2004-132990-001 DT

02/03/2006

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 2: 8 year(s) from February 3, 2006  
Presentence Incarceration Credit: 451 day(s)  
Mitigated  
Sentence is concurrent with CR2004023309001DT.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

ASSESSMENTS:

Count 2: PROBATION SURCHARGE: \$5.00

Community Supervision: Count 2 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED granting the Motion To Dismiss the following: Count 1; no further charges out of PPD DR#2004-42150212.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

11:39 a.m. Matter concludes.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CLERK OF THE COURT

2-3-06

Date

BETHANY G. HICKS

JUDGE OF THE SUPERIOR COURT

C. Kelly

Deputy

CR 2004132990001DT

STATE v. Howell

Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

11:39<sup>am</sup> Matter concludes.

(thumbprint)

*Bethany G. Hicks*  
JUDICIAL OFFICER OF THE SUPERIOR COURT



STATE OF WISCONSIN

Plaintiff,

-vs-

DA Case No.: 2015OU003696

Assigned DA/ADA: Alexander E. Duros

Agency Case No.: LGC15-014349

Court Case No.:

ATN:

Jesse C. Howell  
1310 W. Hiawatha Drive  
Appleton, WI 54914  
DOB: 05/24/1981  
Sex/Race: M/W  
Eye Color: Brown  
Hair Color: Brown  
Height: 5 ft 10 in  
Weight: lbs  
Alias:

**Criminal Complaint**

Defendant,

\_\_\_\_\_, being first duly sworn, states that:

**Count 1: FELONY INTIMIDATION OF A VICTIM, DOMESTIC ABUSE**

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, knowingly and maliciously did attempt to dissuade Jennifer M Whittemore, who has been the victim of a crime, from making a report of the victimization to a law enforcement agent, where the act is accompanied by force or violence or attempted force or violence, contrary to sec. 940.45(1), 939.50(3)(g), 968.075(1)(a), 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 further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

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 the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

**Count 2: FALSE IMPRISONMENT, DOMESTIC ABUSE**

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, did intentionally confine Jennifer M Whittemore, 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), 968.075(1)(a), 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 further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

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 the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

### **Count 3: STRANGULATION AND SUFFOCATION, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY**

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, did intentionally impede the normal breathing by applying pressure on the throat or neck of another person, contrary to sec. 940.235(1), 939.50(3)(h), 968.075(1)(a)1, 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 further, invoking the provisions of sec. 968.075(1)(a)1 Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

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 the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

### **Count 4: MISDEMEANOR BATTERY, DOMESTIC ABUSE**

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, did cause bodily harm to Jennifer M Whittemore, by an act done with intent to cause bodily harm to that person, without that person's consent, contrary to sec. 940.19(1), 939.51(3)(a), 968.075(1)(a), 973.046(1r), 973.047(1f) 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.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

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 the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

#### **Count 5: DISORDERLY CONDUCT, DOMESTIC ABUSE**

The above-named defendant on or about Monday, September 21, 2015, in the Town of Grand Chute, Outagamie County, Wisconsin, while in a private place, did engage in abuse, violent or otherwise disorderly conduct, under circumstances in which such conduct tended to cause a disturbance, contrary to sec. 947.01(1), 939.51(3)(b), 968.075(1)(a), 973.046(1r), 973.047(1f) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

And further, invoking the provisions of sec. 968.075(1)(a) Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

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 the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

#### **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 an employee with the Outagamie County Sheriff's Department and bases this complaint upon the report and investigation of Off. Ben Hanson of the Grand Chute Police Department, as well as the statements of Jennifer Whittemore and Jesse Howell. Complainant and Off. Hanson are presumed truthful and reliable as police officer informants. The statements of Howell are presumed truthful and reliable as made against his penal interests. The statements of Whittemore are presumed truthful and reliable as an adult witness.

Complainant states that Officer Hanson reports that on September 21, 2015, at approximately 1:25 a.m. he was dispatched to 1310 West Hiawatha Drive, in the Town of Grand Chute, Outagamie County, Wisconsin, for a disturbance. Jennifer Whittemore states that she and her fiancée, with whom she lives and has a child in common, went to the bars

and drank alcohol. While at the bar she believed her fiancée Jesse Howell was flirting with another woman. When they arrived home they began to argue.

Ms. Whittemore states that she wanted to stop talking about it but Jesse Howell did not. Jennifer Whittemore attempted to walk past Jesse Howell several times but he would not let her pass. Jesse Howell shoved Jennifer Whittemore in the chest with both hands, causing her pain without consent.

Jesse Howell then placed both of his hands around her neck with his thumbs in front. He then squeezed her neck in an attempt to strangle her. Ms. Whittemore rated the pressure as an 8 out of 10. Jennifer Whittemore felt lightheaded and felt like her head was going to pop. She thought he was going to kill her.

After he stopped strangling her, Jesse Howell closed the garage door to prevent her from getting out. Jesse Howell told Jennifer Whittemore "If you call the cops I will beat you to a bloody pulp." Jennifer states Jesse would not let her leave the garage and was holding her against her will.

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

This \_\_\_\_\_ day of September, 2015

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Assistant District Attorney

State Bar No. 1090052 for Assigned DA/ADA