

FILED
04-11-2022
Clerk of Circuit Court
Outagamie County
2022CM000259

STATE OF WISCONSIN	CIRCUIT COURT	OUTAGAMIE COUNTY
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STATE OF WISCONSIN

Plaintiff,

vs.

TOSHEBA PAULINE JACKSON

1036 Greenwood Court

Oshkosh, WI 54901

DOB: 06/17/1991

Sex/Race: F/B

Eye Color: Brown

Hair Color: Black

Height: 5 ft 2 in

Weight: lbs

Alias:

Defendant.

DA Case No.: 2022OU001321

Assigned DA/ADA: Elysia B. Nguyen

Agency Case No.: A22016330

Court Case No.:

ATN:

CRIMINAL COMPLAINT*For Official Use*

The undersigned, being first duly sworn, states that:

Count 1: MISDEMEANOR BATTERY, DOMESTIC ABUSE

The above-named defendant on or about Sunday, April 10, 2022, in the City of Appleton, Outagamie County, Wisconsin, did cause bodily harm to JH, 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 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 she or she may request expungement under s. 165.77 (4).

Count 2: DISORDERLY CONDUCT, DOMESTIC ABUSE

The above-named defendant on or about Sunday, April 10, 2022, in the City of Appleton, Outagamie County, Wisconsin, while in a public place, did engage in abusive, boisterous, indecent, profane, unreasonably loud, 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 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 she 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 04/10/22 at approximately 0200 hours Officer Herbert was dispatched to Brau Haus, 523 W College Ave, City of Appleton, Outagamie County, WI for report of a disturbance. Dispatch advised a female called asking for officers. She indicated she was drunk and got into a fight with the bouncer. The bouncer was reported to have busted her head on a windshield. An ambulance was requested. Dispatch could hear a lot of yelling in the background.

Officer Herbert arrived on scene and located the caller, JH. It was very chaotic outside with a large amount of people screaming and yelling. Officer Herbert observed JH had a large goose egg on the left side of her forehead near her hair line. JH indicated her ex-girlfriend, Tosheba Jackson, hit her inside the bar. She had come outside and was hit by her again. A bouncer, who is Tosheba's baby daddy, put JH in the corner near the front door and held onto her wrists. Tosehba's cousin, later identified as Priscilla Fisher, came up and hit JH. JH indicated the bouncer than drug her and threw her onto the windshield of a car parked outside. Officer Herbert observed a red Mazda with WI plate APL-7873 parked directly outside Brau Haus. The windshield of the vehicle was cracked.

Officer Herbert asked JH where the individuals involved where. She indicated she did not know and believed they may have left. GCA soon arrived on scene and Officer Gueli stood by with JH while she was evaluated. Officer Herbert was able to locate the owner of the vehicle, Tyjuanna Young. Officer Herbert told her that he would be following up with her the next day due to the chaotic atmosphere outside at the time. Officer Herbert then entered the ambulance and stood by with JH. She did not wish to go to the hospital at this time.

JH pointed out a female who she stated was Tosheba's cousin, who was stated to be involved. I went up to the female and asked about a disturbance occurring tonight. The female verbally

identified herself as Priscilla Fisher. Her nickname was "Deva." Officer Herbert asked if she was involved. She indicated she was "around" the disturbance. She indicated a lot was going on and there was a lot of "swinging." She denied hitting anyone. Priscilla would not say who was involved in the fighting, indicating it wasn't her business to do so. Priscilla indicated she was being pushed and had lost her glasses at one point. Priscilla was unable to provide further information about the altercation that occurred.

After Officer Herbert spoke to Priscilla, JH's mother was on scene. Patricia and JH then met Officer Herbert at the APD. Officer Herbert asked JH about everything that occurred tonight. JH indicated she got to Brau Haus at approximately 2300 hours. She was with some friends. Tosheba and Priscilla arrived at approximately 0100 hours. While JH was dancing, Priscilla had stepped on her several times. JH had told her she was stepping on her. At one point while dancing, JH indicated that Tosheba "swung on her." This lead to the two of them getting into a tussle. JH indicated security had to come and break it up. JH indicated that Tosheba had stuck her approximately 4 times during this fight. She indicated it was with a closed fist.

After getting broken up by security, JH went to the bathroom with friends to cool down. JH then said that Tosheba's baby daddy, Trayvis Jackson, is a bouncer at the bar and was working. JH indicated he was wearing a security shirt. Trayvis reportedly came to the bathroom and told JH she needed to leave. He followed JH outside. Once JH got outside she observed Tosheba and Priscilla outside the bar. Tosheba then ran up on JH and "swung on her." JH indicated Tosheba hit her twice at this time in the same manner as before, with a closed fist.

Trayvis grabbed JH by her wrists and put her in the corner near the front door and windows. She described he was holding her by both her wrists. JH placed her forearms together making an "x", showing me how they were both held at the same time. JH began to try to break free from Trayvis to get him to let her go. Priscilla was said to have hit JH at this time, with a closed fist. Trayvis was then stated to have dragged JH from the corner across the sidewalk to the red car parked on the street. He picked JH up, cradling her head with his hand and smashed her head into the windshield, causing it to crack. Trayvis then continued to hold onto her and threw her to the ground, causing her to have scrapes on her knee and elbow. JH indicated other bouncers came over and Trayvis then lied to them saying she had swung at him.

Officer Herbert asked JH if she had hit anyone tonight. She indicated she did not. She also denied trying to hit or swing at anyone. JH was not sure where Tosheba, Priscilla, and Trayvis went as police began to arrive. JH indicated she had been drinking and was not sure if Tosheba had been. Officer Herbert took photos of injuries JH sustained. She had a large goose egg on the left side of her forehead near her hair line. She had an abrasion to her left elbow and left knee.

Officer Herbert asked JH if anyone was with her when this all occurred. She indicated her friend "Shraica Owens" was with her. She provided me a phone number for her. Shraica was indicated to be with JH for most of the altercation. Officer Herbert asked JH if she gave anyone permission to hit or throw her into a car. She indicated no. JH also indicated being hit caused her pain. JH indicated she wanted to press charges. She explained that Tosheba was on probation for a previous domestic incident involving the two of them. JH also indicated that she used to live with Tosheba. She was not on the lease with her, but had property there and stayed there with Tosheba.

JH indicated she wanted the 72 hour and 5 day no contact prohibitions enforced. Officer Herbert completed the Intimate Partner Lethality Screen with JH. She scored high danger based on Officer belief. JH signed an Authorization for the Disclosure of Health Information forms in the event she does decide to go the hospital.

Officer Herbert logged into Avigilon footage. There was camera footage that captured the disturbance outside of Brau Haus. The video depicts Priscilla and Tosheba exiting the front door at approximately 0155 hours. It appeared a bouncer was with them. Tosheba appears to be wearing a tank top and white pants. Priscilla was wearing a light colored top and dark pants. At approximately 0158 hours JH is observed exiting the front door. Tosheba runs up to her and a scuffle begins. Priscilla is also next to her during this scuffle. A bouncer outside breaks up the fight and a male wearing black clothing takes JH to the corner by the front door. Priscilla is then observed going up to JH and is pulled back by an unknow person. Both Priscilla and Tosheba are actively being kept away from JH by individuals outside the bar. JH then tries to break free of the male holding onto her, believed to be Trayvis, and they come out to the sidewalk in front of the bar. While trying to break free, Tosheba runs up to JH and appears to start hitting her. JH gets pushed back into Trayvis who then takes control of her walking her back. Trayvis is then observed driving and pushing JH into the windshield of the red car. JH is then thrown down into the rear bumper of the vehicle infront of the red car, causing her head to smack the rear bumper. Other bouncers then step in and separate JH and Trayvis. Priscilla and Tosheba are seen leaving on foot, east on College Ave.

On 04/10/22 at approximately 1900 hours Officer Herbert called and spoke with Tyjuanna Young about the vehicle being damaged. Officer Herbert provided her the case number for this incident. Officer Herbert asked if anyone had permission to damage the vehicle. She indicated no. Tyjuanna told me the vehicle belonged to her sister, Tabitha Young, and provided me her contact information.

Officer Herbert then called and spoke with JH. Officer Herbert was made aware that JH had spoken with Officer Allen about a video she received of the incident. Officer Herbert asked JH if she ended up going to the hospital. She indicated she did not. I asked JH how long she had dated Tosheba for. She indicated almost a year. She indicated she had lived at Tosheba's residence with her on and off in 2020. She indicated she had property there to include hygiene products and clothes in drawers and a closet. She also indicated she received mail there. JH also informed that she received a Facebook message from Trayvis apologizing to her. She sent Officer Herbert a screen shot of the message.

Officer Herbert later located Tosheba and read her Miranda rights. She indicated she understood her rights and was willing to answer questions and make a statement. Officer Herbert asked Tosheba to tell him what occurred at Brau Haus.

Tosheba indicated she went to Brau Haus with her friend, Priscilla. While there she saw JH, who she indicated she had broken up with months ago. She indicated they were together for over a year. I asked Tosheba if she lived with JH. She indicated that she did and JH had lived at her residence on Greenwood Ct. Tosheba indicated that JH was abusive and could no longer live with her. Due to seeing JH at Brau Haus, Tosheba indicated she began to feel uncomfortable. Tosheba indicated JH came up to her while Tosheba was dancing. JH tried to talk with Tosheba and became upset, cussing at Tosheba. Because of this, Tosheba and

Priscilla, tried to go to another bar, but ended up coming back to Brau Haus. Tosheba believed the time was after midnight.

Once back at Brau Haus, Tosheba indicated she was dancing with friends again. She had her first drink of the night in her hand and had a guy come up behind her. Tosheba did not want to dance with this random male and JH was stated to be watching Tosheba. JH was stated to be following her and came up into her ear, telling her "You like this." Tosheba indicated she told JH to stop talking to her. JH was stated to become aggressive and "put her fingers in her face." Tosheba indicated this caused her to feel threatened. Officer Herbert asked Tosheba to clarify what she meant by JH's fingers being in her face. Tosheba indicated that JH stated, "You wanna take this outside" and was trying to fight with her. Tosheba indicated everything escalated from there. She was not able to elaborate further, stating everything was "like a rolling snowball." It was very packed and became chaotic inside. Officer Herbert asked Tosheba if she hit JH. Her response was, "I could have, I don't know." Tosheba had gotten hit and scratched, but was unsure who hit her or how she was hit, but believed it was JH. Tosheba had fallen to the ground and stated she was being hit. Tosheba indicated she had a scratch on her face and inside her mouth. Officer Herbert took a photo of the left side of her face utilizing Axon Capture. She also indicated she had a bruise on her arm.

Tosheba indicated that JH has recently been bothering her and trying to pick at her when they're in the same place. Officer Herbert asked if anyone separated the two of them while in Brau Haus. She indicated they did become separated, and Trayvis assisted in that. Tosheba indicated Trayvis was her child's father and he worked at Brau Haus. She was unsure if he was working at that time. He was there prior to her arrival there. After being separated, Tosheba and Priscilla, went outside. Tosheba described herself as "blacked out," clarifying not because she was drunk, but upset. Officer Herbert asked if she meant as in a rage. She indicated yes. Tosheba indicated she only had one drink of Hennessey that she did not finish. Tosheba indicated she could not recall what occurred outside of the bar. Officer Herbert asked if Priscilla ever hit JH. Tosheba indicated no, and she was trying to stop everything that was happening.

Officer Herbert asked Tosheba if Trayvis was involved in the disturbance. She indicated she did not know, due to leaving with Priscilla. Tosheba later provided a phone number for Trayvis to be reached at. Officer Manuel and I then transported Tosheba to OCJ. There I read her the 72-hour Domestic Abuse Officer Herbert observed a laceration to her upper lip as well as some discoloration on her left upper arm. Tosheba was then booked in and transferred custody to jail staff. Officers departed afterwards.

The night of the incident Officer Patek who was able to briefly speak with one of the bouncers outside during the disturbance. His name was Seago Harris. He indicated the females had gotten into a fight in the bar and were removed. When JH ended up coming outside, all the females began fighting again.

Subscribed and sworn to before me on 04/11/22

Electronically Signed By:

Robert Sager

Assistant District Attorney

State Bar #: 1001907

Electronically Signed By:

Michael Velie

Complainant

