

STATE OF WISCONSIN

-vs-

Plaintiff,

DA Case No.: 2015BR001724
Assigned DA/ADA: Kate R. Zuidmulder
Agency Case No.: 15-202415
Court Case No.: 2015CF _____
ATN:

Jordan R Tilot
3990 Nicolet Dr
Green Bay, WI 54311
DOB: [REDACTED] 1996
Sex/Race: F/W
Eye Color: Blue
Hair Color: Brown
Height: 5 ft 5 in
Weight: 125 lbs
Alias: Also Known As Jordan Renee Tilot

CRIMINAL COMPLAINT

Defendant,

Complainant, an Assistant District Attorney, being first duly sworn on oath, deposes and says that:

Count 1: DELIVER HEROIN (<= 3G) - PTAC, AS A PARTY TO A CRIME, SECOND AND SUBSEQUENT OFFENSE

The above-named defendant on or about Sunday, March 01, 2015, in the City of Green Bay, Brown County, Wisconsin, as a party to a crime, did deliver a controlled substance, to-wit: Heroin, in an amount of 3 grams or less, contrary to sec. 961.41(1)(d)1, 939.05, 961.48(1)(b) Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

And further, invoking the provisions of sec. 961.48(1)(b) Wis. Stats., because the defendant is a subsequent offender, having been convicted of Possession of THC in Outagamie County Case 2014CM121 on July 21, 2014, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 4 years.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 2: FIRST DEGREE RECKLESS HOMICIDE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Sunday, March 01, 2015, in the City of Green Bay, Brown County, Wisconsin, as a party to a crime, did cause the death of Benjamin J Johnston, by the delivery or manufacture of a Schedule I or II controlled substance, Heroin, in violation of sec. 961.41 Wis. Stats., which Benjamin J Johnston used, dying as a result of that use, contrary to sec. 940.02(2)(a), 939.05 Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

Complainant is an Assistant District Attorney with the Brown County District Attorney's Office and knows of the above offense on information and belief based upon:

PROBABLE CAUSE

1. Her review of the report of Officer Thoreson of the Green Bay Police Department indicates that on 3/1/15 at approximately 10:35pm, he was dispatched to 1269 Shawano Avenue, Apt. 8, City of Green Bay, Brown County, WI, for the report of a 24-year-old male that was not breathing and it was reported had taken drugs. Officer Thoreson arrived at the same time that Rescue arrived, but they could not enter because of the security locked door. Dispatch called back the female who had called 911 to open the door. That person was later identified as Jordan Renee Tilot, 4/6/96. Jordan came rushing down the steps and let Officers and Rescue into the apartment building and into the apartment. Officer Thoreson and Rescue then proceeded to the northern bedroom of the apartment where they located Benjamin John Johnston, DOB 2/23/91, laying on the bed and not breathing. Jordan was very emotional and indicated to Officer Thoreson that Benjamin had taken heroin. Officer Thoreson relayed this to Rescue who attempted to treat Benjamin, but he did not regain consciousness and was later pronounced dead. Officer Thoreson had Jordan go to the living room of the apartment and asked her how much Benjamin had injected. Jordan stated that Benjamin had injected heroin twice that night, but she did not know exactly how much. Jordan initially did not want to identify herself to Officers, but eventually did. Jordan stated that they had been playing video games at the apartment and that Benjamin had gone into the bedroom and injected heroin. Jordan said she had been clean from doing drugs for "69 days" and that she did not want to get involved with heroin because she was trying to keep herself clean. Officer Thoreson was then informed that Benjamin had died and he relayed this to Jordan who became very emotional. Jordan agreed to give a statement as to what had occurred that night. Jordan stated that she had gone to Benjamin's apartment around 5pm or 6pm and had driven her Red Buick with Wisconsin Registration [REDACTED] Jordan stated that she had been to Benjamin's apartment in the past a handful of times and is aware that he has a roommate, [REDACTED] who was not at the apartment that evening. Jordan stated that after about a half an hour of playing video games with Benjamin he said "I need something" to her. Jordan stated that she then went on her phone and looked up an individual that was later identified as [REDACTED] Jordan stated that she contacted [REDACTED] because she knows [REDACTED] to be able to get heroin for people in the past. Jordan stated that she talked to [REDACTED] and told him that she needed something for a friend and then handed the phone over to Benjamin who then spoke to [REDACTED]. After the phone call Benjamin told Jordan that they were going to the Kwik Trip to

get his heroin from [REDACTED]. Jordan stated that she drove Benjamin in her vehicle to the Kwik Trip and that once they were there [REDACTED] arrived in a silver car with a passenger. Benjamin then got into [REDACTED]'s car and they left for approximately 20-30 minutes while Jordan stayed in her car and listened to the radio and texted. Jordan stated that once [REDACTED] and Benjamin returned to the Kwik Trip that Benjamin got back into her car and they went back to his apartment. Jordan stated that they played video games for approximately an hour and then she saw Benjamin go into his bedroom and inject heroin into his left arm. Jordan stated that they ran an errand and then returned to Benjamin's and played more video games and ate some pizza. Jordan stated that Benjamin went into his bedroom again and that she followed him in. Benjamin then injected himself with heroin and said "Well, this is how you do it." Jordan stated that Benjamin closed his eyes and said "Wow, I'm really high." Jordan told Benjamin that he was fine and then she saw him open his eyes. Jordan stated she then heard him make a noise like a sigh and close his eyes. Jordan stated that she thought he was snoring and had just passed out. Jordan stated that she called [REDACTED] and asked him what she should do and if it was normal for someone to pass out after taking the heroin. [REDACTED] told her she should call 911. Jordan stated that she tried to slap Benjamin a few times to wake him up, which he did not. Jordan stated that she tried giving Benjamin CPR but he sounded like he was snoring again and when she pushed on his chest she didn't think he was still breathing which is when she called 911. Jordan stated that the time that passed between Benjamin passing out and Jordan calling 911 was approximately 10 minutes.

Officer Thoreson then spoke with Drug Task Force Agents Biller and Atlas who took over the interview of Jordan. N/I Biller later told Officer Thoreson that they had allowed Jordan to go outside and smoke a cigarette and that she had vomited. N/I Biller indicated that he observed Jordan's pupil's to be constricted and once she removed her fleece they observed slight redness and what appeared to be track marks along her left arm. Officer Thoreson noted that Jordan had drunk water quite rapidly and he brought her water multiple times throughout the interview. Jordan had maintained to Officer Thoreson during their entire contact that she had not taken any drugs or alcohol that night.

2. Her review of the Medical Examiner Case Worksheet prepared by Deputy Medical Examiner Ron Cody indicates that on March 2, 2015 at 3:45 am he pronounced Benjamin J. Johnston, DOB 2/23/91, dead. Deputy ME Cody listed the suspected cause of death as Heroin Overdose.
3. Her review of the report of Detective Brad Linzmeier indicates that on March 2, 2015 at 12:00am he responded to the Green Bay Police Department to assist in the investigation into the death of Benjamin Johnston. Det. Linzmeier completed a search warrant and after being signed by the Court Commissioner assisted in executing a search of 1269 Shawano Avenue, Apt. 8. Officers had held the apartment until the search warrant could be executed. Det. Linzmeier proceeded to Benjamin's room. On top of the night stand next to the bed was a pinch baggy corner and a separate knotted portion of plastic baggie with what appeared to be white residue inside. Inside the drawer of the night stand was another piece of corner baggy with white residue as well as plastic sandwich type baggie with white residue. Also in the drawer was a crack pipe charred on one end, a charred piece of chore boy plug from a crack pipe as well as a pill grinder and a prescription bottle for Clonazepam. Between the night

stand and the bed Det. Linzmeier located a green colored nylon bungee cord that was tied in a knot and a looped opening appearing as though it could have been used as a tie off on your arm when injected drugs. In the same room Officer Behn located two 1 inch plastic gem bags with the "Batman" emblem printed on them. Located on the shelf in the room were two marijuana pipes, a white and orange colored bong, a green and orange metal marijuana pipe, a blue/white marijuana pipe and a 17 inch tall blue glass marijuana smoking bong w/eagles on it and a 7 inch tall blue glass marijuana smoking bong. Located in a dresser drawer was a cooking spoon bent with a charred bottom, a digital scale and a sandwich type bag with the corner ripped away. Located in the garbage can in the room was a plastic sandwich bag with the corner missing and several small 1 inch used alcohol prep wipes that appeared to have red substance on them.

Jordan's Vehicle: A search was also executed on Jordan's Red Buick. Located in the trunk area was a Jansport back pack which contained a brown paper bag containing the following items: 2 open packages of insulin syringes, one pack with one capped syringe and another pack containing 2 capped syringes, paperwork from "Lifepoint" needle exchange, numerous alcohol prep wipe packs, a small bag containing numerous small cotton filters and another containing some cotton balls and one rubber elastic band. In the zipper part of the bag was a table spoon bent in shape to be used as a cooker and two insulin needle syringes along with a blue colored plastic pill grinder with white powder residue inside.

On 3/2/15 Det. Linzmeier observed the autopsy of Benjamin Johnston performed by Dr. Whittick. Dr. Whittick did not observe any trauma that would have contributed to death and pointed out 2 needle marks and bruising around those marks on the left inside forearm. Samples were taken and sent to the toxicology lab for testing.

Complainant believes the information provided by Officer Thoreson and Detective Linzmeier to be true and accurate as they are law enforcement officers who have provided true and accurate information in the past. Complainant believes the information provided by Deputy Medical Examiner Ron Cody to be true and accurate as these are duties regularly performed the Deputy Medical Examiner.

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

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

This ____ day of March, 2015.

Complainant

Assistant District Attorney