FILED
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Anna Maria Hodges
Clerk of Circuit Court
2024CF003803
Honorable Jack L. Davila-01
Branch 1

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v. Case No. 24CF___

LONNY A. MAYER,

Defendant.

CRIMINAL COMPLAINT

The undesigned complaining witness, being first duly sworn, states that:

COUNT 1: STALKING (REPEATER)

The above-named Defendant on or about December 8, 2022, to on or about December 11, 2023, in the city and county of Milwaukee, Wisconsin, engaged in a course of conduct directed at a specific person to wit: the Defendant intentionally engaged in a course of conduct directed at Prosecutor that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury to or the death of himself or herself or a member of his or her family or household; that the Defendant knew or should have known that at least one of the acts that constitute the course of conduct will cause the specific person to suffer serious emotional distress or place the specific person in reasonable fear of bodily injury to or the death of himself or herself or a member of his or her family or household; and that Defendant's acts caused Prosecutor to suffer serious emotional distress or induce fear in the specific person of bodily injury to or the death of himself or herself or a member of his or her family or household. This was done contrary to Wis. Stat. § 940.32(2), a Class I Felony, and upon conviction the Defendant may be fined not more than $10,000, or imprisoned not more than three years six months, or both.

IF YOU REQUIRE THE ASSISTANCE OF AUXILIARY AIDS OR SERVICES BECAUSE OF A DISABILITY, CALL (608) 266-0320 (TTY -- (608) 267-8902 AND ASK FOR THE DEPARTMENT OF JUSTICE.

And further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the Defendant is a repeater having been convicted of a felony in Milwaukee County Case No. 02CF3776, the maximum term of imprisonment may be increased by not more than four years.

COUNT 2: THREAT TO PROSECUTOR (REPEATER)

The above-named Defendant on or about December 8, 2022, in the city and county of Milwaukee, Wisconsin, threatened to cause bodily harm to a prosecutor, Prosecutor, contrary to Wis. Stat. § 940.203(2), a Class H Felony, and upon conviction the Defendant may be fined not more than $10,000, or imprisoned not more than six years, or both.

And further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the Defendant is a repeater having been convicted of a felony in Milwaukee County Case No. 02CF3776, the maximum term of imprisonment may be increased by not more than four years.

COUNT 3: THREAT TO PROSECUTOR (REPEATER)

The above-named Defendant on or about February 9, 2023, in the city and county of Milwaukee, Wisconsin, threatened to cause bodily harm to a prosecutor, Prosecutor, contrary to Wis. Stat. § 940.203(2), a Class H Felony, and upon conviction the Defendant may be fined not more than $10,000, or imprisoned not more than four years, or both.

And further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the Defendant is a repeater having been convicted of a felony in Milwaukee County Case No. 02CF3776, the maximum term of imprisonment may be increased by not more than four years.

COUNT 4: THREAT TO PROSECUTOR (REPEATER)

The above-named Defendant on or about July 11, 2023, in the city and county of Milwaukee, Wisconsin, threatened to cause bodily harm to a prosecutor, Prosecutor, contrary to

Wis. Stat. § 940.203(2), a Class H Felony, and upon conviction the Defendant may be fined not more than $10,000, or imprisoned not more than six years, or both.

And further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the Defendant is a repeater having been convicted of a felony in Milwaukee County Case No. 02CF3776, the maximum term of imprisonment may be increased by not more than four years.

COUNT 5: THREAT TO PROSECUTOR (REPEATER)

The above-named Defendant on or about September 14, 2023, in the city and county of Milwaukee, Wisconsin, threatened to cause bodily harm to a prosecutor, Prosecutor, contrary to Wis. Stat. § 940.203(2), a Class H Felony, and upon conviction the Defendant may be fined not more than $10,000, or imprisoned not more than six years, or both.

And further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the Defendant is a repeater having been convicted of a felony in Milwaukee County Case No. 02CF3776, the maximum term of imprisonment may be increased by not more than four years.

COUNT 6: THREAT TO PROSECUTOR (REPEATER)

The above-named Defendant on or about October 2, 2023, in the City and County of Milwaukee, Wisconsin, threatened to cause bodily harm to a prosecutor, Prosecutor, contrary to Wis. Stat. § 940.203(2), a Class H Felony, and upon conviction the Defendant may be fined not more than $10,000, or imprisoned not more than six years, or both.

And further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the Defendant is a repeater having been convicted of a felony in Milwaukee County Case No. 02CF3776, the maximum term of imprisonment may be increased by not more than four years.

COUNT 7: THREAT TO PROSECUTOR (REPEATER)

The above-named Defendant on or about November 20, 2023, in the city and county of Milwaukee, Wisconsin, threatened to cause bodily harm to a prosecutor, Prosecutor, contrary to Wis. Stat. § 940.203(2), a Class H Felony, and upon conviction the Defendant may be fined not more than $10,000, or imprisoned not more than six years, or both.

And further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the Defendant is a repeater having been convicted of a felony in Milwaukee County Case No. 02CF3776, the maximum term of imprisonment may be increased by not more than four years.

COUNT 8: THREAT TO PROSECUTOR (REPEATER)

The above-named Defendant on or about December 11, 2023, in the city and county of Milwaukee, Wisconsin, threatened to cause bodily harm to a prosecutor, Prosecutor, contrary to Wis. Stat. § 940.203(2), a Class H Felony, and upon conviction the Defendant may be fined not more than $10,000, or imprisoned not more than six years, or both.

And further, invoking the provisions of Wis. Stat. § 939.62(1)(b), because the Defendant is a repeater having been convicted of a felony in Milwaukee County Case No. 02CF3776, the maximum term of imprisonment may be increased by not more than four years.

PROBABLE CAUSE

Your complainant is an employee of the Milwaukee County District Attorney Investigator's Office and relies on complainant's own investigation and reports prepared by the Milwaukee County District Attorney Investigator's Office and the Milwaukee County Sheriff's Department. Complainant is familiar with these types of records and knows they are prepared in the ordinary course of business.

Prosecutor is an assistant district attorney employed by the Milwaukee County District Attorney's Office. Prosecutor was directly involved in their official capacity in seven of the

above-named Defendant's Milwaukee County criminal cases. The Milwaukee County Courthouse, the Safety Building, the Criminal Justice Facility, and the Milwaukee County District Attorney's Office are all in the City and County of Milwaukee.

January 2, 2022, Phone Call

On January 2, 2022, the Defendant called a woman while he was incarcerated at the Green Bay Correctional Institute. The Defendant mentioned an upcoming court hearing and said he had been charged with additional intimidation charges.

The Defendant said the "District Attorney" handling his case is lying and misrepresenting facts. This is a reference to Prosecutor. The Defendant complained that there are 11 lies in a four-page motion that Prosecutor filed. The Defendant said "…so I can't go to trial with a person who has that level of deception because I can't fact check and put on my case at the same time. That's too much thought. So either… he has to stop lying and present a humble… noble case, or he's gotta go. And I'm gonna tell him that…"

The conversation continued. The Defendant said he was going to make a "radical gesture" in court "tomorrow". The Defendant said nothing was planned and it was a prediction. The Defendant stated:

> It's not a planned thing, it's just a prediction of what's going to happen. I'm blowing up thinking about it in my cell here. Do you think I am going to be able to retain control of my accolades when it's in my face like that. I'm snapping and punching walls in my cell just reading what he's doing. I'm ready, I'm ready to kill him just thinking about it.

The female tells the Defendant that this must end. The Defendant said "[o]k, I know, well then somebody needs to pick up the phone and talk to this judge or talk to people, because this District Attorney is… he's a fucking lunatic. Ok, and if I…", the Defendant was then interrupted. He was told that this type of behavior does not solve anything.

December 8, 2022, Threat

An envelope postmarked December 8, 2022, was mailed from the Wisconsin State Prison System. The return address was from the Defendant at the Green Bay Correctional Institution where the Defendant was an inmate at the time. The envelope was addressed to the Deputy District Attorney (Prosecutor's supervisor). The letter inside the envelope was addressed to the Chief Judge and the Deputy District Attorney.

Prosecutor took possession of the letter and turned it over to investigators. The letter addressed the Defendant's desire for a John Doe proceeding against people including Prosecutor. The letter ended with the following:

> Wis. Stat. 968.26(2)(am) is clear that in such situations a special prosecutor under 978.043 must be assigned. But you know that, let's stop playing their game judge, refer these matters to the appropriate office as the law dictates.
>
> Unless Vigilante justice is what you prefer in which case I'm game. Ya'll will let me know, wont you?"

February 9, 2023, Threat

An envelope and letter postmarked February 9, 2023, received by the Milwaukee County District Attorney's Office. The envelope was addressed to Prosecutor with a return address of Lonny Mayer at the Green Bay Correctional Institution. The Defendant was an inmate at this location during this time.

Prosecutor was out of the office and learned of the letter on February 22, 2023. Prosecutor took the letter as a threat and was concerned/upset. The letter, in its entirety stated:

> I got your message [Prosecutor]!
>
> And Im confused of only 1-detail
>
> Is that younger version of you, your son??
>
> Or is he your younger brother??
>
> Don't ever threaten nor have your people approach her again. This is your 1 and only warning. Leave her out of this. For if you involve my loved ones, I will involve yours.

The original letter was recovered from the unit's shred bin. It was forwarded to the Wisconsin State Crime Laboratory for analysis, but no suitable friction ridge detail was developed. The Defendant was interviewed regarding this letter. The Defendant denied writing the letter and stated Prosecutor had no reason to fear the Defendant. The Defendant acknowledged that he does not like Prosecutor.

March 28, 2023, Communication to Prosecutor

An envelope with a letter was postmarked March 28, 2023, and it was mailed from the Wisconsin State Prison System. The return address was from the Defendant at the Green Bay Correctional Institution where the Defendant was an inmate at the time. Prosecutor at the Milwaukee County District Attorney's Office was the recipient.

In the letter, the Defendant alleged that Prosecutor was engaging in *ex parte* communications with the judge. The Defendant also alleged that this prosecution would result in a reversal and a cash damages award. A portion of the letter is as follows:

> Make no mistakes [Prosecutor], Im not trying to get you to agree with me, not trying to convince you at all, Im just giving you the facts that the law is on my side and a reversal upon any unlawful conviction is imminent.
>
> These issues that you argue, confuse me as to whether you are that fucking dumb or that desparate [sic]. I realize (as should you) that you fucked up by admitting that you and your office first gained knowledge of my activities from the DOC. I realize you are now trying to correct that fuck up, but you can't [Prosecutor]. Its over.
>
> All you will do from this point, is cost tax payers unnecessary money for multiple trials, you will waist [sic] resources that could be better utilized elsewhere; And guarantee me multiple lawsuits, awarded damages and put people's employment at risk.
>
> Yes you have the judge fooled in the circuit court, but you need to exercise some fucking integrity, or at least some respect for whatever school issued you your law degree. Because without a doubt these cases are already subject to reversal, not only for how you "used" immunized information in the charging and drafting of the complaints. Kurzer, 534 F.3d 511 at 515.

July 11, 2023, Threat

A letter was received by the Milwaukee County Chief Judge's Office on July 11, 2023. The letter was scanned into the efiling system on July 24, 2023 as Document 110 in one of the Defendant's cases. The efiling system provides copies to all registered parties including Prosecutor.

In the letter, the Defendant levied complaints against his judge and Prosecutor. The Defendant requested that the Chief Judge intervene and remove his current judge from his open criminal cases. The letter ended with the following:

> In closing, I do not want to hear how there is no action that can be taken or how I can take up my concerns on appeal. If you do not interven [sic] I guess I can always take matters into my own hands to terminate the lawlessness and vindictive acts this judge and prosecutor continues against me. Pursuant to the force afforded to me by wis. stat 939.48
>
> Is that the only way to prevent further retatiation [sic] from these people? Please get involved.

The letter was signed by Lonny Mayer at Green Bay Correctional Institution. The Defendant was an inmate at this location during this time. A portion of the cited statute is replicated below.

> **939.48 Self–defense and defense of others. (1)** A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself.

<u>September 14, 2023, Threat</u>

On September 14, 2023, the Defendant was scheduled for a status of counsel hearing before a Milwaukee County Circuit Court judge. The Defendant made his appearance in person and was handcuffed/shackled to a wheelchair. Prosecutor was also present in person.

The Defendant said that Prosecutor was causing him "physical safety concerns" due to Prosecutor's "abuse and misconduct". The hearing's transcript captured the following exchange:

> MR. MAYER: You know what –
>
> THE COURT: -- as to the nature of this, I am not –
>
> MR. MAYER: -- crimes are being committed against me. Crimes are being committed against me and –
>
> THE COURT: You should report –
>
> MR. MAYER: -- [Prosecutor] is behind it. So now if you're not going to let me make that statement, I'm going to rely on my statutory rights under 939.48 and I'm going to tell him that if you continue to commit these unlawful acts for me –
>
> THE COURT: Mr. Mayer, do not speak with [Prosecutor].
>
> MR. MAYER: I am going to –
>
> THE COURT: Please remove Mr. Mayer.
>
> MR. MAYER: -- fucking kill you. Now you've been motherfucking warned in open court. Now you've been warned in open court. Now you've been warned in open court of what's going to happen. I'm going to fucking kill you. Do not commit anymore fucking crimes against me you faggot bitch. That is because you didn't let me make the record I wanted to and ask the court for help. I asked the court for help, and you turned me down.
>
> THE COURT: The record should reflect Mr. Mayer is being removed from the courtroom. We will not resume this hearing. The dates have already been given on the record for further proceedings.

Prosecutor was interviewed relative to this threat. Prosecutor stated that Prosecutor was very scared and "freaked out." Prosecutor was in shock and sat still at the table. Prosecutor stated Prosecutor had not been threatened that "expressly" before. Prosecutor did not give the Defendant consent to make the threat.

<u>October 2, 2023, Threat</u>

A letter was authored to the Milwaukee County Chief Judge on October 2, 2023. It was marked as received by the Chief Judge's office on October 11, 2023. It was signed by Lonny Mayer at the Milwaukee County Jail. The subject line indicated this was concerning his

judge and Prosecutor. The Defendant levied many complaints including being overcharged. The letter closed as follows:

> I'm going to keep it 100% real with you [Chief Judge], they have been doing this to me for more than 3 years now and there is alot going on behind the scenes that is a result. You either move my cases from [judge's] courtroom, you intervien [sic] and de-escalate tensions that are now through the roof, or Im going to have something done without your help.
>
> Is this a threat? It absolutely is! wis. stat 939.45
>
> Fix this problem! Please
>
> I am innocent and I only want to defend that innocence on a fair playing field WITHOUT ATTITUDE from a Bias Judge and an over-zealous Prosecutor. You can either help, or add some more cases to those that are already charged, either way, fairness will be achieved. How we get there is up to you.
>
> Know that my patience and nicities have wore thin, and I do need your help however, this is my last cry for help. Thank you for your consideration.

November 20, 2023, Prosecutor Confrontation and Threat

A final pre-trial was held on November 20, 2023 at the Milwaukee County Courthouse. The Defendant was in custody and appeared in person. Prosecutor appeared via Zoom.

During the proceedings, the judge issued orders relative to the Defendant being restrained during the trial. The Defendant objected and the Defendant was warned that he would be removed from the courtroom. At one point, the Defendant spoke directly to the courtroom television and the transcript reflected the following:

> THE DEFENDANT: You're just giving me a reversal, [Prosecutor], you know that. You're giving me a reversal on this case. You know that. You are playing dirty like this –
>
> THE COURT: Mr. Mayer.
>
> THE DEFENDANT: -- just to get a conviction. You thirsty motherfucker.
>
> THE COURT: Remove Mr. Mayer. He has been warned.

Milwaukee County Sheriff's Deputy Terrelle Davis was one of three law enforcement officers who escorted the Defendant to the bullpen. While sitting in the bullpen, the Defendant said, "If I see

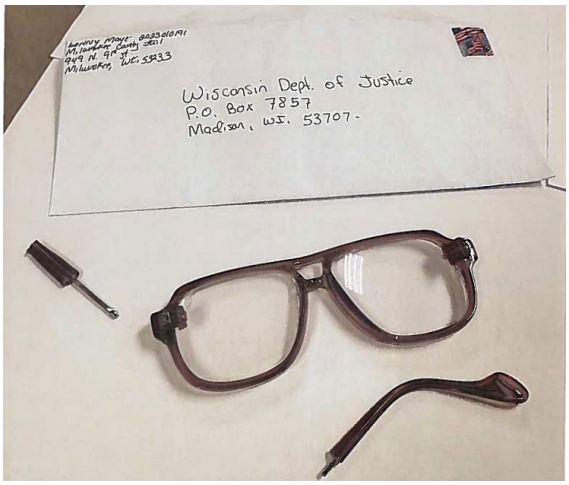
[judge] on the streets, I am going to spit in her face." The Defendant also said, "I am going to kill [Prosecutor] and I already have someone watching his kid and he is going to get killed as well."

December 7, 2023, Search

On December 7, 2023, Milwaukee County Sherrif's Lieutenant Hannah Alexander was working at the Criminal Justice Facility. It was believed that the Defendant using another inmate's mail. The Defendant also made comments in letters, believed to be suicidal, such as "take a life insurance policy out on me" and "make sure you see me at my trial, it will be my last." Lieutenant Alexander informed the Defendant he was being placed on suicide watch.

The Defendant was taken to the body scanner. The body scanner showed a positive hit for a foreign object. This item was concealed in his jail issued underwear. The Defendant was ordered to remove the object. The object was a small, sharpened metal item with a plastic base. The object appeared to be a "shank." A "shank" is a handmade weapon.

The Defendant has multiple boxes of legal mail. An envelope addressed to the Wisconsin Department of Justice was found in his legal mail. A broken pair of glasses was inside of the envelope. The glasses found and the small shank found on the Defendant's person were from the same pair of glasses. As staff continued the search, Lieutenant Alexander found another shank that fell out of a piece of paper.



A review of Milwaukee County Case No. 21CF5042, shows that a status conference was scheduled for December 8, 2023.

December 11, 2023, Threat

The above-named Defendant was in trial in the Safety Building on Milwaukee County Case Nos. 20CM1421, 20CF617, and 20CF4068 on December 11, 2023. The Defendant and Prosecutor were seated at their respective tables. While waiting for the jury panel, Prosecutor heard the Defendant say, "take a deep breath, it might be your last".

Investigator Keith Kopcha was present in the courtroom and heard "it might be your last" as it happened. Prosecutor immediately approached Investigator Kopcha to relay the information. Investigator Kopcha then reviewed the digital audio recording and heard, "Yeah. Take a deep breath. Might be your last."

Habitual Criminality Enhancer

The above-named Defendant was convicted in Milwaukee County Case No. 02CF3776 of two counts of Battery or Threat to Witnesses (solicitation on one and conspiracy on the other). Both convictions were for Class D felonies. The convictions occurred on November 12, 2002, and the Defendant was sentenced on January 7, 2003. The Defendant received six years initial confinement and five years extended supervision on each count. Each count was stated to run consecutive to any other sentence.

Online DOC records show that on January 8, 2003, the Defendant returned to Oshkosh Correctional Institute and that he returned from court from Milwaukee County Jail/House of Corrections. The Defendant was then released on extended supervision on August 25, 2015. The Defendant then experienced transitions between custody.

- Between November 10, 2015, and November 23, 2016, the Defendant spent 68 days in custody on DCC holds.

- The Defendant was admitted on a DCC hold on August 7, 2017. There was an admission status change on November 8, 2017. On December 4, 2018, there was a mandatory release to supervision.

- The Defendant was admitted on a DCC hold on February 11, 2019. On October 2, 2019, the Defendant was transferred to Columbia Correctional Institution. On February 13, 2020, there was a mandatory release to supervision.

- On May 24, 2021, the Defendant returned from mandatory release to Dodge Correctional Institution. The Defendant was transferred to Green Bay Correctional Institution on July 21, 2021. The Defendant was released to extended supervision from Green Bay Correctional Institution on July 25, 2023.

August 25, 2015, to August 7, 2017, is 713 days out-of-custody. Minus 68 days of custody is a total of 645 days out-of-custody. December 4, 2018, to February 11, 2019, is 69 days out of custody. February 13, 2020, to May 24, 2021, is 466 days out of custody. Therefore, based on this history, the Defendant spent 1,180 days out-of-custody after being sentenced on a felony conviction.

This Criminal Complaint contains a summary of facts necessary to establish probable cause. It does not contain all the facts known to Complainant that may be relevant to this investigation.

Electronically signed and transmitted by:

__Inv Erik MGulbrandson _____
Investigator Erik Gulbrandson

Subscribed and sworn to pursuant to Wis. Stat. § 968.01(4) and approved for filing this 8th day of August, 2024.

Electronically signed by:

s/Nathaniel E. Adamson
NATHANIEL E. ADAMSON
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