

Domestic IA: 4/30/18 @ 10:00 A.M.
Assign to Branch

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

STATE OF WISCONSIN
 Plaintiff,

Ref. Agency: Cottage Grove Police
 Department
DA Case No.: 2018DA003625
Agency Case No.: CGPD 18-133099
Court Case No.: 2018CF
ATN: 13191804160077

vs.

SANTIAGO A TENIENTE
103 E Parkview St
Cottage Grove, WI 53527
DOB: 03/25/1991
Sex/Race: M/H
Eye Color: Brown
Hair Color: Black
Height: 5 ft 11 in
Weight: 235 lbs
Alias:

CRIMINAL COMPLAINT

For Official Use

Defendant,

The below-named complaining witness being first duly sworn states the following:

Count 1: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Sunday, April 15, 2018, in the Village of Cottage Grove, Dane County, Wisconsin, did recklessly endanger the safety of Anthony Arndt , under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f) 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.

Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Sunday, April 15, 2018, in the Village of Cottage Grove, Dane County, Wisconsin, did recklessly endanger the safety of Matthew O'Brien , under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f) 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.

Count 3: INTENTIONALLY POINT FIREARM-LAW ENFORCEMENT OFFICER, ETC.

The above-named defendant on or about Sunday, April 15, 2018, in the Village of Cottage Grove, Dane County, Wisconsin, did intentionally point a firearm at or towards a law enforcement officer who was acting in an official capacity and who the defendant knew or had reason to believe was a law enforcement officer, contrary to sec. 941.20(1m)(b), 939.50(3)(h) 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.

Count 4: INTENTIONALLY POINT FIREARM-LAW ENFORCEMENT OFFICER, ETC.

The above-named defendant on or about Sunday, April 15, 2018, in the Village of Cottage Grove, Dane County, Wisconsin, did intentionally point a firearm at or towards a law enforcement officer who was acting in an official capacity and who the defendant knew or had reason to believe was a law enforcement officer, contrary to sec. 941.20(1m)(b), 939.50(3)(h) 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.

Count 5: ENDANGER SAFETY BY RECKLESS USE OF FIREARM

The above-named defendant on or about Sunday, April 15, 2018, in the Village of Cottage Grove, Dane County, Wisconsin, did intentionally discharge a firearm into a building , under circumstances in which he should have realized that there might be a human being present therein, contrary to sec. 941.20(2)(a), 939.50(3)(g) 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.

Count 6: POSSESSION OF A FIREARM WHILE INTOXICATED

The above-named defendant on or about Sunday, April 15, 2018, in the Village of Cottage Grove, Dane County, Wisconsin, did go armed with a firearm while under the influence of an intoxicant, contrary to sec. 941.20(1)(b), 939.51(3)(a) 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.

Count 7: DISORDERLY CONDUCT, DOMESTIC ABUSE ASSESSMENTS, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Sunday, April 15, 2018, in the Village of Cottage Grove, Dane County, Wisconsin, while in a private place, did engage in violent, abusive, indecent, profane, boisterous, unreasonably loud and/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), 973.055(1), 939.63(1)(a) 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. 973.055(1) Wis. Stats., because this charge is an act of domestic abuse, and further, invoking sec. 973.055(1), Wis. Stats., the court shall impose the domestic abuse assessment of \$100 for this offense because this charge is an enumerated crime under sec. 973.055(1)(a)1, Wis. Stats., and the conduct constituting the violation involved an act by the defendant against his or her spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child.

And further, invoking the provisions of sec. 939.63(1)(a) Wis. Stats., because the defendant committed this crime while possessing a dangerous weapon, the maximum term of imprisonment may be increased by not more than 6 months.

FACTS:

Your complainant is a Court Officer with the Village of Cottage Grove Police Department and for this complaint is relying on the written police report(s) submitted by Cottage Grove Police Officer(s) Anthony Arndt, Matthew O'Brien, and Detective Benjamin Anderson.

On April 15, 2018, Officer Arndt and Officer O'Brien, of the Village of Cottage Grove Police Department, were both in full police uniforms and operating marked patrol vehicles. On April 15, 2018, at approximately 2058 hours, Officer Arndt and Officer O'Brien were dispatched for a weapons offense at 103 E Parkview Street, in the Village of Cottage Grove, Dane County, Wisconsin. Dispatch advised the complainant, whose name forms the initials MMS, was reporting someone was in her house with a gun. The subject with the gun was MMS's child's father, who was later verbally identified through a Wisconsin driver's license as Santiago A. Teniente, the defendant herein. MMS and the defendant live together at the 103 E Parkview Street address. MMS stated that she and her four-year-old daughter were inside the house and had locked themselves in a room. MMS stated that the defendant was a male/Hispanic, approximately 27 years old, wearing a red shirt, and black sweatshirt. Officer Arndt responded to the address of 103 E Parkview Street, heading northbound on N. Main Street. As Officer O'Brien and Officer Arndt turned on E Parkview Street, they visually observed a male, wearing a black jacket and jeans, standing next to a dark in color Jeep Patriot. This male was later confirmed to be the defendant, Santiago Teniente.

Officer O'Brien, who was still directly in front of Officer Arndt, drove by the defendant in order to turn around. While Officer O'Brien was passing the defendant, the defendant raised a long rifle, which appeared to be an AR15 style. Officer Arndt slowed down his squad vehicle to stop, recognizing the immediate danger in the situation. The defendant then turned, pointing the AR15 directly at Officer Arndt's front windshield, aiming down the sights of the weapon. Officer Arndt, fearing for his life and safety, put his head down and ducked inside of his squad attempting to conceal himself below the dashboard of his squad vehicle. While ducking below the dashboard, Officer Arndt briefly glanced up at the defendant, confirming the defendant to still be aiming down the sights in his direction. Officer Arndt believed the defendant was attempting to get a clear line of sight on him, to fire the AR15 with intent of doing him harm. Officer Arndt feared that if he drew his sidearm, and attempted to engage with the defendant, the defendant had a prepared firing position on Officer Arndt's location. Officer Arndt feared that the defendant would be able to shoot him and cause fatal injuries to himself, before he could return fire. Officer Arndt reports at 2101 hours, attempting to conceal himself in his squad vehicle, he notified dispatch over the radio that the defendant was pointing the long rifle in his direction, and was possibly attempting suicide by cop. Officer Arndt believed his only option to preserve his own life was to dangerously pull back, blindly reversing onto N. Main Street. Officer Arndt reports ducking down in his squad vehicle, he put his vehicle in reverse, hit his flashing emergency lights and sirens and began rapidly reversing back out onto N. Main Street. As Officer Arndt reversed onto N Main Street, he got out of his vehicle and grabbed his department issued AR15 from his squad vehicle and pointed it in the direction of the defendant. The defendant still appeared to be aiming down the sights of his weapon, attempting to get clear line of sight on Officer Arndt and Officer O'Brien.

Officer O'Brien began giving verbal commands to the defendant, to stand down and to drop his weapon. The defendant refused to cooperate. Law Enforcement officials from Dane County Sheriff's Office, Wisconsin State Patrol, and the City of Madison were dispatched throughout the incident to assist with the call. Prior to being able to establish a perimeter, due to having minimal officers on scene, civilian vehicles were still driving near the incident and were in danger of crossfire. Officer Arndt relayed to dispatch over the radio to shut down all traffic on County Highway N. Officer Arndt notified dispatch of his position. Officer O'Brien continued to give verbal commands to the defendant. The defendant was verbally threatening to shoot Officer O'Brien. At 2103 hours, the defendant laid down the AR15, but was still uncooperative regarding Officer O'Brien's verbal commands. At approximately 2106 hours, the defendant pulled a handgun from his waistband and put it on the roof of the vehicle. Officer O'Brien advised dispatch that a rifle was in front of the defendant on the ground and a handgun was on top of the vehicle and that he was in close proximity to both. Throughout the contact, the defendant continued to take out several rifle magazines from his pockets and drop them on the ground, despite law enforcement commands to keep his hands visible. The defendant remained uncooperative. At approximately 2117 hours, law enforcement officials made phone contact with MMS, and advised MMS that she and her daughter were to exit the house through the back and would be met by officers. At approximately 2118 hours, officers intercepted MMS and her daughter from the back of the residence where they were attempting to hide. MMS and her daughter were safely evacuated from the residence and placed in a safe and secure position away from the potential danger. At approximately 2129 hours, the defendant kicked the rifle out into the middle of the street and continued saying something to the effect of, "just shoot me I know you want to." The defendant continued to state something to the effect of, "tell my daughter I love her."

At approximately 2204 hours, Officer Arndt observed officers move to the northwest corner of the house, in which the defendant was in front of. At this time, the defendant appeared to be walking up toward the residence, possibly to enter the home. Law Enforcement officers released the K9 from the City of Madison Police Department and the defendant was quickly surrounded by law enforcement officers from various agencies. The defendant put his arms up and appeared to surrender at that time. At approximately 2205 hours, the defendant was ordered to the ground and was taken into custody by law enforcement officials on scene. Officer Arndt and Officer O'Brien, both from the Cottage Grove Police Department, did not give the defendant consent to threaten them with a firearm. At no time during this incident was the defendant given consent to point a weapon at law enforcement.

Det. Anderson took photos of the following evidence:

- Handgun (placed on top of vehicle bearing WI registration ending in TLA, registered to the defendant)
- AR15 rifle with magazine attached
- AR15 magazine
- AR15 magazine

Det. Anderson re-contacted MMS and she stated the following: in the afternoon, the defendant left and grabbed some guns that he carries in a bag and stated he was going to a shooting range. At approximately 8:30 p.m., the defendant came back to the residence and it appeared he had been drinking. The defendant knocked on her door upstairs when she was in bed with her daughter and he continued to pound on the door very forcefully and was trying to get in.

She asked, "What are you doing?" and the defendant stated to unlock the door. She unlocked the door and the defendant was empty handed. The defendant then pushed her on the bed several times and she continued to get up and he pushed her on the bed approximately 4-5 times. She then threatened to call the police, at which time the defendant stated, "Go ahead." The defendant then went downstairs and she did not know what he was doing. The defendant later came back upstairs and had a handgun in his hand that was pointed at waist level. The gun was not pointed directly at her, but it was pointed in her general direction. She asked the defendant what he was doing, in which he did not make any comment. She was scared and afraid and very disturbed by the defendant's actions. The defendant stated the mortgage was not being paid and told her, "you pay for it," and called her a "bitch." The defendant then went back downstairs and she heard what sounded like a loud clicking sound. She believed the clicking sound may have been a gun. She then heard the defendant say, "I'm so sorry," and he was crying. She then called 911. She did not give consent to the defendant for his actions during the incident toward her and their child. She wanted the 72 Hour No Contact Provision enforced.

After the defendant was brought to the Cottage Grove Police Department, a preliminary breath test was conducted and provided a result of .172 BAC.

Officer Arndt reports on April 16, 2018, at approximately 1405 hours, he dispatched himself to 103 E Parkview Street for a follow-up request. The complainant, MMS, stated she found a shell casing that she wanted picked up by Cottage Grove Police Department. MMS believed the shell casing was from a weapons offense at this address on April 15, 2018. Upon arrival, MMS showed Officer Arndt a shell casing belonging to a 9mm handgun. The shell casing appeared spent and used and at that moment, was sitting on the entertainment center located in the living room. MMS advised she picked up the shell casing and placed it there. MMS stated she also found a hole in the floor, in the living room. Officer Arndt visually observed what appeared to be a bullet hole located in the living room floorboards. Officer Arndt asked MMS if she believed a round had been fired from a firearm belonging to the defendant from the incident on April 15, 2018, inside of the home. MMS stated she notified Det. Anderson that she heard a loud noise in the home, but was unfamiliar with firearms and was not sure it was a gun at that moment. The bullet retrieved from MMS on April 16, 2018, matched the bullet casings belonging to the 9mm handgun located on the defendant's person from the incident on April 15, 2018. The suspect in that incident was identified as Santiago A. Teniente (defendant). The 9mm handgun that was located on the defendant was found to have 15 rounds in the magazine and one round in the chamber, totaling to 16 rounds. The magazine located in the handgun has a capacity of 17 rounds. Accounting for the spent casing found on April 16, 2018, would bring the total to 17 rounds that could be inserted into the fully loaded magazine.

****THIS COMPLAINT IS BASED ON** the information and belief of your complainant, who is a Court Officer for the Village of Cottage Grove Police Department, and who learned of the above offense from the reports of Cottage Grove Police Officer(s) Anthony Arndt, Matthew O'Brien, and Detective Benjamin Anderson, which report your complainant believes to be truthful and reliable inasmuch as they were prepared during the course of the officer(s) official duties.

Further, your complainant believes the information furnished by MMS to be truthful and reliable inasmuch as she is a citizen informant(s) and witnessed the events described.

Your complainant believes the statements of the Defendant(s) to be truthful and reliable insofar as they are admissions against penal interest.

Subscribed and sworn to before me on
04/30/18

Electronically Signed By:
Justine L. Suleski
Assistant District Attorney
State Bar #: 1091332

Electronically Signed By:
Wagner
Complainant