

FILED
08-27-2020
Clerk of Circuit Court
Kenosha County
2020CF000983
Honorable Bruce E.
Schroeder
Branch 3

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

STATE OF Wisconsin
 Plaintiff,

CRIMINAL COMPLAINT

vs.

DA Case #: 2020KN003907

KYLE H. RITTENHOUSE
286 Anita Terrace, #10
Antioch, IL 60000-2
DOB: 01/03/2003
Sex/Race: M/W
Eye Color: Green
Hair Color: Brown
Height: 5 ft 8 in
Weight: 150 lbs
Alias:

Agency Case #: KPD 2020-00047360

Defendant.

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: FIRST DEGREE RECKLESS HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, August 25, 2020, in the City of Kenosha, Kenosha County, Wisconsin, did recklessly cause the death of Joseph D. Rosenbaum, under circumstances which show utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 939.63(1)(b) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, August 25, 2020, in the City of Kenosha, Kenosha County, Wisconsin, did recklessly endanger the safety of Richard McGinnis, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(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. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 3: FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, August 25, 2020, in the City of Kenosha, Kenosha County, Wisconsin, did cause the death of Anthony M. Huber, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.63(1)(b) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 4: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, August 25, 2020, in the City of Kenosha, Kenosha County, Wisconsin, attempted to cause the death of Gaipe P. Grosskreutz, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 939.63(1)(b) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 5: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Tuesday, August 25, 2020, in the City of Kenosha, Kenosha County, Wisconsin, did recklessly endanger the safety of an unknown male, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(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. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

Count 6: POSSESSION OF A DANGEROUS WEAPON BY A PERSON UNDER 18

The above-named defendant on or about Tuesday, August 25, 2020, in the City of Kenosha, Kenosha County, Wisconsin, being a person under 18 years of age, did go armed with a dangerous weapon, contrary to sec. 948.60(2)(a), 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.

PROBABLE CAUSE:

Your complainant spoke with Sgt. Melichar, Detective Howard, Detective Cepress, and Detective Antaramian of the Kenosha Police Department who provided the following information: On August

25, 2020 an 8:00 pm curfew had been imposed east of I-94 in Kenosha County due to civil unrest. On August 25th at approximately 11:45 pm a shooting occurred at Car Source which is located at the northwest corner of 63rd St. and Sheridan Road in the City and County of Kenosha, State of Wisconsin. The man who was shot at this location was identified as Joseph Rosenbaum. Rosenbaum was transported to a local hospital where a doctor declared him to be deceased on August 26, 2020 at 12:47 am.

In the course of investigating this incident, law enforcement reviewed and shared with your complainant multiple videos that appeared to be recorded on cell phones. In the first video, a male who was later identified to be Kyle H. Rittenhouse, DOB: 01/03/03 (hereinafter "the defendant"), is running southwest across the eastern portion of the Car Source parking lot. The defendant is a resident of Antioch, IL. The defendant can clearly be seen holding a long gun, which was later recovered by law enforcement and identified as a Smith & Wesson AR-15 style .223 rifle. The recovered magazine for this rifle holds 30 rounds of ammunition. Following the defendant is Rosenbaum and trailing behind the defendant and Rosenbaum is a male who was later identified as Richard McGinnis, a reporter.

The video shows that as they cross the parking lot, Rosenbaum appears to throw an object at the defendant. The object does not hit the defendant and a second video shows, based on where the object landed, that it was a plastic bag. Rosenbaum appears to be unarmed for the duration of this video. A review of the second video shows that the defendant and Rosenbaum continue to move across the parking lot and approach the front of a black car parked in the lot. A loud bang is heard on the video, then a male shouts, "Fuck you!", then Rosenbaum appears to continue to approach the defendant and gets in near proximity to the defendant when 4 more loud bangs are heard. Rosenbaum then falls to the ground.

The defendant then circles behind the black car and approaches Rosenbaum. Rosenbaum remains on the ground. McGinnis also approaches, removes his shirt, and attempts to render aid to Rosenbaum. The defendant appears to get on his cell phone and place a call. Another male approaches, and the defendant turns and begins to run away from the scene. As the defendant is running away, he can be heard saying on the phone, "I just killed somebody."

Detective Cepress interviewed McGinnis and indicates the following: Before the shooting, McGinnis was interviewing the defendant. The defendant told McGinnis that he was a trained medic. McGinnis stated that he (McGinnis) has handled many ARs and that the defendant was not handling the weapon very well. McGinnis said that as they were walking south another armed male who appeared to be in his 30s joined them and said he was there to protect the defendant. McGinnis stated that before the defendant reached the parking lot and ran across it, the defendant had moved from the middle of Sheridan Road to the sidewalk and that is when McGinnis saw a male (Rosenbaum) initially try to engage the defendant. McGinnis stated that as the defendant was walking Rosenbaum was trying to get closer to the defendant. When Rosenbaum advanced, the defendant did a "juke" move and started running. McGinnis stated that there were other people that were moving very quickly. McGinnis stated that they were moving towards the defendant. McGinnis said that according to what he saw the defendant was trying to evade these individuals.

McGinnis described the point where the defendant had reached the car. McGinnis described that the defendant had the gun in a low ready position. Meaning that he had the gun raised but pointed downward. The butt of the gun would have been at an angle downwards from the shoulder. McGinnis stated that the defendant brought the gun up. McGinnis stated that he stepped back and

he thinks the defendant fired 3 rounds in rapid succession. McGinnis said when the first round went off, he thought it hit the pavement. McGinnis felt something on his leg and his first thought was wondering whether he had gotten shot. McGinnis was behind and slightly to the right of Rosenbaum, in the line of fire, when the defendant shot.

McGinnis stated that the first round went into the ground and when the second shot went off, the defendant actually had the gun aimed at Rosenbaum. McGinnis stated he did not hear the two exchange any words. McGinnis said that the unarmed guy (Rosenbaum) was trying to get the defendant's gun. McGinnis demonstrated by extending both of his hands in a quick grabbing motion and did that as a visual on how Rosenbaum tried to reach for the defendant's gun. Detective Cepress indicates that he asked McGinnis if Rosenbaum had his hands on the gun when the defendant shot. McGinnis said that he definitely made a motion that he was trying to grab the barrel of the gun. McGinnis stated that the defendant pulled it away and then raised it. McGinnis stated that right as they came together, the defendant fired. McGinnis said that when Rosenbaum was shot, he had leaned in (towards the defendant).

McGinnis stated that after the defendant shot he ran back towards the hospital towards the middle of the road. McGinnis stayed and turned his attention to Rosenbaum. McGinnis stated that he then heard other shots really soon after.

The third video that your complainant reviewed shows the defendant running northbound on Sheridan Road after he had shot Rosenbaum. The street and the sidewalk are full of people. A group of several people begin running northbound on Sheridan Road behind the defendant. A person can be heard yelling what sounds like, "Beat him up!" Another person can be heard yelling what sounds like, "Hey, he shot him!" Your complainant reviewed a fourth video that showed a different angle of the defendant running northbound. In this video a person can be heard yelling, "Get him! Get that dude!" Then a male in a light-colored top runs towards the defendant and appears to swing at the defendant with his right arm. This swing makes contact with the defendant, knocking his hat off. The defendant continues to run northbound. On the video a male can be heard saying something to the effect of, "What'd he do?" Another male can be heard responding something to the effect of, "Just shot someone." Then a male can be heard yelling, "Get his ass!" The defendant then trips and falls to the ground.

As the defendant is on the ground, an unidentified male wearing a dark-colored top and light-colored pants jumps at and over the defendant. Based on the sounds of gunshots on the video and the positioning of the defendant's gun, it appears that he fires two shots in quick succession at this person. It appears that that person was not hit as he then runs away from the defendant. A second person who was later identified as Anthony Huber approaches the defendant who is still on the ground, on his back. Huber has a skateboard in his right hand. When Huber reaches the defendant it appears that he is reaching for the defendant's gun with his left hand as the skateboard makes contact with the defendant's left shoulder. Huber appears to be trying to pull the gun away from the defendant. The defendant rolls towards his left side and as Huber appears to be trying to grab the gun the gun is pointed at Huber's body. The defendant then fires one round which can be heard on the video. Huber staggers away, taking several steps, then collapses to the ground. Huber subsequently died from this gunshot wound.

After shooting Huber, the defendant moves to a seated position and points his gun at a third male, later identified as Gaige Grosskreutz, who had begun to approach the defendant. When the defendant shot Huber, Grosskreutz freezes and ducks and takes a step back. Grosskreutz puts

his hands in the air. Grosskreutz then moves towards the defendant who aims his gun at Grosskreutz and shoots him, firing 1 shot. Grosskreutz was shot in the right arm. Grosskreutz appears to be holding a handgun in his right hand when he was shot. Grosskreutz then runs southbound away from the defendant screaming for a medic and the defendant gets up and starts walking northbound. The defendant turns around facing southbound while walking backwards northbound with his firearm in a ready position, pointed towards the people in the roadway.

Dr. Kelley of the Milwaukee Medical Examiner's Office conducted an autopsy on Joseph Rosenbaum. Dr. Kelley indicated that Rosenbaum had a gunshot wound to the right groin which fractured his pelvis, a gunshot wound to the back which perforated his right lung and liver, a gunshot wound to the left hand, a superficial gunshot wound to his lateral left thigh, and a graze gunshot wound to the right side of his forehead.

Dr. Kelley also conducted an autopsy on Anthony Huber. Dr. Kelley indicated that Huber had a gunshot wound to his chest that perforated his heart, aorta, pulmonary artery, and right lung.

Detective Antaramian spoke with Dominic Black on August 26, 2020. Dominic stated that he received a phone call from his friend Kyle Rittenhouse, the defendant, at 11:46 pm in which the defendant stated that he shot someone. Detective Antaramian saw the defendant in person at the Antioch, IL Police Department and identified the defendant as the shooter in the various videos.

Your complainant is an attorney with the Kenosha County District Attorney's Office, who bases her knowledge of this complaint on:

- Statements given to your complainant by Sgt. Melichar, Detective Howard, Detective Cepsess, and Detective Antaramian of the Kenosha Police Department;
- Statements from Dr. Kelley of the Milwaukee Medical Examiner's Office;
- Review by law enforcement and by your complainant of the aforementioned videos;
- Statements by citizen informant(s) Richard McGinnis and Dominic Black; who are eyewitnesses to the facts they relate;
- Statements by the defendant, which were made contrary to his penal interests;
- The official records of: The Circuit Court for Kenosha County; The Department of Transportation; The FBI Triple I Teletype; The Wisconsin Circuit Court Automated Program, which records are maintained in the normal course of business duties.

Subscribed and sworn to before me on 08/27/20

Electronically Signed By:

Angelina Gabriele

Deputy District Attorney

State Bar #: 1025039

Electronically Signed By:

Carli McNeill

Complainant