

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

STATE OF Wisconsin **CRIMINAL COMPLAINT**
 Plaintiff,

vs.

DA Case #: 2018KN003329

CHRYSTUL D. KIZER
5757 North 32nd Street
Milwaukee, WI 53401
DOB: 07/02/2000
Sex/Race: F/B
Eye Color: Brown
Hair Color: Black
Height: 5 ft 3 in
Weight: 104 lbs
Alias:

Agency Case #: kpd1830210

Defendant.

For Official Use

The undersigned, being first duly sworn, states that:

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

The above-named defendant on or about Tuesday, June 5, 2018, in the City of Kenosha, Kenosha County, Wisconsin, did cause the death of Randall P. Volar III, 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 2: OPERATING A MOTOR VEHICLE WITHOUT OWNER'S CONSENT

The above-named defendant on or about Tuesday, June 5, 2018, in the City of Kenosha, Kenosha County, Wisconsin, did intentionally take and drive a vehicle, a BMW, without the consent of the owner, Randall P. Volar III, contrary to sec. 943.23(2), 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 3: ARSON OF BUILDING

The above-named defendant on or about Tuesday, June 5, 2018, in the City of Kenosha, Kenosha County, Wisconsin, by means of fire, did intentionally damage the building of Randall P. Volar III, without that person's consent, contrary to sec. 943.02(1)(a), 939.50(3)(c) 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.

Count 4: FELONY BAIL JUMPING

The above-named defendant on or about Tuesday, June 5, 2018, in the City of Kenosha, Kenosha County, Wisconsin, having been charged with a felony in Milwaukee County Case 17CF3948 and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of her bond, specifically by committing an additional crime, contrary to sec. 946.49(1)(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: POSSESSION OF A FIREARM BY A FELON

The above-named defendant on or about Tuesday, June 5, 2018, in the City of Kenosha, Kenosha County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(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.

PROBABLE CAUSE:

Your complainant believes the defendant to be on felony bond on June 4, 2018 and June 5, 2018 in Milwaukee County Circuit Court Case No. 17-CF-3948 based on a review of the Wisconsin Circuit Court Access (CCAP) minutes in the above-mentioned case. CCAP reports that the defendant, Chrystal D. Kizer, was charged with Operating a Vehicle and Fleeing and Eluding an Officer, a Class I felony, and had an Initial Appearance on August 28, 2017. CCAP minutes indicate that Commissioner Barry Phillips set a cash bond of \$750 on August 28, 2017, and that bond was modified to \$400 on September 14, 2017. CCAP court minutes further indicate that the defendant posted the \$400 cash on October 17, 2017, signing bond conditions, which included that the defendant commit no further criminal acts.

Circuit Court minutes in Milwaukee Case No. 17-CF-3948 indicate the defendant had a Plea Hearing set for June 4, 2018, that the defendant appeared for and the defendant pled guilty to the felony charge of Fleeing an Officer and Sentencing was scheduled for June 27, 2018. The defendant additionally had a non-appearance at a prior scheduled Plea Hearing set for May 22, 2018, which had resulted in a stayed Bench Warrant, which was cancelled at the June 4, 2018 hearing. The bond condition that the defendant commit no further criminal acts was in full force and effect on June 4 and June 5, 2018.

Detective Chad Buchanan of the Kenosha Police Department indicates that on June 5, 2018, at about 5:30 a.m., he was dispatched to the area of 7732 14th Avenue in the City and County of Kenosha, State of Wisconsin, for a house fire in which a deceased subject was found inside. Detective Buchanan indicated he got to the residence and saw that it was a single story house, where a body was found slumped in a chair in the living room area. The body was later identified by physical characteristics as that of Randall P. Volar, DOB: 10/10/83. Detective Buchanan indicated that it became apparent through a canvas of the neighborhood that Mr. Volar's BMW automobile, which was typically parked in the driveway, was now missing from the residence. Detective Buchanan described the body as badly charred and unrecognizable based on damage by fire.

Detective Buchanan indicated that the Kenosha County Medical Examiner's Office examined the body identified as Mr. Volar and found that several digits were missing from one of the hands and

one leg was significantly shorter than the other, and both feet were missing toes. The Medical Examiner's Office indicated that these physical defects were consistent with physical defects Mr. Volar had had since birth.

Detective Daniel Wienke of the Kenosha Police Department indicated he examined some of the banking records of Mr. Volar and found that his account had debits from Uber that were traced to trips to and from Milwaukee on June 4, 2018. Detective Buchanan indicated he reviewed a subpoena for Uber regarding the rides paid for by the bank card of Mr. Volar and found a trip Milwaukee which began at 8:42 p.m. and ended in Kenosha at 9:43 a.m. Detective Buchanan noted that that Uber trip began at 5726 N 32nd Street in Milwaukee and ended at 1492 78th Street in Kenosha. Detective Buchanan noted that address does not exist, but was in very close proximity to the deceased's home.

Detective Buchanan indicated that on June 6, 2018, Mr. Volar's BMW vehicle was recovered by the Milwaukee Police Department at 5:40 a.m. at the intersection of 6th and West Canal Street by Harley Davidson in Milwaukee. Officer Griffey of the Kenosha Police Department responded to that location and took control of the vehicle at that time.

Detective Buchanan indicated he and Criminalist Thorne searched Mr. Volar's BMW vehicle after it was recovered by the Milwaukee Police Department and did find a receipt inside the vehicle indicating a transaction at a Milwaukee area Family Dollar on June 5, 2018 at 5:40 p.m. Officer Morton of the Kenosha Police Department was able to obtain video from that store and obtained still photos of three male juveniles and one female juvenile, who appeared to be purchasing items and whose empty containers were also found in the BMW at the time of recovery. Also found in the vehicle was a silver Samsung cellular phone, which additionally Officer Morton explored and found it had photos of the same subjects who had been in the Family Dollar and who appeared to be taking selfies inside Mr. Volar's BMW. Officer Morton noted that the data tags on these photos were all taken after Mr. Volar's body had already been discovered.

The Fusion Center at the Milwaukee Police Department was able to identify two of the persons within the Family Dollar and abandoned cell phone photos as Milwaukee area juveniles J.C. (DOB: 04/30/02) and J.H. (DOB: 12/10/01).

Detective Buchanan of the Kenosha Police Department indicated that June 8, 2018, he participated in an interview of J.C., who indicated that he had been in the BMW in question and had found it abandoned in the Milwaukee area and had taken control of the vehicle with his friends. J.C. disclosed he had a sister named Chrystul Kizer, the defendant, who lived near 35th Street and Spring in Milwaukee. Detective Buchanan noted that the address he provided was just a few houses down from where the Uber ride on June 4, 2018 had originated in Milwaukee that had proceeded to a location very near Mr. Volar's home just before 10:00 p.m.

Sergeant Matthew Strelow of the Kenosha Police Department indicated that the autopsy conducted by the Milwaukee Medical Examiner's Office. Dr. Jessica Lelinsky, Assistant Medical Examiner in the Milwaukee Medical Examiner's Office, indicated that she conducted an autopsy on the body believed to be Randall Volar on June 6, 2018. The findings of Dr. Lelinsky indicated that there were two penetrating gunshot wounds to the head of Mr. Volar. Dr. Lelinsky indicated that these were the cause of death and that the body of Mr. Volar did not appear to have breathed in any heat, soot or other fire contaminants indicating the likelihood that Mr. Volar was deceased before the fire began.

Detective Buchanan indicated he obtained a booking photo of defendant Chrystul Kizer and formed a personal opinion it matched a selfie on a Facebook page that was attributed to the defendant per this investigation. The Facebook page appeared to have a selfie taken in front of a set of black curtains and with other items, which Detective Buchanan could identify as items seen at the Volar home when he went there after the fire on June 5, 2018. The selfie was posted on the defendant's Facebook page on June 5, 2018, at 12:08 a.m., less than 5 hours before the fire was reported.

Detective Lorn Anschutz of the Kenosha Police Department indicated that he monitored defendant Chrystul Kizer's Facebook page and noted that on June 8, 2018, the defendant posted a live video on her page in which the defendant herself displayed what appeared to be a handgun and pistol ammunition. Detective Anschutz heard the defendant making reference to giving her brother the BMW and stating she wasn't afraid to kill again, and making references to a rich white individual. Detective Anschutz indicated that the defendant's Facebook page had also shared an article about the fire at Mr. Volar's home.

Detective Buchanan indicated that on June 9, 2018, at about 11:50 a.m., the defendant was arrested at the home of a person who described himself as her boyfriend, Delanie Nelson, located at 5757 N 32nd Street in Milwaukee. Located at the residence was a Hi-Point 9mm pistol, one live round of .380 brand ammunition, a Lenovo Yoga laptop, as well as the cell phones of both of these two individuals.

Delanie Nelson gave a written statement to Detective Jason Kenesie regarding this incident. Nelson indicated that the defendant was his girlfriend and that he had previously purchased for her a .380 pistol, as well as ammo for the gun. Nelson indicated that on June 1st, he took the defendant outside of the house and showed her how to shoot the gun and videotaped her shooting the gun because she asked him to show her how to shoot it. Nelson indicated that the defendant had previously told him there was a 60 year old male at her grandmother's house who was always touching on her. The defendant indicated that the dude was touching her on her leg. The defendant indicated her grandmother wouldn't do anything about it. The defendant stated she was sick of him touching her.

Nelson indicated on June 4, 2018, he got in an argument with the defendant at her house and she told him she was going to leave for Kenosha. Nelson believed that the defendant's grandmother lives in Kenosha. Nelson indicated he knew the defendant brought the .380 pistol with her to Kenosha on this night and that she again mentioned she was tired of the dude touching on her. Nelson indicated the defendant told him that she was going to shoot him. Nelson indicated he watched the defendant put the .380 in her black book bag and that this was uncommon as she usually did not take the pistol with her. Nelson indicated the defendant also said she was going to take an Uber to Kenosha and the defendant claimed that her grandmother had paid for Uber.

Nelson indicated he went to bed that night and woke up at 9:00 a.m. the next morning, which was Tuesday morning June 5, 2018, with the defendant standing over him. Nelson indicated the defendant had the gun in her hand and stated she had shot the "white dude". Nelson indicated he knew who she was talking about because she had previously talked about the "white dude" living in Kenosha. Nelson indicated the defendant told him that she was at his house in Kenosha and that the dude was touching on her and so she shot him in the head. Nelson indicated that the defendant told him that she shot him once and that she got paranoid and then set the house on

fire. Nelson indicated the defendant then said she took the BMW that was at the house. Nelson indicated that the defendant had also come back with a computer and a couple of hundred dollars in \$20's that she had with her. The defendant claimed she got the money from her grandmother. Nelson indicated that the defendant stated she was going to give the car to her brother. Nelson stated that he accompanied the defendant as she turned over the car to her brother and that the defendant and he then left from the area where her brother took the car by taking a bus.

Nelson indicated that the defendant got rid of the gun, but that he purchased another gun, a 9mm Hi Point pistol on June 7, 2018. Nelson further indicated on June 8, 2018, he was at home with the defendant when she started to use Facebook live. Nelson indicated he overheard the defendant start talking about herself shooting the "white dude". Nelson indicated he interrupted her and told her not to say anything about it and she stopped talking about the incident.

Detective Joshua Zeller of the Kenosha Police Department indicates that on June 9, 2018, he and Detective Buchanan interviewed the defendant regarding this incident. Detective Zeller indicated that the defendant initially advised she had never been to Kenosha and knew nothing about the BMW. Detective Zeller indicated the defendant was confronted with pictures of herself at a hotel in Milwaukee, and ultimately, the defendant identified a picture of Mr. Volar. The defendant indicated that he had helped her with money and places to stay.

Detective Zeller indicated that they told the defendant that they were going to check records of her cell phone activity to see if she had ever showed up in Kenosha in the past week and that the defendant then said that she had lent her phone to a friend Tay-Tay, who might have gone to Kenosha. Detective Zeller indicated he then confronted the defendant with the possibility that her DNA or prints might be found inside the BMW that she claimed she had never had anything to do with. The defendant then admitted she was inside the BMW because her brother was in possession of it.

Detective Zeller indicated that the defendant later admitted that she was in Kenosha and at Mr. Volar's residence. The defendant explained that she took an Uber to the residence on June 4, 2018, and that Mr. Volar was already drinking and also ordered a pizza. The defendant then stated another female she identified as Tay-Tay had showed up and that the defendant blacked out and woke up to Tay-Tay shooting Mr. Volar; at which point, Tay-Tay told her to go outside and that the two of them got in the BMW and drove away.

Detective Zeller indicated he then confronted the defendant that fact that a .380 caliber unspent round was found in her residence during the search warrant and that a casing had also been found in the burned down residence of Mr. Volar. Detective Zeller indicated the defendant then explained that her boyfriend Delanie had gotten her a gun to protect herself. Detective Zeller indicated he asked the defendant whether she was the one who shot Mr. Volar and whether she was in fact alone with Mr. Volar inside the residence. Detective Zeller indicate the defendant admitted that there had been no Tay-Tay in the residence, and that in fact, she had gotten upset and she was tired of Mr. Volar touching her. The defendant now stated that she got a gun from her purse and pointed the gun at Mr. Volar and made him take a seat near his computer. Detective Zeller indicated that the defendant stated she told Mr. Volar that she was "going to do it". The defendant then stated to Detective Zeller that she pulled the trigger and Mr. Volar's eyes then closed. Detective Zeller indicated that during the defendant's explanation of this incident she was crying.

Detective Zeller indicated that he then asked about the fire that had been started and Detective Zeller indicated that the defendant lifted her head, stopped crying and almost appeared to be smiling when she advised that she was thinking of what to do. The defendant stated she watches the show Criminal Minds and she decided to make a fire. The defendant stated she cleaned up after herself and put her dishes in the dishwasher and then poured a red liquor everywhere, grabbed tissues and toilet paper and started a fire. The defendant also admitted to leaving the house out of a window rather than the front door and to not knowing whether the defendant was alive at the time she set the fire and left him there.

Detective Zeller indicated the defendant then stated she took Mr. Volar's BMW and also took Mr. Volar's laptop, which she claimed the defendant had just given her. The defendant explained to Detective Zeller that a tote was in her way and so she could not leave without being blocked and she believed that Mr. Volar might jump out at her so she shot him.

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

- The official law enforcement agency reports of the Kenosha Police Department prepared by Detective Chad Buchanan, Detective Daniel Wienke, Criminalist Todd Thorne, Sergeant Strelow, Detective Lorn Anschutz, Detective Jason Kenesie, and Detective Joshua Zeller, which reports were prepared in the normal course of law enforcement duties;
- Statements by citizen informant(s) J.C. (DOB: 04/30/02) and Delanie Nelson; who are eyewitnesses to the facts they relate;
- Statements by the defendant, which were made contrary to her 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.

MDG:ed

Subscribed and sworn to before me on 06/13/18	Electronically Signed By:
Electronically Signed By:	Michael Graveley
Jason R Zapf	Complainant
Assistant District Attorney	
State Bar #: 1088718	