

FILED
05-29-2024
Clerk of Courts
Fond du Lac County WI
2024CF000463

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

<p>STATE OF WISCONSIN Plaintiff,</p> <p>vs.</p> <p>ELIA ANTONIO 20 Robin Dr N Fond Du Lac, WI 54937 DOB: 07/24/1990 Sex/Race: F/H Alias: Defendant.</p>	<p>DA Case No.: 2024FL001734 Assigned DA/ADA: Eric J. Toney Agency Case No.: 24-3393 Court Case No.: ATN: 20002405190036</p> <p style="text-align: center;">CRIMINAL COMPLAINT</p>	<p><i>For Official Use</i></p>
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The undersigned law enforcement officer, of the Fond du Lac Sheriff's Office, being first duly sworn, states that:

Count 1: TRAFFICKING OF A CHILD

The above-named defendant on or about Saturday, May 18, 2024, in the Town of Oakfield, Fond du Lac County, Wisconsin, did knowingly attempt to provide or transport a child for the purpose of commercial sex act, contrary to sec. 948.051(1), 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 2: FAILURE TO PROTECT A CHILD

The above-named defendant on or about Saturday, May 18, 2024, in the Town of Oakfield, Fond du Lac County, Wisconsin, as a person responsible for the welfare of a child under the age of sixteen, Victim 1, DOB March 2012, with knowledge that a person intended to have sexual contact with said child, did fail to take action to prevent the sexual contact and created an unreasonable risk of the sexual contact occurring, contrary to sec. 948.02(3), 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: MISDEMEANOR BAIL JUMPING

The above-named defendant on or about Saturday, May 18, 2024, in the Town of Oakfield, Fond du Lac County, Wisconsin, having been charged with a misdemeanor and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of her bond, contrary to sec. 946.49(1)(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.

Count 4: MISDEMEANOR BAIL JUMPING

The above-named defendant on or about Saturday, May 18, 2024, in the Town of Oakfield, Fond du Lac County, Wisconsin, having been charged with a misdemeanor and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of her bond, contrary to sec. 946.49(1)(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:

- 1) Complainant reports that Deputy Kaufman reports on May 19, 2024, he was dispatched to a residence on Breakneck Rd., in the Town of Oakfield, Fond du Lac County, Wisconsin. At that location, Deputy Kaufman spoke to Victim 1, who was born in March 2012.

- 2) Investigators learned from Victim 1 that Elia Antonio and Juan Carlos Rocha Mejia were involved in an incident on May 18, 2024 leading to Juan having sexual contact over Victim 1's clothing. Investigators learned that Elia is Victim 1's mother and Juan is Elia's boyfriend. Investigators learned that ELIA and JUAN are both illegally in the United States and ICE has placed a detainer on them.
- 3) Victim 1 told Deputy Kaufman that while at home, which is located on Cardinal Ct., in the Village of North Fond du Lac, Fond du Lac County, Wisconsin, ELIA ANTONIO had told her to get into the van which she then did. Victim 1 told Deputy Kaufman that ELIA did not explain why she wanted her to get into the van or where they were going. However, during a forensic interview that was conducted with Victim 1 on May 28, 2024, Victim 1 stated that ELIA told her that ELIA was pregnant and needed to go to the hospital. VICTIM 1 stated ELIA then began driving. During this time, VICTIM 1 ended up falling asleep at some point and woke up when they arrived at JUAN'S place in which ELIA went inside of JUAN'S residence and JUAN took possession of the vehicle, which VICTIM 1 was still in. Victim 1 did not know JUAN's last name but knew he was ELIA's boyfriend. VICTIM 1 said JUAN began driving the vehicle and she again fell asleep in the back of the vehicle.
- 4) At the forensic interview that was conducted with Victim 1 on 5/28/24, Victim 1 provided some additional details regarding the incident. Victim 1 stated before the incident her ELIA had come home. Victim 1 believed ELIA had been at JUAN's residence. Victim 1 stated that when ELIA came home she told Victim 1 that Victim 1 needed to go to the hospital with ELIA because ELIA was pregnant. ELIA told Victim 1 to go take a shower and to wear something nice. Victim 1 ended up putting on a t-shirt and shorts. ELIA told Victim 1 to change into something nice and Victim 1 told her no. Victim 1 also stated that her little sister asked to go to the hospital with them and ELIA said no.
- 5) Victim 1 also stated that when they were in the car, she initially sat in the front and ELIA told her to sit all the way in the back and that that there were sweatshirts and blankets back there. Victim 1 also stated that she had a phone and ELIA told her to hide the phone but she did not know where to so ELIA hid it. Victim 1 said she did not know why she had to hide the phone and was confused. Victim 1 stated before the phone was hidden she saw that ELIA had been texting someone and was messaging JUAN on What's App.
- 6) Victim 1 also stated that after JUAN had gotten in the vehicle and was driving it that JUAN had called ELIA and told her that the van barely had any gas. Investigators learned during their investigation that Juan is over 18 years of age.
- 7) VICTIM 1 stated when they got to the location, JUAN made his way to from the front of the van by crawling through the van from the driver's seat to the back seats where she was. JUAN then attempted to blindfold her. Victim 1 stated that he tried to blindfold her multiple times but she was able to put her hands in the way to prevent being blindfolded.
- 8) Victim 1 said that Juan taped her left hand to the seat of the van and also tried to tape her other hand. Victim 1 continued to fight Juan off so he wasn't able to tape her other hand. Victim 1 was unsure where the tape came from but figured Juan had brought it from his house because she didn't remember tape being inside of the van.
- 9) VICTIM 1 stated she continued pushing JUAN away and kicking and scratching at him. VICTIM 1 stated she was kicking him in the stomach area and below and was scratching at his arms. VICTIM 1 also stated she was screaming at JUAN telling him to stop touching her. VICTIM 1 referred to JUAN "touching her lower parts." VICTIM 1 confirmed that none of her clothing was removed during this and there was no penetration from JUAN. As VICTIM 1 continued attempting to fight off JUAN, he then grabbed her arms tightly causing her pain.
- 10) During the forensic interview of Victim 1 on May 28, 2024, Victim 1 confirmed that JUAN touched and was rubbing her vaginal area with his hands outside of her clothing.
- 11) VICTIM 1 also stated she was kicking at him and during this time, he then tried taping her other hand and as she continued to kick at him, he then attempted to tape her legs, but she was able to get her other

hand free by pulling on the tape very hard. Once she got her hand free, VICTIM 1 stated she began fighting him some more.

- 12) VICTIM 1 stated she then fell onto the ground and JUAN tried to rape her and make her faint by using a shirt to cover her nose and her mouth. VICTIM 1 stated it made it more difficult for her to breathe, but she was still able to breath. At the forensic interview on 5/28/2024, Victim 1 stated she felt like she had little air so she started controlling her breathing like she was taught when she played sports.
- 13) While JUAN was holding the shirt by her nose and mouth, VICTIM 1 was able to open her mouth and she began to bite JUAN'S hand really hard in which she stated his hand then hurt. VICTIM 1 stated JUAN was then on her and she couldn't breathe. VICTIM 1 stated she managed to crawl towards the door and press the button which opens the door. VICTIM 1 stated she almost fell out of the van and JUAN then attempted to push her back in. VICTIM 1 was able to get away from JUAN at this time and began running away from the van.
- 14) VICTIM 1 then stated JUAN began telling her to get back to the van and he was going to drive her back home. VICTIM 1 stated she did not listen to JUAN and continued to run towards the house. VICTIM 1 stated JUAN then got back into the van and began driving and began getting close to her and she again began running fast towards the house. VICTIM 1 stated she was able to get to the house before JUAN could get to her and then she knocked on the door and homeowner came and opened the door. VICTIM 1 stated JUAN was still in the van at this time and then drove off.
- 15) At the forensic interview that was conducted with Victim 1 on 5/28/24 Victim 1 also stated that when she ran from the van that she had fallen and scraped her leg on a rock. Victim 1 stated that she was scared when she was running because she was scared that JUAN would get her.
- 16) Complainant further reports that Sergeant Handschke reports on May 19, 2024, he also spoke to Victim 1 regarding where the incident took place. Victim 1 pointed west of the residence on Breakneck Rd and stated it happened over there. She believed it was by the field near the barn. During the forensic interview, Victim 1 also talked about there being a pond near the location. It was determined that the incident happened near the residence that she ran to on Breakneck Rd.
- 17) Sergeant Handschke attempted to locate the exact location where the male suspect may have parked the van in to sexually assault Victim 1. Based off Victim 1's statements, it's believed that the vehicle pulled into a farm access road just to the west of W8353 Breakneck and right across the road from W8358 Breakneck Road, which is a quarry access road. Sergeant Handschke was able to observe tire marks leaving this farm access road that looked fresh and was caused from mud on the tires.
- 18) These tire tracks leaving the farm access road going to the west on Breakneck road and faded away. There were also tire marks from mud leaving the quarry access road at W8358 Breakneck Road. These tire marks go west on Breakneck, cross the center line and appears to pull over on the north shoulder just east of W8353 Breakneck. This would be consistent with a witness statement's for how he saw the van drive.
- 19) Complainant further reports that Det. Rehfeldt reports on 5/19/24, he spoke to ELIA ANTONIO. ELIA identified JUAN as JUAN CARLOS ROCHA-MEJIA. ELIA advised that JUAN has a lot of money. ELIA advised that he is one of the "main ones" in Fond du Lac. ELIA advised that JUAN has a drone that follows her everywhere. ELIA advised that her record was clean until she met JUAN. ELIA advised that JUAN has a lot of people that work for him. ELIA advised, "I got to do whatever he tells me to do, obey him, because he told me I don't have a life anymore".
- 20) ELIA advised that JUAN told her not to go to court in Juneau (Dodge County). ELIA advised JUAN told her, "He told me if you go to court, I know that you're going to open up your mouth and you better not go to court in Juneau because if you go there, I'll lock you up, because I am the law they work for me". ELIA advised that JUAN told her she was going to end up in acid or you won't see your kids anymore. ELIA advised that JUAN told her she didn't have a choice. ELIA advised that she has to do whatever he says or she gets in trouble.

- 21) ELIA was asked what did JUAN tell you to do last night. ELIA advised, "He's been trying to buy my daughter from me, buy like money, probably rape her you know like sell her to different people you know and stuff like that". ELIA advised that last time JUAN told her, "I want to offer you a deal, your daughter, your daughter, just like Victim 1, Victim 1".
- 22) ELIA advised she told JUAN, "What's wrong with my daughter, I don't sell my daughter, I don't sell my daughter for that, I'm not that type of mother". ELIA said JUAN told her, "Whether you want to or not your going to do and stuff like that". ELIA advised that last time JUAN said that to her she talked to the North Fond du Lac Police Department. Investigators reviewed a North Fond du Lac Police report involving Elia and found no mention by Elia or anyone about Juan attempting to buy her daughter or anything related to that.
- 23) ELIA advised that JUAN knew that she talked to the police about that. ELIA advised that she didn't accept that JUAN told her that he wanted to buy her daughter to rape her. ELIA advised that JUAN tried to kidnap her but they couldn't. ELIA advised that JUAN locked her up for two weeks after that. ELIA advised that JUAN buys people with money. ELIA advised that JUAN has cops that work for him. ELIA advised that JUAN told her he knows if she talks to the police, because he has control of everything.
- 24) ELIA advised that yesterday 5/18/2024 JUAN told her, "I want your daughter, whether you want to or not and if you don't accept the money, your daughter will be kidnapped or she will not be here anymore you got to accept it, you want it or not". ELIA advised JUAN, "Well I'm not selling my daughter". ELIA advised JUAN told her to go home and talk to her daughter. ELIA advised JUAN told her she better listen if she wants to be alive. ELIA advised that JUAN told her, "You got to bring her here by 10:30pm and you better put her to sleep and stuff like that". JUAN told her that ELIA was going to stay here in my room and people will be watching you outside. ELIA advised that JUAN told her, "We will give you the money like we bought her". ELIA advised that, that is why she has money. ELIA advised, "I couldn't do it I took my time, I drive to the gas station and bought my daughter a juice, I didn't know what to do."
- 25) ELIA advised, "I have another phone, he doesn't know about my other phone, I've been hiding it, I've been hiding it". ELIA advised, that she told her daughter that, she will know the right time to open her mouth because you know what's going on. ELIA advised she told VICTIM 1, "You just got to act that you're asleep". ELIA advised that she hid a phone in the vehicle. ELIA advised that she made a call using the WhatsApp on the other phone. ELIA advised that she was hearing where JUAN was going. ELIA advised that she was taking captures on her phone to see where JUAN was going. ELIA advised that she could hear everything that was happening to her daughter. ELIA advised, "She was screaming and then I heard everything". ELIA advised that she went outside to take a walk because she couldn't deal with it.
- 26) ELIA advised that JUAN arrived back at the residence in the vehicle. ELIA advised JUAN told her, "Oh your daughter ran away". ELIA advised she asked JUAN, "What". ELIA advised that JUAN told her, "Your daughter ran away". ELIA advised that she told JUAN, "How could my daughter run away she was in the damn car, why you didn't bring her back to me how she was in the van". ELIA advised that she told JUAN, "Go get her, ask those people that was with you to go find my daughter, to go get my daughter and bring her".
- 27) ELIA was asked how much money did JUAN give you. ELIA advised, "It was like \$250, it's still in the car, I did not even touch it, it's still there". It should be noted that in the center console of the car \$272 dollars in United States currency was located.
- 28) ELIA advised that JUAN told her, "You're going to put your daughter asleep and stuff like that, he told me because last time it didn't work, because last time he gave her drugs and she like got out of control then he took her home". ELIA advised that JUAN told her, "This time it better work, whether or not or we'll tie her up, we'll tie her up, you got to put her to sleep if you don't want her to be tied up and stuff like that". ELIA advised that this conversation occurred in the morning.
- 29) It should be noted that Victim 1 has not disclosed a prior incident where she was drugged or had to fight him in the past.
- 30) ELIA advised that she told VICTIM 1 she was going to the hospital and VICTIM 1 was going to help her out. ELIA advised she told VICTIM 1, "You gonna lay on the back of the seat I told her right and you going

to sleep". ELIA advised that she left the house at 11:37 pm. ELIA advised she kept making stops. ELIA advised that she went to Kwik Trip and VICTIM 1 stayed in the backseat. ELIA said when she left the house she was sitting in the front seat, but then she told her when she stopped by a pond in North Fond du Lac to get in the backseat. ELIA advised she told VICTIM 1, "Just lay there and pretend you're asleep. ELIA advised that she told VICTIM 1 she would put a phone in the car. ELIA described VICTIM 1 as, "It was like, she was kind of scared, she was like feeling and stuff like that". ELIA advised she told VICTIM 1, "We'll go to Kwik trip I'll get you a Kool-Aid, she loves Kool-Aid". ELIA advised that while at Kwik Trip, she gave VICTIM 1 a Kool-Aid. ELIA advised prior to this she had made a call with both of her phones. ELIA advised, "I know that something was going to happen, something bad and stuff like that".

- 31) ELIA was asked where she went after Kwik Trip. ELIA advised that she went to JUAN'S house. ELIA advised that when she got there, JUAN told her to stay at the house. ELIA advised that she had to stay there because JUAN'S people were there. ELIA advised that she had to stay there until JUAN got back. ELIA advised that JUAN left in the van. ELIA was asked if anyone went with JUAN. ELIA said he went by himself, but her daughter was in the back. ELIA advised that the van he took, was the van she was driving earlier. ELIA advised that she was listening when he was picking a person up. ELIA advised she heard music on the radio. ELIA advised that she was checking the map and was taking screenshots. ELIA advised that while she was at the residence, she tried to call JUAN 20 times with JUAN'S mother's phone. ELIA advised that she heard that her daughter was screaming. ELIA advised that she was trying to call JUAN and tell him, "You're not supposed to tie my daughter and stuff like that you know".
- 32) ELIA was asked if she could hear her daughter saying anything else besides hearing her screaming. ELIA put her hands over her face and starting crying. ELIA advised that she heard VICTIM 1 say, "Juan no, no stop". ELIA advised that VICTIM 1 was screaming so hard. ELIA mentioned they. ELIA was asked if she thought there was someone else in the vehicle besides JUAN and VICTIM 1. ELIA advised there were more people in there. ELIA advised that she could hear, "After JUAN was done, here you, here you". ELIA advised that she had a suspicion it was his brother.
- 33) It should be noted that Victim 1 has never stated any other person was in the car during this incident except JUAN.
- 34) ELIA was asked, when you heard your daughter screaming, what was going through her head. ELIA advised, "That they were like raping her, raping her or". ELIA was asked if she was concerned for VICTIM 1's safety. ELIA started to cry and advised, "I was scared and didn't know what to do".
- 35) ELIA was asked to help detectives know the thought process of not calling law enforcement when you heard your daughter screaming. ELIA advised, "Because he threatened me all the time, if I don't accept, what he said, I won't ever see my kids again". ELIA was asked when did the screaming stop. ELIA advised that the screaming stopped after they were done.
- 36) **It should be noted at no point during the incident or when ELIA was trying to find Victim 1 did ELIA call 911.**
- 37) ELIA was asked at that point did she try to call law enforcement. ELIA said no. ELIA was asked at that point, she knew VICTIM 1 was gone, why didn't she call law enforcement at that time. ELIA said, "Because I didn't want to end up in prison, or see my daughter dead, or my kids dead, or me dead".
- 38) Detectives asked ELIA how she thought her daughter felt. ELIA shrugged her shoulders and said, "Scared". Detectives said and she's 12. ELIA said, "I know". ELIA advised, "I thought the police were following the van, because I talked to this old lady before this was going to happen in Lakeside Park, I told this lady to go and talk to the police in North Fond du Lac". DET. REHFELDT explained to ELIA that she didn't say that before. ELIA said, "No I didn't". ELIA advised that when she went to the bathroom when she was at Lakeside Park, she thought that the old lady was an undercover police officer.
- 39) On 5/20/2024 DET. REHFELDT looked at the Fond du Lac County Inmate calling system and observed that ELIA made phone calls to the number she previously listed to JUAN. The Following is phone calls ELIA made from the Fond du Lac County Jail.

5/19/2024 at 2:22pm for15 min.

5/19/2024 at 2:52pm for 6 min.
5/19/2024 at 5:45pm for 2 min.
5/19/2024 at 9:20pm for 15 min.
5/19/2024 at 10:00pm for 1 min.
5/20/2024 at 9:24am for 15 min.

- 40) Deputy Kaufman asked VICTIM 1 if anything like this has happened in the past. VICTIM 1 was able to explain one other time in the past. VICTIM 1 stated an incident occurred at the residence on Cardinal Ct. in Fond du Lac County in December 2023. VICTIM 1 stated ELIA was away helping Victim 1's grandma due to some health issues and JUAN was babysitting at the time.
- 41) VICTIM 1 stated she had told JUAN about a field trip that was coming up and the field trip cost money. VICTIM 1 stated JUAN said he would pay for it, but then asked "what he would get in exchange." VICTIM 1 stated that JUAN then began touching her thigh and moving his hand up higher. VICTIM 1 stated this made her feel very uncomfortable and was able to leave the room at that time. VICTIM 1 stated she happened to be in her mother's bedroom on her mother's bed.
- 42) On 5/20/2024 DEPUTY SALMERON listened to ELIA'S jail phone conversations which were in Spanish. DEPUTY SALMERON translated the phone calls, and determined that ELIA was talking to a Hispanic male. DEPUTY SALMERON determined that ELIA was talking with the male about the incident and blaming someone else. DEPUTY SALMERON determined that she told the Hispanic male to contact her father and keep the children quiet even if questioned at school.
- 43) Furthermore, at the time of this incident, ELIA was out on bail in the following two cases: (1) Dodge County Case number 2023CM000233, where she is charged with Possession of Cocaine and Possession of Drug Paraphernalia, and (2) Fond du Lac County Case number 2024CM000256, where she is charged with Possession of Cocaine, Possession of Drug Paraphernalia, and Misdemeanor Bail Jumping. As part of ELIA's conditions of release on bail in both cases, ELIA had conditions that included not to commit any new crimes.

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

Subscribed and sworn to before me on 05/29/24
Electronically Signed By:
Michael B. Tobin
Assistant District Attorney
State Bar #: 1134235

Electronically Signed By:
Detective Derek Rehfeldt
Complainant