

STATE OF WISCONSIN	CIRCUIT COURT	FOND DU LAC COUNTY
STATE OF WISCONSIN	Plaintiff,	DA Case No.: 2021FL000652 Assigned DA/ADA: Curtis A. Borsheim Agency Case No.: 20-10872 Court Case No.: ATN:
vs.		
ZACKERY J OLSON N53W33492 Terrace Dr Nashotah, WI 53058 DOB: 06/08/1988 Sex/Race: M/W Alias:		<b>CRIMINAL COMPLAINT</b>
Defendant.		<i>For Official Use</i>

The undersigned law enforcement officer, of the Fond du Lac County Sheriff's Department, being first duly sworn, states that:

**Count 1: STALKING - PREVIOUS CONVICTION W/IN 7 YRS, REPEATER**

The above-named defendant between Thursday, December 31, 2020 and Monday, March 1, 2021, in the Town of Lamartine, Fond du Lac County, Wisconsin, did intentionally engage in a course of conduct directed at a specific person to wit: Victim 1 that caused that person and that would cause a reasonable person under the same circumstances to suffer serious emotional distress or to fear bodily injury or death to themselves or to a member of their family or household and where the defendant knew or should have known that at least one of the acts that constituted the course of conduct caused Victim 1 to suffer serious emotional distress or placed Victim 1 in reasonable fear of bodily injury or death to themselves or a member of their family or household and where the defendant's acts caused Victim 1 to suffer serious emotional distress or induced fear in Victim 1 of bodily injury or death to themselves or a member of their family of household. The defendant has a previous conviction for a crime within 7 years of the present violation and the victim of that crime is also the victim of the present violation, contrary to sec. 940.32(2m)(b), 939.50(3)(h), 939.62(1)(b) 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.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

**Count 2: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant on or about Thursday, December 31, 2020, at N5780 NELSON RD, LAMARTINE, in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec. 813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 3: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant on or about Friday, February 5, 2021, in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec. 813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 4: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant between Friday, February 19, 2021 and Thursday, February 25, 2021 in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec. 813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 5: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant between Friday, February 19, 2021 and Thursday, February 25, 2021 in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec. 813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 6: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant between Friday, February 19, 2021 and Thursday, February 25, 2021 in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec. 813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 7: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant on or about Thursday, February 25, 2021, in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec. 813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 8: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant on or about Friday, February 26, 2021, in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec.

813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 9: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant on or about Saturday, February 27, 2021, in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec. 813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 10: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant on or about Sunday, February 28, 2021, in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec. 813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 11: VIOLATION OF INJUNCTION - HARASSMENT, REPEATER**

The above-named defendant on or about Monday, March 1, 2021, in the Town of Lamartine, Fond du Lac County, Wisconsin, did knowingly violate a harassment injunction issued under sec. 813.125(4), contrary to sec. 813.125(4) and (7), 939.62(1)(a) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not more than \$10,000 or imprisoned not more than 9 months or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 12: TELEPHONE HARASSMENT, REPEATER**

The above-named defendant between Friday, February 19, 2021 and Thursday, February 25, 2021 in the Town of Lamartine, Fond du Lac County, Wisconsin, with intent to abuse, did telephone another and suggest a lascivious act, contrary to sec. 947.012(1)(b), 939.51(3)(b), 939.62(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. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

### **Count 13: TELEPHONE HARASSMENT, REPEATER**

The above-named defendant between Friday, February 19, 2021 and Thursday, February 25, 2021 in the Town of Lamartine, Fond du Lac County, Wisconsin, with intent to abuse, did telephone another and suggest a lascivious act, contrary to sec. 947.012(1)(b), 939.51(3)(b), 939.62(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. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of three misdemeanors in the preceding five years, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

### **PROBABLE CAUSE:**

I am a Fond du Lac County Sheriff's deputy and base this complaint upon my review of Fond du Lac Sheriff's Office incident reports whose reports are of the type I have relied upon in the past and found to be truthful and reliable. Said reports state as follows:

On December 31, 2020, at approximately 3:02 pm, Fond du Lac County Sheriff's Deputy Trevor Klemmer was dispatched to an residence in the Town of Lamartine, Fond du Lac County, to speak with Victim 1, about a violation of a restraining order.

Upon arrival, Deputy Klemmer spoke with Victim 1 who stated that while she was at her residence, she received a text message at 1:17 pm from a phone number of 414-367-4195. The text message said: "I politely told your friends to piss off yesterday." Victim 1 explained that on December 24, 2020, while she was in Waukesha County, she received two text messages from the phone number 262-235-2199. The first message said: "Only good bunnies get their stocking stuffed for Christmas (rabbit emoji)" and the second message was just an emoji of a rabbit. As Victim 1 suspected the text messages on December 24, 2020 were from the above named defendant, she contacted the Waukesha County Sheriff's Office, who did respond and speak with the defendant. On December 30, 2020, Victim 1's sister received a text message from 262-235-2199, saying: "you and your sister are such cowards. Quit calling me from fake numbers, quit following me, quit sending people past my house, quit doing shit to get my attention if all you're going to do is play dumb and pretend like you're not doing it. Be real with me or piss off."

Victim 1 thought the "friends" who were told to "piss off" was a reference to the Waukesha County Sheriff's Deputies.

Deputy Klemmer confirmed that Victim 1 had a valid harassment injunction against the defendant. That injunction was valid until December 3, 2025, and ordered the defendant to not communicate with Victim 1 in person, written, or telephonically. Deputy Klemmer called 414-367-4195 and 262-235-2199, only to find that both numbers were disconnected.

Deputy Klemmer followed up with Waukesha County Sheriff's Deputy Daniel Adrian, who was investigating a similar complaint against the defendant. Deputy Adrian said he believed the text messages were being generated from a smartphone app called "Burner." This app allows a sender to transmit text messages and phone calls from a randomly generated phone number that does not return to an actual user.

On February 5, 2021, Deputy Klemmer was contacted by Victim 1, who stated the above named defendant attempted to add her as a friend, via the social media app SnapChat. Victim 1 showed Deputy Klemmer that on that day, at approximately 1:10 pm, Victim 1 saw the SnapChat request from a user named "thezackyoshow." That account was linked to the phone number 262-490-4949, which Victim 1 knew was the defendant's phone number. Deputy Klemmer was also shown that if someone were to add 262-490-4949 to a contact search in SnapChat, the profile "thezackyoshow" would be displayed. As well, the avatar, or cartoon/computer image representing the user, for "thezackyoshow" was a person with a Mohawk haircut. Victim 1 stated the last time she saw Victim 1 in court, he did have a Mohawk haircut.

On February 20, 2021, Deputy Klemmer was contacted by Victim 1 as she had a missed phone call from 262-490-4949. Victim 1 showed Deputy Klemmer a screen shot of her phone, showing that on February 18, 2021, at

7:39 pm, she had a missed call from that phone number. Deputy Klemmer contacted the Waukesha County Sheriff's Department, and confirmed that in-house records showed 262-490-4949 as the defendant's phone number. Deputy Klemmer attempted to contact the defendant, who stated he would rather Deputy Klemmer speak to the defendant's attorney.

On February 25, 2021, Deputy Klemmer met with Victim 1 who stated that at approximately 2:28 pm, she received a phone call from 262-490-0526. When she answered the phone and asked who the caller was, she heard the defendant's voice say "Really? You know who this is." Victim 1 immediately hung up and sent a text message to that number telling him to stop communication and that she was contacting the police.

Victim 1 also found multiple voicemails in her "blocked voicemails." Deputy Klemmer is aware that if someone blocks a phone number, that number will not ring through to the recipient; however, the caller can still leave a voicemail, which will be stored in a "blocked voicemails" folder. Between February 19, 2021 and February 25, 2021, there were 20 voicemails from the phone number 262-490-4949. Of those twenty voicemails, 4 were ended without recording and there were 16 actual voice messages. Victim 1, who has known the defendant for 15 years, confirmed the voice in the voicemails was the defendant's. Deputy Klemmer also noted the voice was similar to that of the person he spoke to a few days earlier.

Of those voicemails, some noted by Deputy Klemmer stated:

- "show up at my front door and come suck this fucking dick, ride this fucking dick, get your pussy fucked, get your titties sucked on"
- "we need to get together"
- "you're not gonna sit pretty behind your bullshit restraining order"
- "your pussy belongs to me"
- Calling Victim 1 a "fuck bunny"
- The defendant telling Victim 1 he knows she's listening to the voicemails and telling her to "stop being a fucking pussy."

In other voicemails, the defendant admitting to calling Victim 1 from spoofed or fake telephone numbers. The defendant admitted to using the phone app "Burner." The defendant told Victim 1 to not force him to go through her sister, who also had a restraining order out on the defendant. The defendant also told Victim 1 that he had not seen much activity at her sister's house and wondered if her sister was on vacation.

The defendant admitted to calling Victim 1 from a spoofed "490" number. On February 25, 2021, the defendant called from the number 262-490-0526 and left a message saying "don't be afraid to call me back."

On March 1, 2021, Deputy Klemmer received multiple e-mails from Victim 1, showing multiple missed calls and voicemails from the defendant. Victim 1 also provided Deputy Klemmer with some of the voicemails that had been left.

The records and voicemails provided by Victim 1 show the following:

Feb 25, 2021 @ 7:41 pm	Missed call from 262-490-0526
Feb 26, 2021 @ 12:04 am	Missed call from 262-490-0526
Feb 26, 2021 @ 12:16 am	9 second voicemail from 262-490-0526
Feb 26, 2021 @ 1:09 pm	20 second voicemail from 262-490-0526
Feb 26, 2021 @ 3:47 pm	3 minute and 1 second voicemail from 262-490-4949
Feb 27, 2021 @ 1:01 pm	21 second voicemail from 262-490-4949
Feb 27, 2021 @ 7:23 pm	2 minute and 27 second voicemail from 262-490-4949
Feb 28, 2021 @ 8:15 am	1 minute and 12 second voicemail from 262-490-4949
Feb 28, 2021 @ 10:01 am	1 minute and 33 second voicemail from 262-490-4949
Feb 28, 2021 @ 10:06 am	1 minute and 20 second voicemail from 262-490-4949
Feb 28, 2021 @ 7:40 pm	1 minute and 7 second voicemail from 262-490-4949
Feb 28, 2021 @ 7:42 pm	1 minute and 13 second voicemail from 262-490-4949
Mar 1, 2021 @ 7:13 am	3 minute and 17 second voicemail from 262-490-4949

Mar 1, 2021 @ 3:46 pm                      4 minute and 19 second voicemail from 262-490-4949  
This list did not include multiple text messages and missed phone calls

In the voicemails, the defendant can be heard commiserating about pushing Victim 1 away, how she has the right to hate the defendant, how he has been a "huge asshole," and that the defendant was not going to leave Victim 1 alone.

Victim 1 explained to Deputy Klemmer the level of fear and apprehension she had because of the defendant. She feared for her safety and the safety of her family.

Given the escalation of contacts and content of what was being said, Deputy Klemmer requested the assistance of the Waukesha County Sheriff's Department in apprehending the defendant, as the defendant lived with his mother in Nashotah. The defendant was successfully taken into custody by members of the Waukesha County Sheriff's Department.

**PREVIOUS CONVICTION/REPEATER:**

The complainant has reviewed the online records kept by the Wisconsin Circuit Court Access (CCAP), National Crime Information Center (NCIC), the Crime Information Bureau (CIB), and internal department records, known to be reliable as they are records kept in the normal course of business, or records maintained by circuit courts or government agencies, which have provided true and reliable information in the past. Those records show that on February 5, 2018, in the Circuit Court of Waukesha County, case number 2017CM1820, the defendant was convicted of three counts of Violate/Harassment Restraining Order, all of which are misdemeanor offenses. Victim 1, in the current case, was the same victim in 2017CM001820.

Said conviction remains on the record and unreversed.

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

Subscribed and sworn to before me on 03/03/21

Electronically Signed By:

Catherine Block

Assistant District Attorney

State Bar #: 1053966

Electronically Signed By:

ryan flood

Complainant