

CRIMINAL COMPLAINT

STATE OF WISCONSIN

DA Case No.:2012ML028976

Plaintiff,

vs.

Complaining Witness:

Sebena, Benjamin

Court Case No.:

Menomonee Falls, WI

DOB: 09/14/1982

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

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

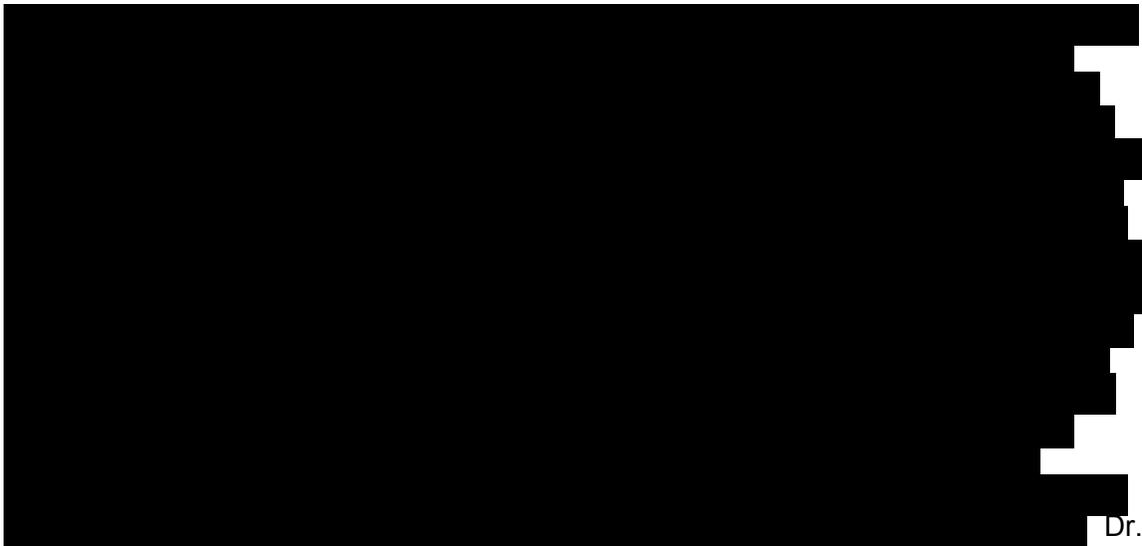
The above-named defendant on or about Monday, December 24, 2012, at 1601 Underwood Avenue, in the City of Wauwatosa, Milwaukee County, Wisconsin, did cause the death of Jennifer Sebena, another human being, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.63(1)(b) Wis. Stats.

Upon conviction for this offense, a Class A Felony, the defendant 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.

The basis for the complainants charge of this offense is upon information and belief upon the reading of official police reports that are deemed to be reliable because they have proved reliable in the past.

- 1.) Complainant alleges that on December 24, 2012 Wauwatosa Police Officer Jennifer Sebena was on duty as a City of Wauwatosa Police Officer. She was summoned while on duty by dispatch at 4:24 a.m. by the Wauwatosa Police Department. She did not respond. Wauwatosa Police Officer Stahl, pursuant to a GPS, checked on the location of Police Officer Sebena's squad car and found that her squad car was located at 1601 Underwood Avenue in the City of Wauwatosa.
- 2.) On arriving at 1601 Underwood Avenue in Wauwatosa at 4:28 a.m. Wauwatosa Police Officer Jennifer Sebena was found laying just outside the back door to 1601 Underwood Avenue, which is the Wauwatosa Fire Station. Police Officer Stahl observed that Police Officer Sabena was shot multiple times in the face, as she laid on the pavement just outside the Wauwatosa Fire Department at 1601 Underwood Avenue in Wauwatosa.
- 3.) [REDACTED]



Dr.
Peterson determined the manner of death to be homicide, and the cause of death was multiple gunshot wounds to the head. This opinion is to a reasonable degree of medical certainty.

- 4.) On December 24, 2012 at approximately 7:15 a.m., WI DOJ-DCI Special Agent David Klabunde was assigned to conduct a scene investigation at 1601 Underwood Avenue, Wauwatosa, WI. SA Klabunde was assisted in this investigation by the Wisconsin Regional Crime Lab Mobile Response Unit (Wausau) as well as the Wisconsin State Patrol TRU (Total Station Response Unit). As a result of that investigation, 4 spent cartridge casings were recovered. One of those spent cartridge casings was a dull finish metal casing containing the markings on the rear of "CCI R 9 x 18 Makarov N." The other 3 casings were Federal brand .40 caliber S & W silver in color, consistent with department ammunition issued by the Wauwatosa Police Department. Officer Sebena's service weapon was taken in the event and was not longer on scene. This service weapon was a .40 caliber gun.
- 5.) While at the scene, SA Klabunde provided the identifying information of the 9 x 18 Makarov spent cartridge casing to WI DOJ Law Enforcement Services Bureau Administrator Brian O'Keefe. Administrator O'Keefe contacted Firearms Examiner Mark Simonson of the Wisconsin Regional Crime Laboratory Milwaukee regarding this type of ammunition. Firearms Examiner Mark Simonson advised that this caliber and type of ammo is rare and is only fired in a few makes of firearms. Firearms Examiner Mark Simonson also advised that this ammunition cannot be fired in a regular 9mm firearm, as the dimensions are different.
- 6.) On December 24, 2012 at approximately 11:55 a.m., Special Agents with the WI DOJ-DCI conducted a consent search of the residence of Benjamin and Jennifer Sebena located at [REDACTED], Menomonee Falls, WI. SA Ray Taylor advised SA Klabunde that they had located two areas in the residence where it appeared that a hole had been punched through drywall by a person's fist. The two areas contained trace blood stains. SA Klabunde was also notified by SA Jeff Hale that officers had recovered a box of ammunition that was Blazer CCI brand 9 x 18 Makarov with cartridges missing from the box. The box of ammunition was contained within a soft Gander Mountain handgun case.
- 7.) On December 24, 2012 at approximately 6:35 a.m., Benjamin G. Sebena, husband of Police Officer Jennifer Sebena, contacted the Wauwatosa Police Department stating that

he wanted to check on his wife's well being. Benjamin Seberna was told that someone would call him back immediately. Sgt. Moldenhauer called Benjamin Seberna at 6:40 a.m. and told him that they needed him to come to the station because Jennifer had been involved in an incident. Benjamin Seberna did not ask any questions as to what had happened. Benjamin Seberna was asked how long he would be and he replied that he just had to get dressed and he would be in to the station in about 10-15 minutes. At approximately 6:56 a.m. Benjamin Seberna came to the Wauwatosa Police Department and participated in an interview with Sgt. David Moldenhauer covering his whereabouts and activities from the previous evening. After about 2-3 minutes, Benjamin Seberna asked about the condition of his wife. Benjamin was told that she had been killed. Benjamin Seberna never asked what had happened to Jennifer Seberna. Sgt. Moldenhauer continued the interview. Benjamin Seberna stated that he keeps a late shift schedule along with Jennifer. Benjamin Seberna stated that Jennifer left for work at 5:15 p.m. on December 23, 2012 and had an overtime shift starting earlier than normal. Benjamin stated that he never left the house until around 10:00 p.m. on December 23, 2012 to go to Best Buy in Menomonee Falls to buy a video game. He stated he came back to his house after buying the video game and never left his house after that until he went to the Wauwatosa Police Department at about 6:30 a.m. on December 24, 2012.

During the interview of Benjamin Seberna he stated that he had been jealous of other men with regards to his wife Jennifer Seberna.

- 8.) On or about December 6, 2012 Police Officer Jennifer Seberna told her fellow Police Officer Burbach that she had been the victim of domestic violence by her husband Benjamin Seberna and that he had put a gun to her head.
- 9.) SA Jeff Hale obtained a search warrant for the residence of Benjamin and Jennifer Seberna located at [REDACTED], Menomonee Falls, WI on December 24, 2012. The search of the residence was then continued subsequent to the search warrant. As a result of that search, agents discovered inside of the soft Gander Mountain handgun case there were papers and documents for a KBI model PA-63 Pistol that fires 9 x 18 Makarov ammunition (consistent with the spent cartridge casing found at the scene of the homicide). The documents included instructions and a warranty card. The search also revealed that a hair trap from the bathtub had been removed and cleaned, and the shower curtain had been removed and stuffed in the garbage located in the garage. Agents also recovered items of dark clothing.
- 10.) On December 24, 2012 after arriving at 6:30 a.m., Detectives from the Wauwatosa Police Department were monitoring Benjamin Seberna while he sat alone in an empty room at the Wauwatosa Police Department. The room contains video recording equipment. A detective heard Benjamin Seberna state to himself words to the effect that she was helping him, "How could I do that to her."
- 11.) At about 6:51 a.m. on December 24, 2012 the victim's spouse, Benjamin G. Seberna W/M 9/14/1982, voluntarily came to the Wauwatosa Police Department, at 1700 N. 116th St in the City of Wauwatosa, Benjamin Seberna drove a 2012 black Toyota Prius, WI plate 49121M to the interview.
- 12.) On December 25, 2012, Wauwatosa Police Department Detectives reviewed Wisconsin Department of Transportation Statewide Traffic Operations Center traffic camera video located at the intersection of N. Hwy 100 and W. Burleigh Street in Wauwatosa and observed what appeared to be a black Toyota Prius with darkened /black tire rims travelling westbound on W. Burleigh Street at approximately 3:45 a.m. on December 24,

2012. At approximately 3:46 a.m. on December 24, 2012, a traffic camera captured this same vehicle traveling northbound on Hwy 45 at W. Burleigh Avenue. This route of travel is consistent with a route that would take Sebens from the location of the homicide back to Sebens's residence at a time consistent with a departure from the scene of the homicide immediately following the shooting.

- 13.) On the morning of December 26, 2012, Wauwatosa Police Department Detective Jeffrey Griffin reviewed surveillance video from the BP gas station located at N71 W13161 Appleton Avenue, Menomonee Falls. The station is located to the east of the victim's and Benjamin Sebens's residence. Detective Griffin observed what appears to be a Toyota Prius darkened/black tire rims travel southeast on Appleton Avenue at approximately 1:35 a.m. on December 24, 2012.
- 14.) Complainant alleges that on December 26, 2012 a search warrant was issued for the residence [REDACTED] in the City of Menomonee Falls, this is the acknowledged residence of Benjamin and Jennifer Sebens. Found hidden in the attic area was Police Officer Jennifer Sebens's .40 caliber service pistol which was missing at the scene of her homicide, and a handgun that fires 9 x 18mm Makarov CCI Blazer bullets, which casing was found at the scene of the homicide.
- 15.) Complainant further alleges that on December 26, 2012 the defendant Benjamin Sebens was readvised of his Miranda rights by Detective Chris Blaszk. Benjamin Sebens stated that he had been stalking his wife for several days. That on December 24, 2012 he laid in wait for her in the area of 1601 Underwood Avenue in the City of Wauwatosa. He waited several hours. On seeing her squad car, he came up and began to shoot her after she emerged from her break in the fire department. He said she moved like she was reaching for her firearm. He then took her gun from her holster. He then shot her in the face with her service weapon three or four times. Benjamin Sebens stated that he wanted to make sure she was dead so she wouldn't suffer.
- 16.) Complainant alleges that the shooting of and causation of death of Jennifer Sebens occurred in the City of Wauwatosa, County of Milwaukee, State of Wisconsin.

****End of Complaint****

Subscribed and sworn to before me and approved for filing this day of December, 2012.

Mark S. Williams
Assistant District Attorney
1017937

Complaining Witness