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STATE OF WISCONSIN CIRCUIT COURT DODGE COUNTY

**FILED
04-17-2025
Clerk of Circuit Court
Dodge County, WI.
2025CF000054**

STATE OF WISCONSIN

Plaintiff,

**AMENDED CRIMINAL
COMPLAINT**

Vs.

Gary Francis Day
502 Eagle St
Cabot, AR 72023
DOB: 11/28/1984

Court Case #: 2025CF000054

Defendant.

The undersigned, being first duly sworn, state that :

Count 1: ABDUCTION OF A CHILD

The above-named defendant Between July 29, 2024 and August 1, 2024, in the City of Beaver Dam, Dodge County, Wisconsin, for an unlawful purpose, did take a child who is not his own by birth or adoption from the child's home, contrary to sec. 948.30(1)(a), 939.50(3)(e) Wis. Stats., a Class E Felony, and upon conviction may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

Count 2: CHILD ENTICEMENT

The above-named defendant Between July 29, 2024 and August 1, 2024, in the City of Beaver Dam, Dodge County, Wisconsin, with intent to expose a sex organ to a child, did cause a child under the age of 18, Victim A, DOB 04/XX/2008, to go into a secluded place, contrary to sec. 948.07(3), 939.50(3)(d) Wis. Stats., a Class D Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

Count 3: ABDUCTION OF A CHILD

The above-named defendant on or about Monday, February 3, 2025, in the City of Beaver Dam, Dodge County, Wisconsin, for an unlawful purpose, did take a child who is not his own by birth or adoption from the child's home, contrary to sec. 948.30(1)(a), 939.50(3)(e) Wis. Stats., a Class E Felony, and upon conviction may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

Count 4: CHILD ENTICEMENT

The above-named defendant on or about Monday, February 3, 2025, in the City of Beaver Dam, Dodge County, Wisconsin, with intent to expose a sex organ to a child, did cause a child under the age of 18, Victim A, DOB 04/XX/2008, to go into a secluded place, contrary to sec. 948.07(3), 939.50(3)(d) Wis. Stats., a Class D Felony, and upon

Probable Cause:

The probable cause is based on the investigative reports of officers and detectives from the City of Beaver Dam Police Department, who your complainant knows to be truthful and reliable.

Excerpted from a report BY SERGEANT JESSE SHILTS (Edited for clarity and compliance with victim's rights)

On Tuesday, December 10, 2024, I, Sgt Shilts, was on duty for the City of Beaver Dam Police Department, Dodge County, Wisconsin. At approximately 7:11 PM, I was made aware of a possible missing juvenile from Beaver Dam. A law enforcement agency in Arkansas advised they were in contact with a 16 year old female who is believed to be missing from Beaver Dam.

The individuals involved were fully identified as **Victim Mother**, **Victim Father**, and **Victim A** (16 years of age). They reside in Beaver Dam, Dodge County, Wisconsin. I made phone contact with Lt. Bernok, of the Austin, Arkansas Police Department in Lonoke County. He explained law enforcement there came into contact with **Victim A** while they were contacting a 40 year old male on probation or parole. He was being investigated for crimes against children. The address she was found at was 113 Austin Oaks Dr, in Austin, Arkansas. From our conversation, it was believed **Victim A** met this male through an online connection and was possibly picked up by him to be taken to Austin, Arkansas.

CONTACT WITH PARENTS

I made contact with **Victim Father** and **Victim Mother** at their residence. They confirmed **Victim A** was their daughter. They explained that they previously had ongoing issues with **Victim A** using various phones and electronic devices to communicate with strangers online. They have had to restrict internet access and seize "burner" phones she somehow accessed. She had been previously sneaking out of the house and continuing this behavior. They once had to try to keep her from leaving and restrain her to get some of these devices from her for her safety. She previously made comments to them that she would make allegations against them for what they were doing, as she complained she was being falsely imprisoned by them. They explained they were just trying to protect her and be parents. They reported that back in July of 2024, she did not return home one night. They contacted the Beaver Dam Police Department to discuss the situation. They explained because she was still around Beaver Dam and at her employer of McDonald's on N Spring St, in Beaver Dam, she was not listed as a missing juvenile. That was the last in person contact they had with her. They advised she never returned home but they stayed in constant phone contact with her. Over the course of the next several months, they were under the impression she was still around Beaver Dam and that she was staying with a friend. They had invited her to family gatherings around Thanksgiving, but she said she was working and could not attend. They found out it was likely she quit her job at McDonald's several months ago. **Victim Mother** last had phone contact with **Victim A** on Sunday, 12/8/2024, around 3:43 PM. **Victim A** sent a text message to **Victim Mother** saying hello and checking in. At that time, they were still under the impression she was staying around the Beaver Dam area.

They were contacted by law enforcement this evening in Arkansas. They were shocked to learn that she was there. There were no arrangements or any knowledge, according to them, of **Victim A** being in Arkansas. **Victim Mother** said she spoke with **Victim A** on the phone on December 10, 2024 and **Victim A** claimed she hitchhiked her way to Arkansas. **Victim Mother** believed **Victim A** was in a position where she would be defending this adult male she had

Excerpted from a report by DETECTIVE KUHNZ, (Edited for clarity and compliance with victim's rights)

On 12/10/2024, I, Detective KuhnZ, became aware that law enforcement in the state of Arkansas, was in contact with Gary F Day M/W 11/28/1984 who was with **Victim A** at his residence. **Victim A** was determined to be from Wisconsin and lived in the City of Beaver Dam. **Victim A** was later interviewed at a local child advocacy center where she reported that she told her parents that she was staying with a friend in Beaver Dam since August of 2024. I later had the opportunity to watch the interview of **Victim A** at a child advocacy center in Arkansas. She indicated that she was staying with someone at work while she "figured out what to do." **Victim A** indicated that she decided she would rather be with Gary Day than up here with her family.

Victim A indicated that she began speaking with Gary Day online in April of 2024. **Victim A** stated that she started speaking with him first. He began telling her that he was going through a divorce and custody battle. **Victim A** described stories that Gary Day would tell her about injuries to his boys while they were in the custody of their mother but they were currently in the custody of his mother. It should be noted that Gary Day was charged with child abuse in the state of Arkansas and was subsequently serving probation for that incident.

Victim A initially indicated that she hitchhiked to Arkansas in August of 2024 and Gary Day picked her up once she arrived in Arkansas.

Victim A indicated that she lived with Gary Day at his house. He worked for "Davies Risk Insurance" and did inspections of properties. **Victim A** stated that Gary Day provided her with food, shelter and clothing. When asked if they were sexually active, **Victim A** stated they were not but they have "kissed." However, **Victim A** previously reported to a police officer or someone that they were sexually active because she didn't know what else to say. **Victim A** stated that they did plan to get married.

When confronted about information that **Victim A** previously disclosed to detectives that he drove to Wisconsin to pick her up, she denied this information. When questioned further, **Victim A** bowed her head down, paused and stated, "I just don't want him to get in trouble and get the idea that he was pressuring me when I actually pursued him."

Victim A went on to state that "he came and got me on the 29th of July and we got here on August 1st." **Victim A** stated that they stayed at a hotel in Madison and "I took him out to Culvers." **Victim A** stated that they stopped in Bloomington at a hotel and then they traveled to Arkansas. **Victim A** stated he lives at 113 Austin Oaks Drive.

Victim A stated that she paid for the gas and hotels for him to come get her because she wanted to leave Beaver Dam and Wisconsin.

Victim A stated that she joked about her age actually being 16 with Gary Day however she was reluctant to provide clear answers pertaining to his knowledge of her age. When asked why he would tell his probation officer that he knew she was 16, **Victim A** again paused for while and went on to explain that "he did know I was 16." **Victim A** stated that he knew "from the get go" which was at the end of April of 2024 when they began communicating online.

Victim A was asked again about when they were sexually active for the first time. She stated that it was "when he got here". **Victim A** stated that they waited until they were in Arkansas to be sexually active because they knew it was illegal in Wisconsin and Illinois. **Victim Father** informed me that **Victim A** was pregnant with Gary Day's child.

On or about 2/1/2025, I was contacted by **Victim Father** who informed me that **Victim A** has been doing well at the house. However, she was on his laptop on the previous evening of 1/31/2025 in a bedroom when his wife walked in. **Victim A** quickly closed the computer screen but did not have a chance to log out of a Google account. They did not confront **Victim A** about this but wished for me to know about a Google Chat conversation that they believe **Victim A** was having with Gary Day.

I met with **Victim Father** and with his consent, I viewed the chat between "**Victim A**" with an email address of frank.s.1.23.18@gmail.com and "Pioneer" with an email address of pioneer12025@gmail.com. "Pioneer" is believed to be Gary Day. The chat began on 1/26/2025 and contained mostly cryptic type conversation. There were numerous missed and connected calls which made the context of the chat difficult to understand. At times, comments such as "I guess we are not friends anymore", "why do you hate me" and "I want nothing to do with you" were made by "Pioneer". At one point, "Pioneer" wrote, "Suicide, you win, goodbye." "Pioneer" also wrote, "no one will care". "You"(referring to **Victim A**) wrote, "I'll care and so will our daughter."

"Pioneer" went on to write, "Im going to ask my attorney about signing her away" to which "**Victim A**" wrote, "No Ava is ours". I later learned that the baby is a girl and **Victim A** already named her Ava. "**Victim A**" wrote to Gary Day, "I know how much you wanted a girl and I know how much you care for your children" to which "Pioneer" responded, "tell her Im dead". "Pioneer" went on to write, "I stayed out past curfew. Probation. And didn't notice. Im done. Fuck. Fucking ankle monitor is flashing and vibrating".

On Sunday, 2/3/2025, I received an email from **Victim Father** informing me that **Victim A** was missing. He sent me a video clip from his home surveillance system showing a male appearing to be Gary Day walking near his house at 7:48 am on 2/3/2025. The male is dressed in black pant, a black long sleeve shirt and a grey winter hat. The male is seen walking up the driveway and then running as he reached the rear of the house. He is seen looking around. The video clip then ends.

At a briefing of this incident on 2/4/2025, I learned that a black Buick vehicle was seen by **Victim A's** sister was parked one block south of **Victim A's** residence at approximately 5:20am. The vehicle appeared to be running. It has been confirmed through Gary Day's mother that she purchased him a black Buick. A black vehicle matching this description was seen on Wisconsin DOT cameras traveling southbound on highway 151 near Sun Prairie at 8:30am on 2/3/2025, 45 minutes after Gary Day is seen on home surveillance at the victim's residence.

A query of this Buick's license plate, AR BBR20L, registered to Tracey Martin, Gary Day's mother, was last seen on the Flock License Plate Reader cameras system in southeast Missouri at approximately 10pm on 2/2/2025 at 10:12pm.

On April 2, 2024 Gary Day and **Victim A** were located in Sarpy County, Nebraska. After law enforcement made contact with **Victim A**, she submitted to a Forensic Interview. In that interview, **Victim A** stated that Gary Day came to her house on February 3, 2025, she stated that there was no plan for him to come, he just popped up in her bedroom. She stated that she grabbed a coat and pillow and they left. She stated that they first went through Eau Claire, Wisconsin to Minnesota. They then traveled to Iowa, Missouri, through Kansas City where they slept in parking lots for 2 night and then traveled to the panhandle of Oklahoma, through Texas, New Mexico and then to the Phoenix, Arizona area. **Victim A** stated that they stopped at an unknown Walmart in Missouri where Gary bought food using his EBT card. **Victim A** stated that they slept in Gary Day's vehicle overnight in Santa Fe, New Mexico. She stated that they ditched his Buick in Avondale, Arizona near a Culver's restaurant.

Law enforcement located the vehicle near that area.

Victim A stated that they rode with truck drivers and would use their points for showers and people would be helpful in getting them food. **Victim A** stated that they slept in a tent along the Willamette River in Oregon. **Victim A** later disclosed that she and Gary Day engaged in vaginal and oral sex with each other while staying in the tent in Oregon. **Victim A** went through the states that they were in and tried to recall where they engaged in sexual acts. She could only recall that they had sex in Oregon but may have also had sex in Missouri. She stated they did not have sex in any of the trucks they were in. **Victim A** stated that it was hard to keep track of where they were when having sex nor could she recall how many times they had sex in the tent in Oregon.

Victim A reported that they did not have any phones or electronic devices. She stated that Gary Day destroyed his SIM card when he left Arkansas, and after he picked her up, she threw his phone into an unknown river from the vehicle. **Victim A** reported that neither of them had contact with their families.

Victim A reported that they intended on going to the east coast and would get cash paying jobs but they didn't have a plan for when the baby arrived. **Victim A** stated that they didn't have a plan if they had contact with the police but would try and avoid them and any surveillance cameras. **Victim A** stated that they had conversations about marriage and they were engaged.

Gary Day was interviewed and admitted to going to **Victim A's** house and removing her from her residence. Gary Day denied having sexual intercourse with **Victim A**.

Subscribed and Sworn to me on 04/17/25

Electronically Signed By:

Margaret A Kunisch

Assistant District Attorney

State Bar #: 1088883

Electronically Signed By:

Daniel Kuhnz

Complainant