

1 STATE OF WISCONSIN CIRCUIT COURT WOOD COUNTY 2018 CF 000450
BR. 3

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3 STATE OF WISCONSIN, PRELIMINARY HEARING

4 Plaintiff,

5
6 vs. Case No. 18-CF-450

7
8 TREQUELLE T. VANN-MARCOUEX,

9 Defendant.

COPY

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11
12 The above-entitled matter coming on to be heard before
13 the Honorable Todd P. Wolf, Judge of the above-named
14 court, reported by Denise A. Zamow, RPR, Certified
15 Shorthand Reporter, commencing on August 14, 2018, at
16 the hour of 10:07 a.m., in the Courthouse in the City of
17 Wisconsin Rapids, Wood County, State of Wisconsin.

18
19 A P P E A R A N C E S

20 LEIGH NEVILLE-NEIL, Assistant District Attorney,
21 Wood County Courthouse, 400 Market Street, Wisconsin
22 Rapids, Wisconsin 54494, appeared as counsel for and on
23 behalf of the State of Wisconsin.

24
25 TREQUELLE T. VANN-MARCOUEX, Defendant, appeared
pro se.

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I N D E X

WITNESSES:

Page

Scott Machotka	
By Ms. Neville-Neil-----	5
Witness excused-----	16

EXHIBITS:

MARKED

OFFERED

RECEIVED

(No exhibits marked during today's proceeding.)

* * *

1 (Whereupon, the following proceedings were
2 had in open court, with the Court, counsel,
3 and the defendant present.)

4
5 THE COURT: All right. You may be seated
6 then. Attorney Neville-Neil.

7 MS. NEVILLE-NEIL: Thank you. Your Honor,
8 this matter is State of Wisconsin versus Trequelle
9 Vann-Marcouex, Case 18-CF-450. Mr. Vann-Marcouex
10 appears in person without counsel. The State by Leigh
11 Neville-Neil.

12 I will note, in case The Court's not aware,
13 a codefendant was scheduled at this time as well, Adrine
14 Little, 18-CF-449. The State received a call from
15 Mr. Little's defense counsel that he was not available
16 at this time, and the hearing was moved for about an
17 hour from now.

18 Mr. Trequelle does not have -- or I should
19 say Mr. Vann-Marcouex does not have counsel. My
20 investigating officer would be available to testify
21 twice if The Court would like; however, if The Court
22 would like, for efficiency purposes, to only do one
23 prelim, the codefendant and his counsel will be here at
24 11:00.

25 THE COURT: Okay. I guess it really didn't

1 matter. I guess my understanding was we'd probably do
2 this one now and that one then.

3 MS. NEVILLE-NEIL: Okay. I did have a brief
4 off-the-record conversation with Mr. Vann-Marcouex. He
5 indicated he applied and qualified for a Public
6 Defender. He has been calling them repeatedly and has
7 not been assigned counsel yet, just so The Court's
8 aware.

9 THE COURT: Okay. That's my understanding,
10 Mr. Vann-Marcouex, though, in fact, what The Court is
11 required to do by law is to have this preliminary
12 hearing done within ten days when someone's in custody
13 on a cash bond, such as yourself.

14 What this hearing is is to make the -- the
15 State has to present evidence which at least reaches to
16 the level of probable cause that you committed the
17 offenses or at least the felony offenses that are in
18 your complaint, so you really don't have to do anything
19 here today. They have to introduce that type of
20 evidence so I feel comfortable enough that the case can
21 proceed with that probable cause finding, so I am going
22 to go through and hear the evidence here today just to
23 see if it meets that standard.

24 If it doesn't, the case would get dismissed.
25 If it does, you are in no different position than you

1 were when you walked in here, so -- but you do have the
2 right to ask questions of the officer, although if you
3 had an attorney here, they would tell you not to do so
4 because anything you say is being recorded here today on
5 the record and could be used against you, and you
6 clearly wouldn't want to give up your right for
7 self-incrimination by making some statements that could
8 be used against you. Do you understand that then, sir?
9 Do you understand that.

10 THE DEFENDANT: Yeah.

11 THE COURT: Okay. So go ahead.

12 MS. NEVILLE-NEIL: The State calls Wood
13 County Investigator Sergeant Scott Machotka.

14

15 SCOTT MACHOTKA,

16 called as a witness, after being first duly
17 sworn, was examined and testified as follows:

18

19 DIRECT EXAMINATION

20 BY MS. NEVILLE-NEIL:

21 Q. Good morning, Investigator Machotka.

22 A. Good morning.

23 Q. You are an investigator sergeant for Wood County;
24 is that right?

25 A. That's correct.

1 Q. And you have held that position for a number of
2 years?

3 A. Approximately 19.

4 Q. Okay. And were you assigned to investigate an
5 armed robbery that occurred in Wood County?

6 A. I was.

7 Q. And did that complaint come into the department
8 on June 1 of 2018?

9 A. Yes, it did.

10 Q. In preparation for your testimony today and also
11 preparation for a codefendant Alex Jinsky's case, the
12 prelim was just a couple of weeks ago, did you review
13 other Wood County officers' reports as it relates to
14 this investigation?

15 A. I did.

16 Q. And is one of those reports authored by Deputy
17 James Pidgeon?

18 A. He was the initial responding officer.

19 Q. And he is a deputy with your agency?

20 A. He is.

21 Q. Now, based on your review of Deputy Pidgeon's
22 report, conversations with Deputy Pidgeon, and, you
23 know, any investigation you may have partaken in, Deputy
24 Pidgeon responded to Riverview Hospital on June 1; is
25 that right?

1 A. He responded to meet with the victim there -- or
2 I should say one of the victims.

3 Q. And the victim was identified to him with the
4 initials E.J.D.; is that right?

5 A. That's correct.

6 Q. And E.J.D.'s birth date is March 10 of 2001?

7 A. Yes.

8 Q. And E.J.D. and his mother were both at the
9 hospital; is that right?

10 A. That's correct.

11 Q. What, if anything, did E.J.D. tell Deputy
12 Pidgeon?

13 A. He told Deputy Pidgeon that he was at a house in
14 the Town of Saratoga in Wood County, and he was there
15 with three other friends, and that there was a knock on
16 the door. One of his friends went to open the door, and
17 four masked men entered into the residence with weapons
18 including an AR-style rifle, and that they were ordering
19 them, the victims, to get down on the ground.

20 One of the suspects pulled a magazine out of
21 a weapon and showed it to the victims saying this is
22 real, and E.J.D. recognized the loaded magazine with
23 live ammo in it, and during that process, there was some
24 money stolen from one of the victims, all four of the
25 victims' cell phones were stolen, and a watch was

1 stolen.

2 E.J.D. was at the hospital seeking medical
3 attention because he reported that he was struck on the
4 head with a flash hider of the rifle. I did see
5 E.J.D.'s head, and it did have a scab on it that was
6 circular in fashion which would match the flash hider on
7 an AR-style rifle. Part of the medical reports also
8 indicated that E.J.D. received a concussion during the
9 strike to the head with the rifle.

10 Q. Now, E.J.D. at the time of this -- so this
11 incident occurred on June 1 of this year?

12 A. Early morning hours of June 1, between midnight
13 and 3 o'clock, I think, is what the report indicated.

14 Q. And at the time E.J.D. was 17, as he is now; is
15 that accurate?

16 A. That's correct.

17 Q. And clearly, he didn't -- did he indicate whether
18 he had given anybody consent to pistol-whip him?

19 A. He stated there was no consent for injury to him
20 or to take anything from him.

21 Q. Now, you mentioned this incident occurred at an
22 address in Saratoga. Would that have been 899 Highway
23 73, Trailer Number 21?

24 A. That's correct.

25 Q. And that's in Wood County?

1 A. Yes, it is.

2 Q. Now, this trailer is owned by someone with the
3 initials of J.C.; is that right?

4 A. That's correct.

5 Q. Did you speak through the course of your
6 investigation with J.C.?

7 A. I did. I spoke with him.

8 Q. Did he indicate whether he had given anybody
9 permission to enter his house with guns and steal from
10 the people that were residing in or at least staying in
11 his residence?

12 A. He stated that the victims had permission to be
13 there, but no one else had permission to enter into the
14 residence and take anything from the residence.

15 Q. Now, sometime after Deputy Pidgeon took the
16 complaint from E.J.D., you were assigned to follow-up on
17 this?

18 A. That's correct.

19 Q. And did you speak with a juvenile with the
20 initials of M.A.W.?

21 A. I did not speak to M.A.W., but Investigator
22 Sergeant Simon did.

23 Q. Did you either speak with Investigator Sergeant
24 Simon directly about his conversations with her or read
25 his reports?

1 A. I spoke to him directly and read his reports.

2 Q. Based on that discussion and review of the
3 reports, what, if anything, did M.A.W. tell Investigator
4 Simon?

5 A. M.A.W. admitted that she had a Facebook Messenger
6 conversation with her boyfriend, a codefendant by the
7 name of Alex Jinsky, on June 1, that it was involving
8 the armed robbery, and she also had personal
9 conversations with him as they are boyfriend/girlfriend.
10 She stated that Alex Jinsky in messages and personal
11 conversations told her the people that were involved,
12 the other suspects in the robbery to be Tre, Aloe, and
13 Rico.

14 Q. And did she say whether or not these personal
15 conversations with Alex Jinsky, whether he also admitted
16 that he, too, was involved in this robbery?

17 A. He did. He said he was the last one in and the
18 first one out of the residence, and that he, Tre, and
19 Aloe didn't do anything as bad as Rico did.

20 Q. Um, and would that be referring to the hitting of
21 the rifle on the juvenile's head?

22 A. Yes. That's what I believe.

23 Q. Now, did M.A.W. indicate whether -- strike that.
24 Did -- now, you spoke with E.J.D. as well; is that
25 right?

1 A. Yes, I did.

2 Q. Did E.J.D. indicate whether he, too, had had
3 conversations with M.A.W. about her conversations with
4 Mr. Jinsky?

5 A. He did at his house after he got home from seeing
6 the physician.

7 Q. And what, if anything, did he indicate M.A.W.
8 told him?

9 A. That she was texting her boyfriend during the
10 time the conversation was going on.

11 Q. And she indicated her boyfriend was Alex Jinsky?

12 A. Yes.

13 Q. Now, as it relates to this information, did you
14 execute warrants for both M.A.W. and Mr. Jinsky's
15 Facebook accounts?

16 A. I did.

17 Q. Did you receive information -- did you receive a
18 return?

19 A. Yes, I did.

20 Q. Did the information that you reviewed corroborate
21 what M.A.W. had provided to law enforcement?

22 A. Yes.

23 Q. Now, Mr. Jinsky's been in jail for quite some
24 time as a result of this incident; is that right?

25 A. That's correct.

1 Q. Have you also listened to his jail phone calls to
2 M.A.W. and to other individuals?

3 A. I have.

4 Q. During these phone conversations, did Mr. Jinsky
5 make any admissions as it relates to him being involved
6 or as it relates to others being involved in this armed
7 robbery?

8 A. Yes. There was a conversation between him and
9 M.A.W. that indicated we had talked to Mr. Vann-Marcouex
10 at his residence, and Alex Jinsky had told M.A.W. that
11 if Tre wasn't in custody, then we have nothing.

12 Q. Now, when you were given the names Aloe, Tre,
13 Mr. Jinsky, and Rico, did you come to learn that Tre is
14 Trequelle Vann-Marcouex?

15 A. That's correct.

16 Q. And how did you learn that that's who they were
17 referring to?

18 A. Through our official Wood County records and
19 speaking to other investigators in Wisconsin Rapids
20 Police Department, and again, looking on Facebook and
21 seeing Facebook pages and how people are referred to on
22 Facebook.

23 Q. When M.A.W. was talking with Mr. -- or
24 Investigator Simon about Tre, did she also indicate that
25 Tre resides near the mill in town?

1 A. Yes.

2 Q. Did you then speak with the person who you
3 believed to be Tre?

4 A. I did. Out in front of the house on Fremont
5 Street in Wisconsin Rapids.

6 Q. And you identified him as Tre Vann-Marcouex; is
7 that right?

8 A. That's correct.

9 Q. And is the person that identified himself to you
10 as Tre Vann-Marcouex, is he in the courtroom today?

11 A. Yes. He is sitting to your right and has hair
12 and a beard there.

13 MS. NEVILLE-NEIL: Thank you. Let the
14 record reflect, Your Honor, identification.

15 THE COURT: It will.

16 CONTINUED DIRECT EXAMINATION

17 BY MS. NEVILLE-NEIL:

18 Q. Did -- when you spoke with Mr. Vann-Marcouex, did
19 he -- did he make any indication to you that he was
20 aware of the armed robbery that occurred?

21 A. He did. He stated that Alex Jinsky asked him to
22 do the robbery with him, but he told me he didn't go.

23 Q. Now, after that conversation with Mr. Marcouex,
24 is that when Mr. Jinsky can be heard on the jail phone
25 call speaking with M.A.W.?

1 A. Yeah. It was a few days later. I don't remember
2 the exact date.

3 Q. And during that conversation, he indicated he
4 knew that you had spoken with Tre Vann-Marcouex?

5 A. Yes.

6 Q. And that, quote, if we didn't have Tre, then we
7 didn't have anyone?

8 A. Yes. Something very similar to that.

9 Q. Was he indicating that he knew that
10 Mr. Vann-Marcouex was not yet in custody?

11 A. Yes. That's what I believe.

12 Q. Now, as it relates to the information you have
13 just provided and then additional information, did you
14 ultimately execute search warrants at both Mr. Jinsky
15 and Mr. Vann-Marcouex's residences?

16 A. I did.

17 Q. And what was located in Mr. Jinsky's residence?

18 A. In Mr. Jinsky's residence in his bedroom we found
19 a -- we found a loaded magazine that fits into an
20 AR-style rifle, and in Mr. Jinsky's grandparents'
21 closet, sitting just inside of an open door, I did
22 locate an AR-style rifle in there that Mr. Jinsky's
23 grandmother stated belonged to Mr. Jinsky.

24 Q. And did this rifle match the description provided
25 by E.J.D.?

1 A. Yes, it did.

2 Q. As being the rifle that was used during the armed
3 robbery?

4 A. Yes.

5 Q. Now, after that search warrant and after
6 additional interviews, did you also attempt to execute a
7 search warrant at Mr. Vann-Marcouex's home?

8 A. I didn't attempt. I did execute a search warrant
9 there.

10 Q. And was this a day after you had spoken with
11 Mr. Vann-Marcouex, two days after?

12 A. It was -- yeah. I believe I spoke to him on a
13 Friday, and the search warrant was, I think, on a
14 Tuesday, if I am correct, of the following week.

15 Q. Now, he resides at that address with a family
16 member; is that right?

17 A. Yes, with his mother.

18 Q. When you arrived to execute that search warrant,
19 did anything unusual come up?

20 A. Basically, his bedroom, except for some clothes,
21 it appeared to be everything was -- there was a lot of
22 stuff missing.

23 Q. Did his mother tell you whether or not he had
24 skipped town as a result of your interview with him?

25 A. Yeah. During the interview with his mom and his

1 sisters, they indicated that he had left on Friday some
2 time after I had spoke to him.

3 Q. And based on your years in law enforcement, when
4 a person leaves town when they have their parents
5 sitting right here in town, does that seem a little
6 unusual to you?

7 A. It does.

8 Q. Since Mr. Vann-Marcouex has been taken into
9 custody, have you spoken with him about this incident?

10 A. I talked to him on the day he was arrested.

11 Q. And did he make any statements to you?

12 A. He stated that he wasn't involved.

13 MS. NEVILLE-NEIL: I have no more questions.

14 THE COURT: All right. So,
15 Mr. Vann-Marcouex, you do, again, have the right to ask
16 Investigator Machotka any questions here, but again,
17 realize anything you are saying is being taken down and
18 could be used against you. Do you understand that?

19 THE DEFENDANT: (Nods head).

20 THE COURT: Do you wish to ask any
21 questions?

22 THE DEFENDANT: (Shakes head).

23 THE COURT: He is shaking his head no. You
24 may step down.

25 (Witness excused.)

1 THE COURT: Any additional witnesses?

2 MS. NEVILLE-NEIL: No.

3 THE COURT: And again, you do have the right
4 to present evidence at a preliminary hearing, although I
5 have to make a decision in the light most favorable to
6 the State, and obviously you'd be giving up any right to
7 self-incrimination if you did so. Do you wish to
8 present any evidence?

9 THE DEFENDANT: I mean, I was watching my
10 nephew that night. My sister isn't here right now, I
11 don't see her, but, um --

12 THE COURT: Well, again --

13 THE DEFENDANT: I'd be --

14 THE COURT: -- you have to present evidence
15 through testimony here, not make an argument, but no
16 attorney would tell you to do that with each of the
17 charges you are facing here because, again, I have to do
18 it in the light most favorable to the State, all right?
19 Do you wish to present anything now or not?

20 THE DEFENDANT: (Shakes head).

21 THE COURT: Okay. All right. Then based
22 upon the evidence here today, there are the felony
23 counts of physical abuse of a child, armed robbery, and
24 a burglary then. I do find that there is probable cause
25 at this point in time, given the investigator's

1 testimony here today, that you were involved in the
2 commission of these offenses then, and these matters
3 then are bound over for trial.

4 Now, the State's given you a document that's
5 called the Information. It does become the charging
6 document after a preliminary hearing. Normally you'd be
7 asked to enter a plea today, but I want to make sure you
8 have more time to get an attorney, so I'm going to
9 adjourn the arraignment here for more time for you to
10 get counsel to be appointed to you as well then.

11 Also, you do give up certain rights at an
12 arraignment, and I don't want you to give those up
13 without having an attorney present who may also request
14 to re-have this hearing then, so with that, I will
15 adjourn that arraignment till September 10 at --

16 CLERK OF COURT: 10:00.

17 THE COURT: -- 10 o'clock in Branch 2 then,
18 and at this point in time I will order that bond
19 continue. So I'd keep contacting the Public Defender's
20 Office about getting an attorney then for that day, all
21 right?

22 THE DEFENDANT: I don't understand how this
23 is enough evidence. I wasn't even there.

24 THE COURT: Okay. That will be something
25 you can discuss with your attorney.

1 THE DEFENDANT: I have been calling the
2 Public Defender's Office every single day, and they make
3 it -- I get on the phone with them, and they'd laugh.
4 When I called them yesterday and I asked them how is it
5 I don't have a Public Defender and I got my court in
6 less than 24 hours, and she is, like, right. How is
7 that an answer, right? How is that an answer?

8 THE COURT: Well, you have to deal with them
9 on that. I can only do the hearings that are before me,
10 and that's where I am at, so -- all right? That will be
11 it. He will be remanded back to the custody of the
12 jail.

13

14 (Whereupon, Court sat in recess on this
15 matter at 10:26 a.m.)

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1 Q. Have you also listened to his jail phone calls to
2 M.A.W. and to other individuals?

3 A. I have.

4 Q. During these phone conversations, did Mr. Jinsky
5 make any admissions as it relates to him being involved
6 or as it relates to others being involved in this armed
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9 M.A.W. that indicated we had talked to Mr. Vann-Marcouex
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2 the exact date.

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10 Mr. Vann-Marcouex was not yet in custody?

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14 ultimately execute search warrants at both Mr. Jinsky
15 and Mr. Vann-Marcouex's residences?

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19 a -- we found a loaded magazine that fits into an
20 AR-style rifle, and in Mr. Jinsky's grandparents'
21 closet, sitting just inside of an open door, I did
22 locate an AR-style rifle in there that Mr. Jinsky's
23 grandmother stated belonged to Mr. Jinsky.

24 Q. And did this rifle match the description provided
25 by E.J.D.?

1 A. Yes, it did.

2 Q. As being the rifle that was used during the armed
3 robbery?

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5 Q. Now, after that search warrant and after
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7 search warrant at Mr. Vann-Marcouex's home?

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10 Q. And was this a day after you had spoken with
11 Mr. Vann-Marcouex, two days after?

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13 Friday, and the search warrant was, I think, on a
14 Tuesday, if I am correct, of the following week.

15 Q. Now, he resides at that address with a family
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18 Q. When you arrived to execute that search warrant,
19 did anything unusual come up?

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21 it appeared to be everything was -- there was a lot of
22 stuff missing.

23 Q. Did his mother tell you whether or not he had
24 skipped town as a result of your interview with him?

25 A. Yeah. During the interview with his mom and his

1 sisters, they indicated that he had left on Friday some
2 time after I had spoke to him.

3 Q. And based on your years in law enforcement, when
4 a person leaves town when they have their parents
5 sitting right here in town, does that seem a little
6 unusual to you?

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9 custody, have you spoken with him about this incident?

10 A. I talked to him on the day he was arrested.

11 Q. And did he make any statements to you?

12 A. He stated that he wasn't involved.

13 MS. NEVILLE-NEIL: I have no more questions.

14 THE COURT: All right. So,
15 Mr. Vann-Marcouex, you do, again, have the right to ask
16 Investigator Machotka any questions here, but again,
17 realize anything you are saying is being taken down and
18 could be used against you. Do you understand that?

19 THE DEFENDANT: (Nods head).

20 THE COURT: Do you wish to ask any
21 questions?

22 THE DEFENDANT: (Shakes head).

23 THE COURT: He is shaking his head no. You
24 may step down.

25 (Witness excused.)