

FILED
11-25-2024
Clerk of Circuit Court
Washington County, WI
2024CF000545
Honorable Michael S.
Kenitz
Branch 3

STATE OF WISCONSIN CIRCUIT COURT WASHINGTON COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2024WA002939
Assigned DA/ADA: Stephanie L Hanson
Agency Case No.: 24-039820
Court Case No.:

vs.

Nicholas G Mistrioty



CRIMINAL COMPLAINT

DOB: 10/30/1979

Sex/Race: M/W

Alias: Also Known As Nick Fury

Also Known As Joel Knoble

Also Known As Nick Mistrioty

Also Known As Nicholas Maseraty

Also Known As Nick Maseraty

Defendant,

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: SEX OFFENDER - IDENTIFY SELF INCORRECTLY

The above-named defendant on or after December 31, 2021, Washington County, Wisconsin, did as a sex offender ordered to comply with the reporting requirements under sec. 301.45, Wis. Stats., did intentionally identify himself by a name other than the name by which he is identified with the Department of Corrections Sex Offender Registry program, contrary to sec. 301.47(2)(b), 939.50(3)(h) 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.

Count 2: SEX OFFENDER-FAIL/PROVIDE INFORMATION

The above-named defendant on or after November 3, 2024, Washington County, Wisconsin, after being notified by the department of the annual registration requirement, did fail to notify the department once each calendar year, as directed by the department, of his current information specified in sub. 301.45(2)(a), including name, address, electronic accounts such as email and web site addresses maintained by the person, and the other requirements of 301.45(2)(a), contrary to sec. 301.45(3)(b)1, 939.50(3)(h) 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.

Count 3: SEX OFFENDER-FAIL/PROVIDE INFORMATION

The above-named defendant on or after November 3, 2024, Washington County, Wisconsin, after being notified by the department of the annual registration requirement, did fail to notify the department once each calendar year, as directed by the department, of his current information specified in sub. 301.45(2)(a), including name, address, electronic accounts such as email and web site addresses maintained by the person, and the other requirements of 301.45(2)(a), contrary to sec. 301.45(3)(b)1, 939.50(3)(h) 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.

Count 4: KNOWINGLY FAIL TO NOTIFY SCHOOL OF SEX OFFENDER STATUS - 1ST OFFENSE

The above-named defendant on or about February 23, 2024, in the City of West Bend, Washington County, Wisconsin, as a person required to comply with the sex offender reporting requirements under s.301.45(1g) Wis. Stats., did knowingly go on school premises without prior notification to the school district administrator or his or her designee, of the specific date, time and place of the visit and of the person's status as a registered sex offender, contrary to sec. 301.475(1), 301.475(2)(a) Wis. Stats., a Misdemeanor, and upon conviction is subject to a fine of not more than \$10,000 or imprisonment not to exceed 9 months, or both.

Count 5: CHILD SEX OFFENDER WORKING WITH CHILDREN

The above-named defendant on or about February 23, 2024, in the City of West Bend, Washington County, Wisconsin, having been convicted of a serious child sex offense, did subsequently engage in an occupation or participate in a volunteer position that required him to work or interact primarily and directly with children under 16 years of age, contrary to sec. 948.13(2)(a), 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 6: CHILD SEX OFFENDER WORKING WITH CHILDREN

The above-named defendant on and between November 21 and November 22, 2024, in the City of West Bend, Washington County, Wisconsin, having been convicted of a serious child sex offense, did subsequently engage in an occupation or participate in a volunteer position that required him to work or interact primarily and directly with children under 16 years of age, contrary to sec. 948.13(2)(a), 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.

PROBABLE CAUSE:

Complainant prays that said defendant be dealt with according to law. Complainant is a sworn officer with the Washington County Sheriff's Department and bases their information upon Complainant prays that said defendant be dealt with according to law. Complainant is a sworn officer with the Washington County Sheriff's Department and bases their information upon review of the official police report of Gina Carney, a Sex-Offender Registration Specialist with the State of Wisconsin, Department of Corrections, whom your complainant believes to be truthful and reliable, in which Ms. Carney reports that in the course of her professional responsibilities she has access to the files of the Wisconsin Department of Corrections, regarding Nicholas GI Mistryoty, the defendant herein, and that she has investigated the failure of the defendant to comply with Sec. 301.45(6), Wis. Stat. Ms. Carney further reports that the defendant was convicted of serious child sex offenses, Second-Degree Sexual Assault of a Child, contrary to Sec. 948.02(2), Wis. Stat., and Child Enticement -Expose Sex Organ, contrary to Sec. 948.07(3), Wis. Stat., in Milwaukee County Case No. 01CF1567, which

conviction remains of record and unreversed. Ms. Carney further reports that the defendant has been determined to be a sex-offender by the Department of Corrections, pursuant to statute, and is therefore required to comply with the registration requirements of Sec. 301.45(6), commencing on June 18, 2001, for his lifetime.

Ms. Carney reports that October 30, 2024, the annual registration letter was mailed to defendant's last reported address at [REDACTED] in the City of West Bend, Washington County, Wisconsin. Ms. Carney report that on November 3, 2024, the defendant submitted the annual registration letter via the Sex Offender Registration portal with no updates or changes. Ms. Carney reports that on or about November 22, 2024, she received information regarding the defendant utilizing an alias of "Nicholas Maseraty." Ms. Carney learned that defendant had a Facebook account under the name "Nicholas Maseraty," which indicated on December 31, 2001 post, "Started New Job at ELITE Karaoke Wisconsin 2021 – Owner and CEO." Ms. Carney further learned that defendant had an email address under the name "NickMaseraty." Ms. Carney reported that at no time had defendant disclosed or been approved to utilize an alias, defendant had never disclosed the email with his alias, nor had defendant reported any employment with Elite Karaoke as an owner or employee, all of which are violations of the Sex Offender Registration requirements.

Complainant further bases his information upon review of the official police report of Detective Stacie Bruss of the West Bend Police Department who reported that on November 22, 2024, she was notified of a possible violation of the Sex Offender Registry Program by Nicholas G Mistryoty, the defendant herein. Detective Bruss learned from Gina Carney, a Department of Corrections Specialist with the Sex Offender Registry Program, that defendant was going by the last name of Maseraty, defendant owns and runs a company called Elite Karaoke, defendant has done events at the middle and grade schools in West Bend, and defendant posted about taking care of two young boys. Detective Bruss learned that on December 18, 2019, defendant reported to the West Bend Police Department for a face-to-face contact with Sergeant Florencio Garcia to update booking information and the sex offender registration form. During that meeting on December 18, 2019, defendant was issued and explained the Written Notice of Prohibition of Child Sex Offender Working with Children form, which he signed. Ms. Carney verified that the defendant is not exempt from the prohibition. Detective Bruss reported that between December 18, 2019, and October 26, 2024, numerous law enforcement checks and contacts were made with defendant, and defendant always advised there was no new information and no new changes other than on January 3, 2021, when he reported having two new tattoos.

Detective Bruss located the Facebook provide under the name of "Nick Maseraty," and identified the profile picture as the defendant based on booking and SOR photographs. Detective Bruss noted that the Facebook profile indicated defendant was a Logistics Coordinator at Waste Management, and Owner and CEO of Elite Karaoke Wisconsin. Detective Bruss observed a post dated November 19, 2024, at 3:59 p.m., "My Godsons are going to be staying with me from this Thursday until Sun Dec. 1st I'll still be working from home (while babysitting), so please pray for me LOL! I'll also be running karaoke as scheduled (busy week next week). Thank you to Julie, Craig, Von, June, Rachel and others who have offered to help watch them while karaoke is going on! I seriously appreciate you guys! [J] and [J] are going to have some fun!!" Detective Bruss noted a photograph of two young boys who appeared to be five and ten-years old.

Detective Bruss located a Facebook group for Elite Karaoke which had a post for services to Nathan Hale High School homecoming on October 7, 2023, and DJ services to a Girl Scout Fundraiser at King Pin Bowl.

Detective Bruss made contact with Officer Nicholas Ratas, the School Police Officer for Silverbrook Intermediate School located in the City of West Bend, Washington County, Wisconsin. Officer Ratas learned that Elite Karaoke and "Nick Maseraty" had been contracted with the Silverbrook Intermediate School by the Silverbrook Student Council for an event sponsored by the school, the Valentine's Dance on February 23, 2024. Officer Ratas obtained a copy of the invoice, which showed Elite Karaoke as the company, "Nick Maseraty" with an address on County Aire Drive, which was defendant's prior address, and a phone number which was current. Officer Ratas obtained an IRS form with the social security number for "Julie Keller DBA Elite Karaoke", with a \$250 check from the school. Officer Ratas obtained a copy of the advertisement which showed, "Nick Maseraty: Elite Entertainment. [REDACTED]" and Nick Maseraty with a gmail address. Officer Ratas viewed video surveillance from the February 23, 2024, Valentine's dance, and identified the defendant enter the school as the DJ service, and on at least two occasions interacts with children at the school. Officer Ratas interviewed Silverbrook staff, including Principal Lance Roell, who all advised the defendant identified himself as "Nick Maseraty," defendant never disclosed he was a registered sex offender, and no one approved the defendant as a registered sex offender to work at the school dance. Officer Ratas is aware that the students at Silverbrook Intermediate school are between the ages of 10 to 12, based on training and experience.

Detective Bruss reported that she and Detective Otte responded to the defendant's residence on [REDACTED] in the City of West Bend, Washington County, Wisconsin, and made contact with the defendant on the front porch during which the defendant made statements, which statements complainant believes as statements against defendant's penal interest, wherein defendant stated he updates his paper work with Sex Offender Registry around his birthday yearly. Defendant confirmed he was using the name "Nick Maseraty" because no one was able to pronounce his actual last name. Defendant confirmed he was the owner of Elite Karaoke, and stated he started the business about three years prior. Defendant confirmed he was hired by Nathan Hale to DJ the homecoming dance. When asked about the two children in the residence, defendant advised he is babysitting his friend's two sons. Defendant stated his friend was up north hunting on November 21, 2024, and he knew his friend from being in jail with him. Detective Bruss reported that while at the residence, defendant stated he wished to speak to an attorney. Detective Otte placed defendant under arrest, but requested assistance in finding a responsible person to care for the children.

Detective Bruss reported that she learned the five-year old boy and nine-year old boy were children of defendant's best friend, JK. Detective Bruss spoke with JK by phone, who gave permission for defendant's female friend JK to take over responsibility for his children until his return the following week. JK stated he had no concerns about defendant caring for his children, and he knew defendant was a registered sex offender. JK stated he was not aware that defendant could not care for his children due to his sex offender status.

Detective Bruss made contact with JK, a citizen witness whom complainant believes, who stated she is a longtime friend of defendant, and she is aware defendant was a sex offender. JK was not aware defendant could not babysit the children. JK stated she was not aware of how defendant was paid when the client did not require a W-9 tax form. JK stated she knew

when the client required a W-9 tax form, they would use her social security number and her bank account information for payment. JK stated she did not know how much they were paid. JK stated Elite Karaoke was more of a side hobby for defendant and not necessarily a job, so she did not think of him needing to report it as a job. JK confirmed neither Elite Karaoke, herself or defendant asked people to sign a release to obtain photographs or videos of children.

Detective John Otte obtained a post-Miranda statement from defendant which statement complainant believes as a statement against defendant's penal interest, wherein defendant confirmed he was hired by Nathan Hale High School to DJ for the homecoming dance in 2023. Defendant stated he is the only one that DJ's for Elite Karaoke, and "Julie Keller" helps take pictures and set up/break down. Defendant stated he used the name "Nicholas Maseraty" when he was booked for the dance. Defendant stated most of the time he DJ's it is in a bar, and he did not want people to know his business so he uses an alias. Defendant stated the alias was given to him while in prison. Defendant denied being hired or DJ'ing at any other schools, but donated his time at a fundraiser for the Girl Scouts the previous year. Defendant stated he had babysat his grandchildren numerous time. Defendant did not know he was not allowed to babysit.

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

Subscribed and sworn to before me on 11/25/24
Electronically Signed By:
Stephanie L Hanson
Assistant District Attorney
State Bar #: 1025050

Electronically Signed By:
Det. Sgt. Donald Kapla
Complainant