STATE OF WISCONSIN

CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2024ML011138

Court Case No.:

VS.

CRIMINAL COMPLAINT

CRAYTON, DONALD L 6945 NORTH TEUTONIA AVENUE, #1 MILWAUKEE, WI 53209 DOB: 06/14/1993

MERKEL, ADRIANA E 5917 NORTH 83RD STREET MILWAUKEE, WI 53218 DOB: 08/02/2002

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: HIT AND RUN - RESULTING IN DEATH (As to defendant Donald L Crayton)

The above-named defendant on or about Tuesday, April 30, 2024, at 6930 North Teutonia Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in death of Zekani K Hymes-Wilson and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(d), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, **a Class D Felony**, the defendants may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(j), the Department shall revoke the defendant's operating privilege for five (5) years.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 2: KNOWINGLY OPERATE MOTOR VEHICLE WHILE SUSPENDED - CAUSE DEATH (As to defendant Donald L Crayton)

The above-named defendant on or about Tuesday, April 30, 2024, at 6930 North Teutonia Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, while being a person whose operating privilege had been duly suspended under the laws of the State of Wisconsin, and as a person who knew or had reason to believe his operating privilege had been suspended, did operate a motor vehicle upon a highway in this state during the period of suspension, and in the course of the violation, caused the death of another person, Zekani Hymes-Wilson, contrary to sec. 343.44(1)(a) and (2)(ag)3, 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.30(1g)(c), the court shall revoke the defendant's operating privileges upon conviction. The revocation shall be for a period of six (6) months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

Count 3: HIT AND RUN - GREAT BODILY HARM (As to defendant Donald L Crayton)

The above-named defendant on or about Tuesday, April 30, 2024, at 6930 North Teutonia Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in injury to a person, GLH, and the person suffered great bodily harm and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(c), 939.50(3)(e) Wis. Stats.

Upon conviction for this offense, a Class E Felony, the defendants may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(i), the Department shall revoke the defendant's operating privilege for two (2) years.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 4: KNOWINGLY OPERATE MOTOR VEHICLE WHILE SUSPENDED - CAUSE GREAT BODILY HARM (As to defendant Donald L Crayton)

The above-named defendant on or about Tuesday, April 30, 2024, at 6930 North Teutonia Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, while being a person whose operating privilege had been duly suspended under the laws of the State of Wisconsin, and as a person who knew or had

reason to believe his operating privilege had been suspended, did operate a motor vehicle upon a highway in this state during the period of suspension, and in the course of the violation, caused great bodily harm to another person, GLH, contrary to sec. 343.44(1)(a) and (2)(ag)2, 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.30(1g)(c), the court shall revoke the defendant's operating privileges upon conviction. The revocation shall be for a period of six (6) months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

Count 5: FLEE OR ELUDE AN OFFICER (As to defendant Adriana E Merkel)

The above-named defendant on or about Sunday, April 30, 2023, from at or near 7800 West Carmen Avenue, City and County of Milwaukee, State of Wisconsin to at or near 7203 W. North Avenue, in the City of Wauwatosa, Milwaukee County, Wisconsin, while operating a motor vehicle on a highway, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, did knowingly flee or attempt to elude a traffic officer by increasing the speed of the vehicle in an attempt to flee or elude, contrary to sec. 346.04(3), 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(d)1, upon conviction the department shall revoke the defendant's operating privileges for 6 months.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 6: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY (As to defendant Adriana E Merkel)

The above-named defendant on or about Sunday, April 30, 2023, from at or near 7800 West Carmen Avenue, City and County of Milwaukee, State of Wisconsin to at or near 7203 W. North Avenue, in the City of Wauwatosa, Milwaukee County, Wisconsin, did recklessly endanger the safety of another person, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendants may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 7: OBSTRUCTING AN OFFICER (As to defendant Donald L Crayton)

The above-named defendant on or about Tuesday, April 30, 2024, at or near 7203 W. North Avenue, in the City of Wauwatosa, Milwaukee County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 8: SOLICITATION OF FLEE OR ELUDE AN OFFICER (As to defendant Donald L Crayton)

The above-named defendant on or about Sunday, April 30, 2023, from at or near 7800 West Carmen Avenue, City and County of Milwaukee, State of Wisconsin to at or near 7203 W. North Avenue, in the City of Wauwatosa, Milwaukee County, Wisconsin, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, advised another, operating a motor vehicle on a highway, to knowingly flee or attempt to elude a traffic officer by increasing the speed of the vehicle in an attempt to flee, contrary to sec. 346.04(3), 939.50(3)(i), 939.30 Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendants may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(d)1, upon conviction the department shall revoke the defendant's operating privileges for 6 months.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Probable Cause:

Complainant is a City of Milwaukee Police Officer and bases this complaint upon review of Milwaukee Police reports, as well as his involvement in this investigation. Those reports and that investigation revealed the following:

First Responding Officers

On April 30, 2024, City of Milwaukee Police Officer Larray Johnson was dispatched to the area of 6930 N. Teutonia, City and County of Milwaukee, State of Wisconsin, for a fatal collision. Callers indicated that a vehicle had struck a pedestrian. Upon arrival, Officer Johnson observed a small child, later determined to be Zekani Hymes-Wilson, lying on her back side, and appeared to be unconscious. Officer Johnson attempted CPR, which was not successful. Officer Melissa Krug identified a second victim, GLH, determined to be Zekani Hymes-Wilson's mother, who had also been struck and was suffering injuries. GLH appeared very disoriented and in shock.

Scene Investigation

Complaint is further based upon the statement of City of Milwaukee Police Officer Daniel Robinson, assigned to the Milwaukee Police Department Crash Reconstruction Unit, who is trained and experienced in the field of crash reconstruction and who states that on April 30th, 2024, he was dispatched to the area of 6930 N. Teutonia, City and County of Milwaukee, State of Wisconsin, for a fatal collision.

Upon arrival, Officer Robinson learned that two victims, GLH and 4 year old Zekani Hymes-Wilson, had been struck by a car that was not on scene when the first responding officers arrived. Zekani Hymes-Wilson died from her injuries. GLH suffered a broken right tibia, fibula, femur, as well as contusion and abrasions and was taken to Froedtert Hospital.

Officer Robinson observed a debris field that traveled north from approximately 6930 N. Teutonia. This debris field consisted of several car parts and clothing. Of note, Officer Robinson noted two of these pieces had part numbers on them. One piece of the lower grill of a vehicle, with part number 23455346 RH, and a second **black piece of passenger side mirror** with part number 335255679618. Officer Robinson conducted an interest search regarding these part numbers and determined that were **consistent with parts for a 2014-2020 Chevrolet Impala.**

Security Video

Complaint is further based upon review of security camera footage from 6923 N. Teutonia Avenue which captured the fatal incident. The video shows GLH and Zekani Hymes-Wilson walking from an area consistent with coming from their apartment. The video then shows the two victims walk eastbound across the frontage road and onto the median between the frontage road and Teutonia. This is in the general direction of the Dominoes pizza across the street. The two victim then leave then cross the southbound lanes of Teutonia, not in the cross walk, and then on into the northbound lanes of traffic. The video then shows a black 4 door vehicle with tinted windows, strike both victims and cause them to fly northbound in the street where they land.

The video then shows the suspect vehicle continue for a short distance before stopping in a parking lot. The videos then shows a suspect exit the driver's side of the vehicle, while another individual exits the passenger side of the vehicle. The two people then ran towards the area where the two victims were laying in the street. The video then shows, after approximately a minute or so of video, the driver suspect run back to the suspect vehicle. The suspect gets into the driver's side of the vehicle and the vehicle drives away, leaving the passenger at the scene.

Complaint is further based upon the statement of witness MG, who did not see the fatal crash but did see a vehicle pull into the parking lot described in the above video. MG described the suspect vehicle as a **black Chevrolet Impala**.

Complaint is further based upon security video that was obtained from 6944 N. Teutonia Avenue which captured what happened after the fatal crash. At approximately 11 minutes in the video clip, a black four door sedan with dark tint is seen traveling northbound in the left lane. The vehicle makes a hard right lane change and then travels out of camera view. Approximately 13 seconds later, two individuals can be seen running southbound in the street. The two individuals, consistent with a male and a female, come from the area consistent with the suspect black sedan and are running to the area consistent with where the victims are laying in the street. Later, the male subject driver can be seen running northbound on North Teutonia back to the area where the vehicle had disappeared from view. The woman passenger appears to remain at the scene.

Identifying Suspect Vehicle and Suspect

Complaint is further based upon the statement of City of Milwaukee Police Sergeant Ross Mueller who attempted to determine an identification of the suspect vehicle based upon the evidence learned from the scene, witnesses, and the stills from various security cameras that captured the suspect vehicle. Based upon all this evidence, Sergeant Ross Mueller searched the "Flock" system and MPD records for a black 4-door Chevrolet Impala.

During this search, Sergeant Ross Mueller found a still camera "hit" of black Chevy Impala from a camera on N. Green Bay Road and West Silver Spring Road on April 30, 2024 at 10:09 a.m. That image showed the vehicle to have a license plate of ATT-2736. The records for that license plate showed that it was registered to 2019 Chevrolet Impala which was owned by the above name

Defendant, Donald Crayton, who lived at 6945 N. Teutonia #1, the same address and apartment number as GLH and Zekani Hymes-Wilson.

Victim GLH

Victim GLH was taken to Froedtert Hospital to be treated for her injuries. A woman, who identified herself as GLH's sister, was allowed to travel in the ambulance with her. At the hospital, this woman, who identified herself as Destiny Crayton, stated that she lived with GLH. Destiny Crayton was also found to be in possession of GLH's phone. Later when Milwaukee Police viewed the video, Detectives recognized the female seen on video coming from the passenger side of the suspect car as Destiny Crayton. Destiny Crayton never told investigators that she was in the vehicle that struck GLH and Zekani Hymes-Wilson, and had left the hospital before investigators could return to interview her to ascertain the identity of the driver of the suspect car, which is information that Destiny Crayton alone had at this point.

GLH was interviewed about what happened. GLH indicated that she and her daughter, Zekani Hymes-Wilson, had left her apartment at 6945 N. Teutonia, Apartment #1, City and County of Milwaukee, State of Wisconsin and was walking across Teutonia with her daughter to get pizza from Dominoes when they were hit.

GLH was also shown stills from the security video that showed the two individuals, male and female, that ran from the area of the suspect car. Regarding the still photo person consistent with the driver, GLH stated that the male was "Don," a male whom she is dating and whom she is currently living with. GLH later identified "Don" as the above mentioned Defendant, Donald Crayton, after viewing a photo. Regarding the still photo of the female, GLH identified her as "Destiny," the Defendant's sister, whom police later determined stayed at the scene and rode in the ambulance with GLH. GLH stated that both the Defendant and Destiny live with her. GLH also saw a still of the suspect vehicle and identified it as the Defendant Donald Crayton's vehicle

Recovery and Search of the Suspect Vehicle

Complaint is further based upon the statement of City of Milwaukee Police Officer Miguel Benitez, who states that on April 30th, 2024 he and other officers were traveling in the area of West Calumet Road and 91st Street, when a motorist indicated that there was a vehicle obstructing the railroad tracks just east of West Calumet Road and North Rockyway. Officer Benitez checked the train tracks and found a **black 2019 Chevy Impala bearing license plate ATT2736**, which matched the description of the suspect vehicle described above. Officers noted the Impala had heavy damage to the front passenger side of the vehicle, consistent with it being the vehicle involved in the crash described above.

Complaint is further based upon the statement of Officer Robinson who stated that he responded to the train tracks and brought the one of the pieces that was recovered from the fatal crash scene, as described above. That piece from the grill/bumper area appeared to match the right front bumper which is consistent with this vehicle being the vehicle that hit GLH and Zekani Hymes-Wilson. Officer Robinson had the vehicle towed.

The vehicle was then towed to City lot where it was processed by Forensic Investigator Donald Sanfor for latent fingerprints and who recovered a latent fingerprint lift containing two prints on the exterior driver side front door window frame. This latent print lift was later determined by Latent Print Examiner Chet St. Clair to be the right little and left middle fingers of the above named Defendant Donald Crayton.

Also at the tow lot, Officer Robinson searched the vehicle and paperwork in the name of the Defendant Donald Crayton, including a State of Wisconsin food share paper work date 2/5/24, City of Milwaukee violations bureau paperwork, bank information in the name of the Defendant Donald Crayton, and the vehicle registration for the vehicle in the name of the defendant Donald Crayton.

Fleeing and Arrest of Both Defendants

Complaint is further based upon the statement of City of Milwaukee Police Officer Anthony Milone, who states that on April 30, 2024, undercover officers were attempting to locate the Defendant Donald Crayton and were conducting surveillance at various locations. On this date, he and his partner Officer Benitez, as well as other officers were on their way to 5917 N. 83rd Street when they observed a Hyundai Tucson, later determined to be driven by Defendant Adriana Merkel and containing Defendant Donald Crayton in the front passenger seat.

Officer Milone saw Defendant Crayton, at the time wearing a face mask quickly turn his head and appear to be trying to hide his face. The vehicle driven by Defendant Merkel then accelerated quickly and disregarded a stop sign at W. Bobolink Avenue.

Squads caught up with the vehicle driven by Defendant Merkel, and containing Defendant Crayton, in the area of 7800 W. Carmen Avenue, City and County of Milwaukee, State of Wisconsin, where Officer Sauer activated their red and blue emergency lights in an attempt to conduct a traffic stop. Defendant Merkel did not pull over, but instead increased her speed and drove away from the attempt to conduct a traffic stop. Officers then activated their sirens and pursued Merkel's vehicle. Defendant Merkel drove east on carmen to 76th, then south to North Avenue, then east to Lefeber Street, then south to Garfield, then west to Wauwatosa Road (76th Street), then north to North Avenue, then east until she drove into a parking lot at 7203 W. North Avenue and crashed.

Defendant Merkel remained in the driver's seat of the vehicle and was taken into custody. Defendant Crayton exited the vehicle and ran southbound from the car. Officer Benitez chased after Defendant Crayton yelling "Stop! Police!" However, Defendant Crayton ignored these commands and continued to run until he was taken into custody at 2243 N. 72nd Street.

The total length of the chase of the vehicle driven by Defendant Merkel was 5.1 miles and reached speeds of up to 90 mph on city streets, endangering the lives of officers, and other drivers.

Statement of Defendant Merkel

Complaint is further based upon the statement of Defendant Merkel who admitted to driving the Tucson that fled from the police. She stated that she made a dumb decision to take the police on a chase. At first, Defendant Merkel stated that Defendant Crayton, who she described as her boyfriend, did not tell her to flee the police and did not tell her about whether he had committed a crime.

However, later, Defendant Merkel stated before the fleeing, Defendant Crayton had called her on her phone. She said he was upset and said, "he couldn't live with this on his conscience." She stated that he seemed paranoid when he came to her house at 5917 N. 83rd Street and wanted her to close the curtains. She stated that Defendant Crayton did not tell her what happened, but asked her to drive him around to get clothes because he needed to "leave." She also stated that Defendant Crayton stated, "they found my car." Defendant Merkel also viewed the still photos from the security video and identified the still of the driver of the suspect car as Defendant Crayton.

Defendant Merkle admitted to driving the car that fled from the police as described above. She stated that she made the decision to flee. She also stated that Defendant Crayton, who was the front passenger told her to keep going and not to stop while the police were chasing them.

Attempted Interview of Defendant Crayton

Complaint is further based upon the statement of Detective Michael Slomczewski, who stated that he attempted to interview Defendant Crayton on May 1, 2024 but Defendant Crayton was crying uncontrollably. Attempts to calm him down were unsuccessful and Defendant Crayton stated that he "feels fucking horrible." Defendant Crayton several times said he couldn't live with himself. He further stated that he wanted to go to the psych ward.

Detective Slomczewski stated that he took Defendant Crayton down to central booking to await the Crisis Assessment Response Team. While waiting for them, Defendant Crayton continued to be emotional, crying, and yelling and began to yell "I'm so sorry Kani" which appears to be reference to Zekani Hymes-Wilson and thus is consistent with the Defendant being the driver of his vehicle when it struck and killed Zekani Hymes-Wilson and seriously injured GLH.

Statement of Destiny Crayton

Complaint is further based upon the statement of Destiny Crayton, the sister of Defendant Crayton. She admitted to being the passenger of the vehicle that hit and killed Zekani Hymes-Wilson and injured GLH. She stated that the driver was her brother, Defendant Crayton, and he was driving fast. She stated that she saw GLH and Zekani Hymes-Wilson crossing the street and that Defendant Crayton swerved to try and avoid them. Destiny stated she closed her eyes and then heard a bang, which she believes was her brother hitting the two victims.

She stated that Defendant Crayton eventually stopped and that she and Defendant Crayton ran to the victims, who were in the street. She does not what he did afterwards. She also admitted to traveling to the hospital with GLH.

Defendant Crayton Driving Record

Complaint is further based upon CCAP and DOT records regarding Defendant Crayton's driving record. Those records show that Defendant Crayton has never been issued a driver's license. It further indicates that the Defendant's current driver's license status is suspended and was so on the date of April 30, 2024.

The records further show that on July 21, 2017, Defendant Crayton was convicted in Milwaukee Municipal Court for Operating While Suspended for an incident that occurred on November 15, 2015.

Furthermore, CCAP records show that on April 24, 2019, Defendant Crayton was convicted of the felony offense of Operating While Suspended Causing Death¹ in violation of Wisconsin Statute Section 343.44(1)(a) in Milwaukee County Case 18 CF 5117 for an incident that occurred on October 22, 2018.

Additionally, those records show that on March 23, 2023 the Defendant was convicted in Milwaukee Municipal Court for Operating While Suspended for an offense that occurred on September 23, 2022.

¹ This felony conviction does not allow the Defendant to be charged as a Habitual Criminal pursuant to Wis. Stat. Sec. 939.62 as "felony" for purposes of that statute in 939.62(3)(a) is defined as not including any felony offenses within statute numbers 341 to 349. Thus, traffic felonies, cannot be used for a habitual criminal enhancer, even if the days spent in custody for a probation hold (9/23/22 to 10/12/22) were not counted.

Thus, the Defendant was aware of the fact that his driver's license status was suspended.

****End of Complaint****

Electronic Filing Notice:

State Bar #: 1036890

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at http://efiling.wicourts.gov/ and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Grant I. Huebner. ADA Assigned Email Address: grant.huebner@da.wi.gov

Subscribed and sworn to before me on 05/03/24 Electronically Signed By: Grant I. Huebner Assistant District Attorney

Electronically Signed By: Detective Michael Slomczewski Complainant