

**FILED**  
**10-09-2020**  
**Clerk of Courts**  
**Fond du Lac County WI**  
**2020CF000734**

**STATE OF WISCONSIN      CIRCUIT COURT      FOND DU LAC COUNTY**

STATE OF WISCONSIN Plaintiff,  vs.  ROBERT L HARRIS 179 W 2nd St Apt 8 Fond du Lac, WI 54935 DOB: 01/06/1979 Sex/Race: M/B Alias:  Defendant.	DA Case No.: 2020FL002998 Assigned DA/ADA: Eric J. Toney Agency Case No.: 20-3509 Court Case No.: ATN:  <p style="text-align: center;"><b>CRIMINAL COMPLAINT</b></p>	For Official Use
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The undersigned law enforcement officer of the Fond du Lac Police Department, being first duly sworn, states that:

**Count 1: FIRST DEGREE RECKLESS HOMICIDE**

The above-named defendant on or about Sunday, May 31, 2020, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did cause the death of VICTIM 1, by the delivery or manufacture of a Schedule I or II controlled substance, Fentanyl, in violation of sec. 961.41 Wis. Stats., which VICTIM 1 used, dying as a result of that use, contrary to sec. 940.02(2)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

**Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY**

The above-named defendant on or about Sunday, May 31, 2020, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did recklessly endanger the safety of VICTIM 1, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 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 3: MAINTAINING A DRUG TRAFFICKING PLACE**

The above-named defendant on or about Sunday, May 31, 2020, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did knowingly keep or maintain a dwelling which is resorted to by persons using controlled substances in violation of chapter 961 Wis. Stats., contrary to sec. 961.42(1), 939.50(3)(i) Wis. Stats., a Class I Felony, and upon conviction 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 the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**PROBABLE CAUSE:**

- 1) Complainant is a Detective with the City of Fond du Lac Police Department and basis this complaint upon the report and investigation of Officer(s) Denny Vokes, Cammie Vandermolen, Jed Martin, Brooke Mathes, Lee Mikulec, and Kurer of the same agency with whom your complainant has worked with and knows to be competent and reliable.

- 2) On May 31, 2020 at approximately 2:43 a.m. officers with the City of Fond du Lac Police Department were dispatched to Robert Harris's rooming house located at 177 W. 2<sup>nd</sup> Street, Room #8 in the City and County of Fond du Lac, Wisconsin for a report of a drug overdose. Victim 1 was described as an adult female that was not breathing and a female subject was attempting CPR on Victim 1.
- 3) Officer Jed Martin arrived to the scene at approximately 2:47 a.m. and was directed to Victim 1's location. Officer Martin observed Victim 1 on the floor positioned on her back with vomit on her shirt with Witness 1 attempting CPR on Victim 1. Officer Martin approached and took over chest compressions until EMS responded to the scene and took over care for Victim 1.
- 4) Officer Martin noted that while in Room #8 he observed Victim 1, Witness 1, and Robert Harris, identified by a Wisconsin photo ID card. Officer Martin asked Witness 1 and Harris what substance Victim 1 ingested and neither responded. Officer Martin looked around the room and in plain view observed mirror with a wooden frame around on that was on top of a night stand next to the couch along the north side wall. The mirror had a brown substance that appeared to have been crushed partially into powder. Officer Martin noted this brown substance appeared to the look the same in color and consistency as a substance he collected from a different overdose incident which field tested positive for fentanyl. Near the area where the mirror was collected Officer Martin also observed a pill bottle which contained two pieces of wadded up cotton, which Martin knows to be consistent with aiding someone inject drugs into their body. Officer Martin collected the mirror and substance along with the pill bottle and contents as evidence.
- 5) The Paramedics began pulling Victim 1 into the hallway from room #8 and one of them handed Martin a capped syringe and stated it was found in the folds of Victim 1's shirt. Martin retained the capped syringe as evidence.
- 6) As paramedics continued to render aid to Victim 1 Officer Martin spoke with Robert Harris and Witness 1. Harris stated that he is friends with Victim 1 and has known her for approximately 5 years. Robert Harris stated that Victim 1 was in his room for approximately 2 minutes and pulled out the pill bottle and injected a substance from the bottle into what he believed to be Victim 1's right arm. Harris also stated that Victim 1 was crushing the substance onto the mirror, which was located by Officer Martin. Harris stated that Victim 1 began mumbling shortly after that and then was unconscious. Harris stated he began CPR and then Witness 1 took over attempting CPR.
- 7) Harris stated he didn't know where Victim 1 obtained her drugs and that he doesn't have heroin. Harris indicated that nasal spray of Narcan was administered to Victim 1 prior to EMS arriving. Harris stated that approximately 10-15 minutes passed from when Victim 1 went unconscious to when 911 was called and stated it was a 7-10 minute time gap. Harris pointed out the packaging that the Narcan spray came from but the Narcan nasal spray bottle was unable to be located.
- 8) Lt. Noble arrived on scene and informed Officer Martin that Victim 1 was pronounced deceased as the EMS was unable to revive her. Officer Martin interviewed Witness 2 and learned that Witness 2 called 911 and directed law enforcement to Victim 1's body upon their arrival. Witness 2 did not see Narcan administered to Victim 1.
- 9) Witness 2 was asked about other's in Robert Harris's room and his information included more people in room #8 than Robert Harris provided. Witness 2 stated he observed a female named Witness 4, a male named Witness 6, a black male nicknamed Blue, and Victim 1 all in room #8. Witness 2 stated that prior to directing police to Victim 1 he observed Witness 4 carry a white plastic shopping bag out of room #8 and heard her comment that they needed to get the needles and everything else out of here. Witness 2 observed Witness 4 take the bag into Blue's room, which is room #5. Witness 2 stated Blue, Witness 6 and Witness 4 were all in room #5 after the overdose. Witness 2 then saw Witness 4 and Blue leave the rooming house. Witness 4 was later identified as Witness 4. Blue was later identified as Calvin Sutton.
- 10) Officer Martin assisted in a search of room #8 and located a knotted up plastic baggie containing some aluminum foil. An opened package containing nasal Narcan spray was also located in the defendant's dresser drawer.

- 11) Detective Lee Mikulec attended the autopsy performed on Victim 1 which occurred on June 3, 2020 and was performed by Fond du Lac County Medical Examiner Dr. Adam Covach. Detective Mikulec noted that Dr. Kovach pointed out needle track marks on the right arm and right.
- 12) On May 31, 2020 Detective Vandermolten spoke with Witness 4 and she informed Vandermolten that Robert Harris is a heroin user and a "middle man." She denied taking any items from the room #8 in a bag and claimed she purchased items from Kwik Trip. She denied that Sutton deals heroin which conflicted with information that Vandermolten had. That information is that Sutton deals heroin to possibly support his own use of heroin. She also informed Vandermolten that Victim 1 had overdosed once before in room #8. Vandermolten then confronted Harris with information that he middle heroin deals, which Harris denied.
- 13) On June 1, 2020 Detective Vandermolten spoke with Witness 3 and learned that he allowed Victim 1 to sleep on his couch on May 30 after he saw her walking around 10:00 p.m. that night. Witness 3 stated he went to sleep around 12:15-12:30 a.m. and woke up the next morning to news that Victim 1 was dead. Witness stated that he believed Fredrick Ware provided heroin to the rooming house but also confronted Robert Harris about giving heroin to Victim 1.
- 14) On June 1, 2020 Robert Harris came to police department and spoke with Detective Vandermolten. Harris described his personal life, circumstances at the rooming house and Victim 1. Harris stated that he believed Victim 1 obtained heroin from the rooming house and overdosed before coming into his room. Vandermolten challenged Harris stating that Harris previously stated Victim 1 used the heroin in his room. Harris stated he never got heroin directly from Sutton or Ware. Vandermolten asked if Harris got heroin from someone else in the rooming house and Harris then responded that he obtained heroin from Sutton.
- 15) Vandermolten continued discussing with Harris how Victim 1 obtained the heroin. Harris stated that he was thinking there was a bad batch of heroin. Robert Harris denied getting heroin for Victim 1 on May 31 but admitted to providing heroin to Victim 1 in the past.
- 16) On June 3, 2020 Detective Vandermolten interviewed Witness 4. During this interview Witness 4 admitted that Victim 1 overdosed at the rooming house two weeks prior to the May 31 overdose death and that Witness 4 was present for both overdoses. Witness 4 denied removing any items from the rooming house on May 31. Witness 4 stated she confronted Robert Harris about waiting 2 hours to call 911 after Victim 1 overdosed.
- 17) Witness 4 stated that she walked into Robert Harris's room and saw Harris holding Victim 1 one up and she told him to lay her down and Victim 1 was given Narcan twice but the Naracan wasn't effective. Witness 4 stated Victim 1 was purple when she entered the room. Witness 4 stated she then grabbed her items, including a Kwik Trip bag and left.
- 18) Witness 4 stated that Harris sent her messages related to the overdose but she had deleted them off her phone. Witness 4 stated that she learned Victim 1 transitioned from snorting heroin to injecting it. Witness 4 also indicated that most everything is laced with fentanyl now. Witness 4 also stated that heroin was her drug of choice.
- 19) On August 24 Detective Vandermolten reviewed messages between Witness 4 and Robert Harris. Some of the messages were partial conversation and on June 1, 2020 Witness 4 sent a message to Harris:
 

Someone else might tho. Shit I didn't even know u did. I thought she brought it from somewhere else. I got woke up to the shit I was in a completely different room and got woke up to that shit. They are saying she was dead for 2 hours before you guys called 911. So that means BRANDON didn't wake me up in the room down the hall asking for Narcan until 2 hours after she died!!! WTF man"
- 20) The message implies that Harris sold Victim 1 the drugs leading to Victim 1's death. Detective Vandermolten noted other messages associated with Harris indicating drug dealing activity by Robert Harris.

- 21) In August of 2020 Detective Vandermolen received the autopsy protocol report and toxicology which states Victim 1's manner of death as an accident and the Cause of Death is listed as Cocaine, Ethanol, and Fentanyl Toxicity.
- 22) On September 1, 2020 Detective Vandermolen spoke with Witness 5 at the Fond du Lac County Jail. Witness 5 stated her memory was blotchy from the night of Victim 1's death and that she smokes crack. Witness 5 stated she met Victim 1 for the first time the night of her death and Victim 1 appeared to be the happiest person Witness 5 had ever met. Witness 5 stated she watched Victim 1 come into Robert Harris's room and heard Victim 1 ask Harris some similar to "you got some shit?" and Harris stated "yeah." Victim 1 asked Harris what he had and Harris responded that he had "boi" which is a slang term for heroin. Witness 5 stated Robert Harris injected the heroin into Victim 1's body.
- 23) Witness 5 stated that approximately 10 minutes after the injection Victim 1 was sitting on the floor. Witness 5 then heard Victim 1 making unusual gurgling or respiratory noises. Witness 5 stated that she approached Victim 1 and tried to put her head up and noted that it is blue and Witness 5 didn't believe Victim 1 was breathing. Witness 5 stated she wanted to leave but Robert Harris wasn't allowing her to leave. Witness 5 stated that Witness 6 showed up and approached Victim 1 on the floor and lifted her head.
- 24) Witness 6 said Victim 1 wasn't breathing. Witness 5 told Witness 6 the others in the room were telling her this was normal and wouldn't let her leave. Witness 5 then observed Witness 6 attempting CPR on Victim 1. Witness 6 said 911 needed to be called but Harris said they couldn't call the cops. Witness 5 stated she was able to leave the room and started banging on doors in the rooming house until finally someone opened their door and called 911 for Victim 1.
- 25) Victim 5 stated she was waiting in the rooming house for someone to bring cocaine and observed Harris and a white guy shooting up heroin. While waiting for the cocaine Victim 1 showed up to the rooming house. Witness 5 stated she didn't know how much heroin Harris cooked up but knows he does a "whole fucking needle." Witness 5 stated she normally doesn't talk with law enforcement but seeing Victim 1 dead under these circumstances traumatized her.
- 26) On October 5, 2020 Officer Marc Medema observed Robert Harris in the City of Fond du Lac and brought Harris to the Fond du Lac Police Department to be interviewed by investigators. During this interview Officer Vokes and Detective Vandermolen confronted Robert Harris about the messages with Witness 4 and if Harris was using drugs that night. Harris stated that he knows Witness 4 and messages with her a lot but claimed he was not using drugs the night of Victim 1's death. Harris stated that Victim 1 injected the heroin herself. Vandermolen confronted Harris about him injecting the heroin into Victim 1's hand. Harris stated that he didn't know what Witness 4 was getting in the conversation alleging Harris provided the drugs to Victim 1 leading to her death. Harris stated he only provided Victim 1 a mirror and water and that Victim 1 used a tin to get the heroin ready.

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

Subscribed and sworn to before me on 10/09/20

Electronically Signed By:

Kristian K. Lindo

Assistant District Attorney

State Bar #: 1089021

Electronically Signed By:

Vandermolen 130

Complainant