

**FILED
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Fond du Lac County WI
2020CF000463**

STATE OF WISCONSIN	CIRCUIT COURT	FOND DU LAC COUNTY
STATE OF WISCONSIN		DA Case No.: 2020FL001887
Plaintiff,		Assigned DA/ADA: Eric J. Toney
vs.		Agency Case No.: 20-5073
DANIEL D NAVARRO 533 Morris St Fond du Lac, WI 54935 DOB: 05/18/1993 Sex/Race: M/U Alias: Also Known As Daniel Navarro Defendant.		Court Case No.: ATN:
		CRIMINAL COMPLAINT
		<i>For Official Use</i>

The undersigned law enforcement officer of the Fond du Lac Sheriff's Office, being first duly sworn, states that:

Count 1: FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON, HATE CRIME

The above-named defendant on or about Friday, July 3, 2020, in the Town of Taycheedah, Fond du Lac County, Wisconsin, did cause the death of VICTIM 1, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.63(1)(b), 939.645(1) and (2)(c) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 939.645(1) and (2)(c) Wis. Stats., because the defendant committed a crime under chapters 939 to 948, and intentionally selected the person against whom the crime was committed in whole or in part because of the defendant's belief or perception regarding the race of that person, the maximum penalty for the underlying crime may be increased by not more than \$5,000, and the maximum term of imprisonment may be increased by not more than five (5) years.

Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON, HATE CRIME

The above-named defendant on or about Friday, July 3, 2020, in the Town of Taycheedah, 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), 939.63(1)(b), 939.645(1) and (2)(c) 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.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 939.645(1) and (2)(c) Wis. Stats., because the defendant committed a crime under chapters 939 to 948, and intentionally selected the person against whom the crime was committed in whole or in part because of the defendant's belief or perception regarding the race of that person, the maximum penalty for the underlying crime may be increased by not more than \$5,000, and the maximum term of imprisonment may be increased by not more than five (5) years.

PROBABLE CAUSE:

Complainant is a Lieutenant with Fond du Lac County Sheriff's Office and basis this complaint upon the report, statements, and investigation of Detectives, Ryan Murphy, Michelle Fink, Sergeant Logan Will, and Deputies

Cody Sokolik, Jordan Behm, and Jason Bruggink of the same agency with whom your complainant has worked with and knows to be competent and reliable.

- 1) On July 3, 2020 at approximately 6:47 p.m. a motorist contacted the Fond du Lac County Communications Dispatch Center to report a vehicular crash on Winnebago Drive, south of Highway 151 in the Town of Taycheedah, Fond du Lac County, Wisconsin. One caller reported a white male, VICTIM 1, in the roadway that appeared deceased. Sergeant Paul Metzger confirmed VICTIM 1 was deceased and notified responding officers and first responders at 6:56 p.m.
- 2) Deputies and first responders began arriving to scene and observed a red 2004 Dodge Dakota pickup truck that was stopped facing east after having crashed into a pole off the roadway, north of the westbound lane of traffic. The pickup truck suffered severe front end and passenger side damage from the collisions and the front driver's side airbag had been deployed. The driver of the pickup truck was identified as the defendant, Daniel Navarro (DOB: 05/18/1993). Throughout the investigation investigators found no links that Daniel Navarro and VICTIM 1 knew each other prior to the fatal crash on July 3, 2020.
- 3) Sergeant Logan Will spoke with Daniel Navarro at the scene and Navarro stated that he intentionally crashed into the motorcycle, head on. Navarro stated that he was all the way into the westbound lane of traffic when the collision with the motorcycle occurred. Navarro denied falling asleep or nodding off prior to the crash. Sergeant Will inquired of Navarro if he heard him correctly about the crash being intentional and Navarro responded "yes, it was intentional, sir." Deputy Bruggink also responded to the scene and observed Navarro's demeanor which he described Navarro as having a "thousand yard stare."
- 4) The motorcycle was observed in the roadway with a motionless male subject in the roadway along with a debris field from the collision between the motorcycle and pickup truck. This motionless male subject was determined to be the sole occupant of the motorcycle and was pronounced deceased at the scene. The motorcycle driver was identified by his Wisconsin driver's license, found in the debris field, as VICTIM 1, a former Fairfax Virginia Police Officer and retired Wisconsin Division of Criminal Investigation Special Agent. There is nothing discovered in the investigation that reflects VICTIM 1 was targeted because of his former profession as a law enforcement officer.
- 5) Deputy Cody Sokolik spoke with Witness 1, a motorist that observed the crash in her rearview mirror. Witness 1 stated that she was traveling eastbound on Winnebago Drive and observed a red truck swerve and strike the motorcycle. Witness 1 stated she saw the motorcycle fly into the air. Witness 1 approached the scene of the crash and observed severe injuries to VICTIM 1 and that he was motionless on the roadway and appeared deceased. Witness 2 observed a portion of the crash in his rearview mirror and responded to the accident scene with Witness 3. Witness 3, a registered nurse, stayed with VICTIM 1 until police and first responders arrived to the scene. Witness 3 indicated that VICTIM 1 was deceased as she tended to him.
- 6) Deputy Jordan Behm arrived on scene and made contact with Daniel Navarro at the scene of the crash. Deputy Behm made contact with Navarro and asked Navarro if he was OK and Navarro responded "yup." Deputy Behm observed Navarro's demeanor to be calm and that Navarro appeared to be staring off into the distance. Deputy Behm observed no injuries to Navarro and Navarro refused treatment at the scene by medical staff.
- 7) Sergeant Ryan Zitlow conducted the crash reconstruction. Initial information on scene showed the collision occurred in the westbound lane of traffic. Navarro was traveling eastbound on Winnebago drive and abruptly swerved into the westbound lane of traffic striking the motorcycle. Sergeant Zitlow reviewed tire marks and evidence at the scene. Sergeant Zitlow observed no signs of breaking by Navarro's pickup truck before or after the impact with the motorcycle. Sergeant Zitlow observed tire marks left by VICTIM 1's motorcycle that appear to show pre-impact breaking. Based on the initial information available to investigators and statements from Daniel Navarro, there are no known mechanical issues with Navarro's vehicle that could have contributed to the crash. Investigators reported a hot sunny day with dry pavement on a straight level and flat road, with no visual obstructions, and no road conditions or environmental conditions that appeared to contribute to the crash. A full crash reconstruction and vehicle inspections have not been completed at the time of the filing of the criminal complaint. Once completed investigators anticipate having estimates for the speed of the vehicles and their condition. Deputy Sokolik conducted field sobriety tests and no signs of impairment were noted. Daniel Navarro refused medical

treatment at the scene of the crash and was transported to St. Agnes Hospital for a voluntary blood draw and was medically cleared by hospital staff.

- 8) Once Navarro was medically cleared he was transported to the Fond du Lac Count Sheriff's Office and interviewed for approximately 3 and ½ hours by Detectives Ryan Murphy and Michelle Fink on Friday July 3, 2020 into the morning hours of Saturday July 4, 2020. During this interview Daniel Navarro told the detectives that he believed he was intentionally contaminated with a chemical sterilizer on his jacket by an employment supervisor in Ripon approximately a year and a half prior to July 3. Navarro went on to say that a friend poisoned him by giving him acid a year and a half ago and that he is still being poisoned by a neighbor. Navarro stated that he can hear one of his neighbors making racist comments through the walls of this residence. Navarro also stated "they" drive by his house and rev up engines or squeal tires. Navarro stated "they" all know who he is and are trying to upset him but he doesn't get angry. Navarro stated that those who are poisoning him, giving him acid, and making racist comments are all Caucasian and targeting Navarro because he is Mexican.
- 9) Navarro stated the recent events and the racial climate in the United States contributed to what happened to him. Navarro talked about the silent majority that voted for Donald Trump as President, the political and racial tensions in the news lately, including racial tensions related to President Trump. Navarro stated that if Trump and white people are going to create a world like we are living in then he has no choice and people are going to have to die. Navarro described using the computer at home to watch YouTube videos and the news. Navarro stated he doesn't have a Facebook account but does follow social media, such as Facebook. Navarro stated he lives at home with parents. Investigators seized numerous electronic devices which will be searched related to Navarro's racial comments and articles/videos he viewed. As of the filing of this criminal complaint those forensic searches have not been concluded.
- 10) Navarro began talking about July 3, 2020 and stated he took his red pickup truck, which is registered to his father, out for a drive in order to charge up the truck battery because he only leaves the house about once per week. Navarro stated he drove out in the county and was making another "loop" when he was eastbound on Winnebago Drive and saw the motorcycle driven by VICTIM 1, which he believed was a Harley Davidson motorcycle. Navarro was not aware of specifically who was driving the motorcycle because the headlight of the motorcycle was so bright but that Navarro intentionally swerved into the westbound lane of traffic crossing the center line striking VICTIM 1 and his motorcycle with the intent to kill the driver of the motorcycle. Navarro stated that he was thinking about targeting a white person and killing them with a vehicle earlier that day.
- 11) Navarro stated he picked a motorcycle instead of a car because he wanted the person to die and not be paralyzed. Navarro stated that he believed the person driving the motorcycle was white because in Wisconsin white people drive motorcycles and the Harley culture is made up of white racists. Navarro discussed having to hit and kill the occupant of the motorcycle because his health will deteriorate and he doesn't want his parents to take care of him. Navarro also stated that he wanted to go to prison for the rest of his life so he could be free from his neighbors and the people who drive by his house. Navarro stated that he knows right from wrong and he knows what he did was wrong.
- 12) During the course of the investigation there was no information found linking VICTIM 1 to any racist activity or behavior. The investigation has shown VICTIM to be a former Marine, police officer, DCI Special Agent, and a frequent volunteer at a local food pantry. VICTIM 1's background does not support the type of target the defendant sought to kill.
- 13) On July 4, 2020 investigators with the Fond du Lac County Sheriff's Office executed a search warrant at Daniel Navarro's residence located at 533 Morris Street in the City and County of Fond du Lac, Wisconsin. During the execution of the search warrant Detective Fink spoke with the parents of Daniel Navarro. Navarro's parents stated that Daniel Navarro had been isolating himself and spent most of his time watching the news but not any particular news station. They stated that Daniel Navarro also went on the internet to watch YouTube and didn't socialize with anyone.
- 14) Detective Murphy reviewed in house records of Daniel Navarro and learned of a 2019 Disorderly Conduct domestic violence incident involving Navarro in the City of Fond du Lac. Detective Murphy learned that officers attempted to have a 72 hour mental health hold placed on Navarro but the request was denied by

the crisis hotline. Navarro's parents stated that Navarro does not have a primary care doctor and any treatment he received would have been through an emergency room visit.

- 15) Detective Fink attended the autopsy of VICTIM 1 which was performed by Fond du Lac County Medical Examiner Dr. Adam Covach, a board certified forensic pathologist. The autopsy of VICTIM 1 occurred on July 6, 2020. Dr. Covach's preliminary autopsy findings state that VICTIM 1 suffered significant injuries from the motor vehicle collision on July 3, 2020 resulting in VICTIM 1's death. Dr. Covach reported that the death would have occurred almost instantaneously. Dr. Covach indicated that a final determination and autopsy report will be completed once toxicology results are received.

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

Subscribed and sworn to before me on 07/09/20

Electronically Signed By:

Eric J. Toney

District Attorney

State Bar #: 1079214

Electronically Signed By:

Lt. Chris Randall

Complainant