

**FILED**  
**01-05-2023**  
**Anna Maria Hodges**  
**Clerk of Circuit Court**  
**2023CF000038**  
**Honorable Jeffrey A.**  
**Wagner-38**  
**Branch 38**

**STATE OF WISCONSIN                      CIRCUIT COURT                      MILWAUKEE COUNTY**

**STATE OF WISCONSIN**  
**Plaintiff,**

**DA Case No.: 2023ML000161**  
**Court Case No.:**

vs.

**CRIMINAL COMPLAINT**

FELIX-AVENDANO, JUAN C  
8231 NORTH SWAN ROAD, #D  
MILWAUKEE, WI 53224  
DOB: 04/07/2001

**Defendant(s).**

*For Official Use*

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

**Count 1: HOMICIDE BY INTOXICATED USE OF A VEHICLE**

The above-named defendant on or about Sunday, January 1, 2023, at 9811 West Good Hope Road, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause the death of CAS, by the operation of a vehicle while under the influence of an intoxicant, contrary to sec. 940.09(1)(a), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant 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)(c), upon conviction, the department shall revoke the defendant's operating privilege for five (5) years.

And furthermore, invoking the provisions of Wisconsin Statute 940.09(1c)(a), upon conviction, the court shall impose a bifurcated sentence under s. 973.01 and the term of confinement in prison portion of the bifurcated sentence shall be at least 5 years except that a court may impose a term of confinement that is less than 5 years if the court finds a compelling reason and places its reason on the record.

**Count 2: HOMICIDE BY INTOXICATED USE OF A VEHICLE WITH A PROHIBITED ALCOHOL CONCENTRATION**

The above-named defendant on or about Sunday, January 1, 2023, at 9811 West Good Hope Road, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause the death of CAS, by the operation of a vehicle while having a prohibited alcohol concentration of more than 0.08% by weight in the blood, contrary to sec. 940.09(1)(b), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant 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)(c), upon conviction, the department shall revoke the defendant's operating privilege for five (5) years.

And furthermore, invoking the provisions of Wisconsin Statute 940.09(1c)(a), upon conviction, the court shall impose a bifurcated sentence under s. 973.01 and the term of confinement in prison portion of the

bifurcated sentence shall be at least 5 years except that a court may impose a term of confinement that is less than 5 years if the court finds a compelling reason and places its reason on the record.

**Count 3: INJURY BY INTOXICATED USE OF A VEHICLE (GREAT BODILY HARM)**

The above-named defendant on or about Sunday, January 1, 2023, at 9811 West Good Hope Road, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause great bodily harm to JJS, another human being, by the operation of a vehicle while under the influence of an intoxicant, contrary to sec. 940.25(1)(a), 939.50(3)(f) Wis. Stats.

Upon conviction for this offense, a Class F Felony, the defendant 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 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: INJURY BY INTOXICATED USE OF A VEHICLE (GREAT BODILY HARM - PAC)**

The above-named defendant on or about Sunday, January 1, 2023, at 9811 West Good Hope Road, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause great bodily harm to JJS, another human being, by the operation of a vehicle while having a prohibited alcohol concentration as defined in sec. 340.01(46m), contrary to sec. 940.25(1)(b), 939.50(3)(f) Wis. Stats.

Upon conviction for this offense, a Class F Felony, the defendant 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 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 5: INJURY BY INTOXICATED USE OF A VEHICLE (GREAT BODILY HARM)**

The above-named defendant on or about Sunday, January 1, 2023, at 9811 West Good Hope Road, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause great bodily harm to WGS, another human being, by the operation of a vehicle while under the influence of an intoxicant, contrary to sec. 940.25(1)(a), 939.50(3)(f) Wis. Stats.

Upon conviction for this offense, a Class F Felony, the defendant 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 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 6: INJURY BY INTOXICATED USE OF A VEHICLE (GREAT BODILY HARM - PAC)**

The above-named defendant on or about Sunday, January 1, 2023, at 9811 West Good Hope Road, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause great bodily harm to WGS, another human being, by the operation of a vehicle while having a prohibited alcohol concentration as defined in sec. 340.01(46m), contrary to sec. 940.25(1)(b), 939.50(3)(f) Wis. Stats.

Upon conviction for this offense, a Class F Felony, the defendant 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 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).

**Probable Cause:**

On January 1, 2023, at 8:33 a.m., Milwaukee Police Officer Andrew Lieske responded to a vehicle collision at 9900 W Good Hope Rd. Upon his arrival, Officer Lieske observed that two vehicles were involved in a collision. The two vehicles were a red Volkswagen and a red Toyota Rav4. At that location, Officer Lieske was provided information that the two vehicles had a total of four occupants. All of the occupants were transported to Froedtert Hospital for medical treatment. Officer Lieske obtained information regarding the four occupants:

1. Juan Feliz-Avendano (Defendant) was the driver of the Volkswagen.
2. WGS was the driver of the Toyota Rav4.
3. CAS. was the front seat passenger of the Toyota Rav4.
4. JJS was the right rear passenger of the Toyota Rav4.

Officer Lieske was informed that CAS and JJS had sustained serious injuries and both were in critical condition at Froedtert Hospital. Juan Felix-Avendano and WGS had both sustained non-life threatening injuries. Officers at the hospital reported that Juan Felix-Avendano appeared to be intoxicated.

Milwaukee Police Officer Richard Schnier subsequently responded to the scene of the collision. Officer Schnier is assigned to the Specialized Patrol Division, Crash Reconstruction Unit. After receiving the above-described information from Officer Lieske, Officer Schnier began to examine the scene of the collision. Officer made the following observations relevant to this collision:

1. The posted speed limit on W. Good Hope Rd. is 40 mph.
2. A gouge was observed in the center lane of eastbound travel lanes of W. Good Hope Rd. The gouge was slightly east of N. 99<sup>th</sup> St. This, in Officer Schnier's opinion, indicated where the two vehicles first made contact.
3. Continuing east on W. Good Hope Rd., Officer Schnier observed vehicle debris strewn about the roadway.

4. Post-impact tire marks were observed and those marks led up to the point where the Volkswagen came to a stop. The Volkswagen came to rest in the eastbound lanes of W. Good Hope Rd., and the front of the Volkswagen was facing southwest. The Volkswagen had severe front-end damage. The speedometer was stuck at 110 mph. An open bottle of beer was on the driver's floorboard and a can of Modelo beer was in the back seat.
5. The Toyota came to a stop in the westbound lanes of W. Good Hope Rd. The Toyota had severe damage across the rear of the vehicle.

Based upon these observations and his experience, Officer Schnier came to the conclusion that the collision involved the Volkswagen, while travelling at a high rate of speed, hit the rear of the Toyota.

While at the scene of the collision, Officer Schnier received information that CAS had died from the injuries sustained in the collision, that JJS was on life support and it was believed that J.S. was paralyzed from the neck down, and that WGS was diagnosed with a brain bleed.

At Froedtert Hospital, upon his admission, blood was collected from Juan Felix-Avedano. Officer Schnier obtained a search warrant to obtain this blood and did obtain the blood of Juan Felix-Avedano. This blood was collected within four hours of the collision described in this complaint.

The blood collected from Juan Felix-Avedano by hospital staff and subsequently obtained by officer Schnier was subsequently conveyed to the Wisconsin State Crime Lab by Milwaukee Police Officer Richard Schnier.

On January 3, 2023, Officer Schnier received information from the State Crime Lab that Felix-Avendano's blood had been tested for the presence of alcohol and that the blood alcohol content was .147 g/100ml.

On January 1, 2023, Milwaukee Police Det. Mladen Dukic interviewed WGS who was involved in the above-described collision. During that interview, W.S. provided the following information:

1. He lives in Menomonee Falls with his wife, JJS, and their disabled son, CAS.
2. Prior to the collision, they were on their way to church. He was driving, CAS was in the front seat, and JJS was in the back seat, behind CAS.
3. He was driving their Toyota Rav4, and he was driving east on W. Good Hope Rd. He was travelling the speed limit.  
He remembers that he was spun and he lost consciousness for a short period of time.
4. He was then taken to Froedtert Hospital.

On January 2, 2023, Juan Felix-Avendano, Defendant, was interviewed by Milwaukee Det. Irma Rosario. During that interview, Felix-Avendano provided the following information regarding the collision:

1. On January 1, 2023, he was at work until about 8:30 p.m. Before leaving work, he drank a glass of beer and had one shot.
2. On his way home, he drank a Michelanda and a Modelo.
3. He arrived home and was then talking, who is in Mexico, until about 12:30 – 1:00 a.m.
4. After he had hung up on his wife, he smoked crystal meth, and he then entered the house.
5. While in his home, he drank about four Modelo beers.
6. He attempted to call his wife, but she did not answer.
7. He was upset and went upstairs where the owner of the house was have a gathering for New Years. While there, he continued drinking.

8. While upstairs, he remembers drinking a Modelo and a Corona, but he does not remember what else he drank since he lost control.
9. He does not recall leaving the house in his vehicle, but he recalls the impact from the accident and he remembers his vehicle was smoking. He remembers getting out of his vehicle because his chest hurt.
10. He recalls the fire department arriving and placing wires on his chest. He next recalls waking up in the hospital.
11. He had been driving a red Jetta, which is his vehicle.
12. He does not recall where he was driving when the accident occurred since, he was drunk.
13. He was the only person in the vehicle at the time of the accident.
14. When asked if he was responsible for the crash, he said Yes.
15. He has never had a license and was aware that he was driving without a license at the time of the accident.

\*\*\*\*End of Complaint\*\*\*\*

**Electronic Filing Notice:**

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 Paul L. Tiffin.  
ADA Assigned Email Address: paul.tiffin@da.wi.gov  
Subscribed and sworn to before me on 01/05/23

Electronically Signed By:

Paul L. Tiffin

Assistant District Attorney

State Bar #: 1017260

Electronically Signed By:

Police Officer Richard Schnier

Complainant