



# Fond du Lac County

**FILED**  
**02-23-2023**  
**Clerk of Courts**  
**Fond du Lac County WI**  
**2023CF000060**

## OFFICE OF THE DISTRICT ATTORNEY

Eric J. Toney, District Attorney  
Barry J. Braatz, Deputy  
Kristin R. Menzl, Assistant  
Curtis A. Borsheim, Assistant  
Catherine A. Block, Assistant  
Sara Christensen, Assistant  
Wesley J. Kottke, Assistant  
Jane Kohlwey, Assistant  
Mary Ellen Karst, Assistant  
Barbara J. Pierce, Assistant  
Gordon R. Leech, Assistant  
Joan M. Korb, Assistant  
Victim/Witness Services (920) 929-3048

February 23, 2023

Honorable Tricia Walker  
Circuit Court Judge  
Fond du Lac County, Wisconsin

Re: State of Wisconsin vs. Brian A Sippel  
Case No. 2023CF000060

Dear Judge Walker:

Today I contacted the Madison Crime Lab to determine the status of the blood test in this homicide case. I was informed by the Crime Lab that they received the blood Sample on January 17, 2023 and as of today's date the Crime Lab informed me that the blood sample has not been assigned to an analyst for testing. The Crime Lab inquired if a jury trial has been scheduled, leading me to believe an analyst may not be assigned until a trial date is set. As the Court is aware, a jury trial has not been set because we have not had the preliminary hearing, which is scheduled for March 9, 2023.

From past experience, the Crime Lab often waits until trial dates are set for the lab to begin processing evidence such as DNA, controlled substances, and blood panels. I cannot recall having this same experience with a blood analysis for ethanol in a drunk driving case, especially in a homicide case. The blood test result is necessary evidence for the state to present our case and for the defendant to be aware of the results of this evidence. It is unsettling to the State for the lab to have the evidence for over a month without an analyst having been assigned to begin the testing of the defendant's blood. This has the potential to delay this case and create uncertainty for the defendant as well as the victim's family.

Based upon the above information I am requesting the court:

- 1) Order the Crime Lab to test the blood samples for ethanol and have those blood sample results submitted to the state by March 8, 2023. This will provide the State time to file an amended criminal complaint with those results.
- 2) I am also requesting the court defer any decision on the defendant's motion until the preliminary hearing date of March 9, 2023.

Sincerely,

Eric Toney  
District Attorney

**Date Signed: 02/23/23**

**Electronically Signed By:**

**Eric J. Toney**

**District Attorney**

**State Bar #: 1079214**