



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)(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).

**Probable Cause:**

I am a City of Milwaukee law enforcement officer and base this complaint on my own investigation and on the reports of fellow officers.

On October 27, 2023, a citizen (Witness 1) reported that his BMW had been stolen while Witness 1 was visiting at 2420 N. 39<sup>th</sup> St., Milwaukee.

On November 2, 2023, at about 10:39 AM, a Wauwatosa police officer reported that while he was on patrol in a marked squad, he was on W. Capitol Drive and saw a BMW with no plates. He activated his squad's lights and siren in an effort to pull over the BMW, but the BMW sped away, going westbound on Capitol Drive. The officer soon discontinued the pursuit for safety concerns. The officer did continue eastbound on W. Capitol Drive and at the intersection of N. 100<sup>th</sup> St. and W. Capitol Drive, Milwaukee, he saw that there had been collision involving the BMW and another car.

The BMW was now unoccupied. The BMW was identified as the car that Witness 1 had reported stolen. The other car involved in the crash, a Toyota, was occupied by EM. EM was pronounced deceased on scene. EM was pregnant at the time, and her unborn child did not survive.

EM's body was taken to the Milwaukee County Medical Examiner. Dr. Brian Linert performed an autopsy and found that the cause of EM's death was multiple blunt force injuries from the collision.

Police recovered video from the area of the crash. It shows the northbound Toyota stopped on N. 100<sup>th</sup> St. at a traffic signal. Once the light changes, the Toyota proceeds into the intersection and is struck in T-bone fashion by a BMW coming eastbound on Capitol Drive. Within seconds, the driver of the BMW exits the car and runs off, hopping a fence as he goes.

Officer Richard Schnier of the crash reconstruction unit of the Milwaukee Police Department downloaded data from the BMW's airbag control module. The data shows that 5 seconds before the crash, the BMW was going 116 mph. Three seconds before the crash it was going 111 mph; then it slows to 78 mph one second before the crash (indicating heavy braking) and it is going 61 mph at the point of impact. The speed limit on Capitol Drive at the crash site is 35 mph.

Police found a Walmart receipt dated October 29, 2023, in the abandoned BMW. They went to the Walmart store indicated on the receipt and reviewed video footage from the operative time. The footage showed the BMW arriving in the lot and a man exiting it and entering the store. Video from close up inside the store showed that the man had a distinctive tattoo depicting a clock on his hand.

On November 2, 2023, police went to 2420 N. 39<sup>th</sup> St. (the residence from where the BMW was initially stolen.) While knocking on the door, police saw a man inside motioning to a woman inside. The woman exited onto the porch and would not identify the man inside. A detective noticed a smoldering fire in a

grill in the back yard and knocked on the door again to ask the woman about it. A detective then saw a man's arm open a window; he yelled for the man to show him his hands, but the arm abruptly retreated back inside and closed the window. Police entered to prevent the person's escape and identified him as the defendant. The defendant had a bump and laceration over his left eyebrow. On his hand he has a tattoo depicting a clock.

Police looked inside the smoldering grill in the back yard and found charred and burnt clothing and partially burned papers on which the words "BMW North" were written and which appeared to be sales information detailing a car's options.

A key fob for a BMW was in the house where the defendant was arrested. Officer Richard Schnier later tried that key fob on the BMW from the crash and found that it operated the doors and hatch.

Police spoke to a person from the neighborhood where the defendant was located (Witness 2). Witness 2 told police that the BMW had parked on the same slab where she parks, so close to Witness 2's car that Witness 2 had trouble entering the car. Witness 2 photographed the BMW so she could show the photo to neighbors and ask what they knew about it. The photograph was taken on November 2, 2023, at 4:55 AM (about 6 hours before the collision.) The BMW in Witness 2's photo is the same BMW that hours later crashed into EM's car.

The defendant gave a statement to Detectives Steve Jegen and Mike Martin. He said that he had the car about a week prior to the date of the crash, but that someone had stolen the car from him before the date of the crash and he had not used the car since. He denied that it was him in the Walmart footage. He had no explanation for the presence of the BMW outside the residence where he was arrested on 11/2/23, other than to suggest that someone else could have driven it there or the photo could have been taken days before the crash (contrary to the known date of the photo.) .

\*\*\*\*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 Michael J. Lonski.  
ADA Assigned Email Address: michael.lonski@da.wi.gov

Subscribed and sworn to before me on 11/07/23

Electronically Signed By:

Michael J. Lonski

Assistant District Attorney

State Bar #: 1007134

Electronically Signed By:

Police Officer Richard Schnier

Complainant

