

FILED
11-22-2022
Clerk of Courts
Fond du Lac County WI
2022CF000915

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

<p>STATE OF WISCONSIN Plaintiff,</p> <p>vs.</p> <p>GARY EUGENE DAVIS 70 E Merrill Ave #9B Fond Du Lac, WI 54935 DOB: 06/18/1965 Sex/Race: M/B Alias: Also Known As Gary E Davis Defendant.</p>	<p>DA Case No.: 2022FL003249 Assigned DA/ADA: Eric J. Toney Agency Case No.: 22-7761 Court Case No.: ATN: 20002211170024</p> <p style="text-align: center;">CRIMINAL COMPLAINT</p>	<p><i>For Official Use</i></p>
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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 INTENTIONAL HOMICIDE, REPEATER, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Saturday, November 12, 2022, in the City of Fond du Lac, 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), 939.62(1)(c), 939.63(1)(b) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Felony Intimidate Victim/Threaten Force - Domestic Abuse, in Fond du Lac County Case No. 18CF619 on or about 10/26/2018, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

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.

Count 2: MAYHEM, REPEATER, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Saturday, November 12, 2022, in the City of Fond du Lac, Fond du Lac County, Wisconsin, with the intent to disable VICTIM 1, did cut the limb of VICTIM 1, contrary to sec. 940.21, 939.50(3)(c), 939.62(1)(c), 939.63(1)(b) 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.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Felony Intimidate Victim/Threaten Force - Domestic Abuse, in Fond du Lac County Case No. 18CF619 on or about 10/26/2018, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

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.

Count 3: HIDING A CORPSE, REPEATER

The above-named defendant on or about Saturday, November 12, 2022, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did hide a corpse with the intent to conceal a crime, contrary to sec. 940.11(2), 939.50(3)(f),

939.62(1)(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. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Felony Intimidate Victim/Threaten Force - Domestic Abuse, in Fond du Lac County Case No. 18CF619 on or about 10/26/2018, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

PROBABLE CAUSE:

- 1) Complainant is an officer with the City of Fond du Lac Police Department and basis this complaint upon the report and investigation of Officer(s) of the same agency with whom your complainant has worked with and knows to be competent and reliable.

INITIAL RESPONSE TO SCENE

- 1) On November 12, 2022 at 8:15 a.m. Officers Provot and Utpadel of the City of Fond du Lac Police Department was dispatched to 70 E. Merrill Avenue Apartment #4 in the City and County of Fond du Lac, Wisconsin for a welfare check on Victim 1. The caller was from the methadone clinic in Fond du Lac County and stated that Victim 1 had not been to clinic for three days.
- 2) Officer Provot arrived on scene and made contact with a neighbor that indicated they had not heard from Victim 1 in a few days but had observed Victim 1's car parked at Somewhere Bar in the City of Fond du Lac. Officer Provot located Victim 1's vehicle, a white sedan parked in the parking lot of Somewhere Bar and then Officer Provot returned Victim 1's residence on Merrill Ave.
- 3) The door to Victim 1's residence was opened by the apartment manager, Rob. Upon a search of the apartment Officer Provot located a white female, later identified as Victim 1 laying on the floor deceased. Officer Provot observed blood near Victim 1's body.
- 4) Detective Kristina Meilahn was called to assist with the death investigation at a 9:37 a.m. Detective Meilahn learned that Victim 1 was not immediately able to be observed when officers entered apartment #4 because the victim was covered with items. Detective Meilahn also learned that there were pools of blood on the ground and possible blood spatter on multiple surfaces in the apartment.
- 5) Detective Meilahn arrived to the scene and spoke with Officer Provot and learned that Victim 1 was dating Gary Davis and that Davis lived in the same apartment building. Officer Provot also stated that he wasn't able to initially locate the Victim's body upon entering her apartment because of blankets and debris and on top of her. Officer Provot explained that the Victim's body was wrapped up in blankets and in the fetal position while wearing multi-colored shoes. Provot explained how Officer Utpadael pulled a blanket back and noted what appeared to be a hole in the Victim's side.
- 6) Detective Meilahn entered the apartment and observed a red sleeping bag and officers pointed out items that had been on top of the victim. Detective Meilahn observed a glass pipe with burnt residue consistent with smoking crack cocaine on a plate on top of a table.
- 7) Detective Meilahn and Officer O'Donnell noted the Victim's back had several areas of bruising and the pools of blood appeared to have separation from where the Victim's body was located. Detective Meilahn also observed numerous wounds to the stomach and what appeared to be a black plastic broken off handle from a large kitchen knife laying on top of a wire basket to the east of the Victim's head.

BLOOD SPATTER AND WHITE SHOES

- 8) Detective Meilahn observed numerous areas that appeared to have blood spatter on them including:
 - a. Blinds on the east side window with spatter
 - b. The wall to north and above the entrance door to the kitchen with spatter

- c. Finer mist of apparent blood spatter on numerous items
 - d. Large apparent blood spatter on cardboard box under a table l the southeast corner of the room
 - e. A Taco Bell cup under a chair with spatter
 - f. **A pair of white athletic shoes with blood on them**
 - i. The shoes were found on top of a wooden box and appeared to have blood on them. It also appeared that some blood had been rubbed off on the upper surface.\
- 9) Detective Meilahn learned that the Victim wore size 9.5 shoes and the white athletic shoes found were size 10.5 and appeared to be men’s shoes. **Detective Meilahn noted the white shoes could not have been in the position they were found when the blood first made contact with the shoes.**

SURVEILLANCE VIDEO AND PHOTOS

- 10) On November 15, 2022 Zach Webber with Kwik Trip sent Detective Deering still shots from a Kwik Trip surveillance camera from 980 S. Hickory Street in the City of Fond du Lac from November 1, 2022 at 12:53 a.m. **Detective Deering positively identified Gary Davis in the photo which showed Gary Davis appearing to be wearing white athletic shoes of the same make and model found at the scene of the Victim’s death. Det. Deering noted no red stains on the shoes from the Kwik Trip photos.**
- 11) On November 13 Detective Deering obtained surveillance video from Kwik Trip located at 158 N. Main Street in the City of Fond du Lac. Det. Deering observed a subject enter Kwik Trip Wednesday November 9, 2022 at 5:25 a.m. and goes into the men’s bathroom. He then exits the bathroom at 5:29 a.m. and proceeds to the checkout. Det. Deering observed that this was Gary Davis and he was wearing a hooded sweatshirt and dark colored shoes.
- 12) **Lieutenant Bobo viewed surveillance video showing the victim’s car being left in the Somewhere Bar parking lot Wednesday November 9, 2022 at approximately 5:11 a.m.** A figure is seen exiting the vehicle, which was parked in the same spot officers originally found the vehicle. **Lt. Bobo was able to use other surveillance cameras to follow the subject away from Somewhere Bar and into Kwik Trip on 158 N. Main St,** in the City of Fond du Lac. **Detective Deering then viewed the Kwik Trip surveillance and compared that to Wisconsin DOT photo of Gary Davis and confirmed them to be the same person.** Davis is observed entering the bathroom at 5:25 a.m. and exiting at 5:29 a.m.

CONTACT WITH VICTIM 1’S FAMILY

- 13) Detective Meilahn spoke with family from Victim 1 and learned that **Victim 1 and Gary Davis were involved in an intimate relationship.** Victim 1’s daughter stated that she had been in contact with Gary Davis in which Davis stated that Victim hadn’t answered her phone. Davis stated he hadn’t checked on her since Tuesday November 8, 2022. She stated this didn’t make any sense to her because Davis lived directly above Victim 1 in the same apartment building.

MEDICAL EXAMINER ARRIVAL

- 14) Detective Meilahn was present at the scene with the Fond du Lac County Medical Examiner Dr. Adam Covach arrived to the scene. During Dr. Covach’s examination the Victim’s body was uncovered with blankets being removed and Dr. Meilahn observed what appeared to be numerous penetrating knife wounds to her body as well as some type of trauma to her head, behind her left ear. Detective Meilahn also observed apparent defensive wounds to the Victim’s hands.

AUTOPSY

- 15) Detective Lee Mikulec attended the autopsy performed by Fond du Lac County Medical Examiner Dr. Adam Covach. Detective Mikulec learned that the Victim had over twelve stab wounds to the torso area, three separate skull fractures from blunt force trauma, and blunt force trauma to her jaw which broke her upper jaw off splitting her lip open. **The Medical Examiner ruled the cause of death to be multiple stab wounds and blunt force trauma to the skull.**

VICTIM’S HYUNDAI AND APARTMENT LOCKED ROM THE OUTSIDE WITH KEY

- 16) Detective Meilahn confirmed with Officer Provot that the door to the Victim's apartment was locked with a dead bolt when officers arrived. The door had to be opened with a key. **Detective Meilahn inspected the door and locking mechanism further and noted for the dead bolt to be locked it had to have been locked by a key from the outside as there was no way to lock the dead bolt from the inside and then close the door. The apartment key was not located during the search of the residence.**
- 17) Detective Meilahn noted the Victim's Hyundai car keys and fob were located in the apartment. **Detective Meilahn also learned from the Victim's mother that the Victim only had one set of keys to her car leading Detective Meilahn to believe the Hyundai keys found in the apartment were the keys used to drive the Victim's car to the Somewhere Bar.**

CONTACT WITH GARY DAVIS

- 18) Detective Meilahn met with Tonya Colon and Gary Davis outside Apartment #2 across the hallway from the Victim's apartment in the same building. Detective Meilahn was inquiring when the last time they saw the Victim and Tonya interjected that it was Tuesday November 8. Gary then stated that the Victim indicated she was going to go to Taco Bell around 9:00 p.m.
- 19) Tonya stated that on Tuesday night between 4:30 and 5:30 p.m. when the Victim stated she was going to "make a run."
- 20) Gary stated that he hadn't seen the Victim's car since Tuesday, November 8th. Gary also stated it was unusual for the Victim to go the whole day without contacting him. Gary stated he was calling the Victim almost every day but her phone wasn't accepting calls. Detective Meilahn asked Gary if he spoke with the Victim early Wednesday morning November 9 and Gary said "Yea, like 12:30 a.m."
- 21) Gary also told Detective Meilahn that he was texting the Victim to see where she was after November 9. Detective Meilahn asked to see the texts and Gary responded that maybe he texted one day and "deletes" stuff. Gary showed Detective Meilahn his phone and Detective Meilahn observed Gary had no texts saved in his phone except two messages he had just received. Gary also stated that he was supposed to start work at Pomp's Tire that week.

GARY DAVIS PHONE INFORMATION AND INTERVIEWS

- 22) In reviewing Gary's phone Detective Meilahn observed a 9:41 P.M., November 8 call with the Victim and then another call from Gary to the Victim at 12:36 a.m. on November 9. During this time Gary suggested the Victim called him but Meilahn pointed out the phone records showed Gary called the Victim and spoke with her for 3 minutes and 31 seconds. Detective Meilahn also observed the Victim called Gary Davis for 29 seconds at 12:44 a.m. and the last call between them was from the Victim to Gary at 12:53 A.M. for 4 minutes and 49 seconds. Detective Meilahn noted Gary's explanations for the calls didn't make sense and Gary claimed not to remember having originally made some of the calls or the content of the calls.
- 23) Gary Davis had originally told Detective Meilahn that he had been in bed at 9:41 p.m. and Davis didn't recall the other two phone calls. Davis also denied leaving his room until he was about to go to work for his 7:30 a.m. work shift on November 9, 2022.
- 24) **Gary Davis also originally told Detective Meilahn that he had no idea how the Victim's car got to the Somewhere Bar parking lot, despite video surveillance showing Gary Davis being the person that put the vehicle in the parking lot, and this would have Gary Davis leaving his apartment prior to his 7:30 A.M. work shift on November 9, 2022.**
- 25) **Detective Meilahn noted Gary appeared to be untruthful regarding a prior incident at a Kwik Trip with the Victim. Detective Meilahn additionally noted that after Gary last said he spoke with the Victim there were 3 additional phone calls between them.** Gary stated he wasn't aware of anyone else having a key to the Victim's apartment. Gary Davis also denied knowing how the Victim's vehicle got to the Somewhere Bar parking lot.

- 26) On November 16, 2022 Detectives Hahn and Meilahn spoke with Gary Davis and **he admitted the white shoes with red stains consistent with blood, belonged to him. Davis denied knowing how blood got on the shoes.**
- 27) **Davis also acknowledged to moving the Victim's vehicle to the Somewhere Bar parking lot but denied recalling how he obtained the keys for the Victim's vehicle or how the keys were returned to the Victim's purse in her locked apartment after he moved the car.**
- 28) Tonya told Detective Meilahn that she had been spraying air freshener in hallway because the smell was so bad and when police opened the door to the Victim's apartment she realized the smell was coming from there.
- 29) Detectives Hahn and Meilahn spoke with Gary Davis on November 13, 2022. Davis stated he was supposed to start work at Pomp's Tires on Wednesday November 9, 2022 but instead started November 10, 2022. Gary stated he missed the bus on Wednesday and was unable to start that day.

POMP'S TIRE

- 30) Detective Vandermolen spoke with Pomp's Tire Manager Daniel Towne and learned Gary left a message with their answering service. Karen LeCapitaine in the Green Bay answering service called Towne saying Davis left a message saying he couldn't make it work on Wednesday but the story was not consistent with missing a bus. Davis told the answering service that his friend was missing and they couldn't find her. Davis also stated that he was very concerned because she falls asleep a lot and they he knew her car was also gone.
- 31) Detective Meilahn learned Davis called Pomp's on November 9, 2022 at 5:14 A.M., 3 minutes after the Victim's car was left at the Somewhere Bar. Davis called again at 5:15 A.M. and left voice message at 5:18 A.M.
- 32) Towne also stated that Gary Davis told Richard Barton that Davis saw the Victim's car parked at a bar on November 12. Davis got a ride to work that day from Barton and they saw the Victim's car at the bar. Davis indicated he hoped the victim was out and about.

RELATIONSHIP HISTORY AND PAST ACTS OF VIOLENCE

- 33) Detective Meilahn spoke with WITNESS 1 on November 13th and learned that WITNESS 1 observed Gary Davis mopping the common living area between the stairwell and door to Apt B on November 9th or 10th. All of Davis' property was out of Apartment B and in the common living room area. WITNESS 1 stated this was odd and stuck out to him.
- 34) Detective Meilahn spoke with WITNESS 2 on November 14, 2022. Johnson stated that he was at the victim's apartment when she got into a verbal argument with Gary Davis, which was approximately 7-8 days prior. Johnson stated the Victim told Gary Davis to get all of his belongings out of her apartment. Johnson understood that they were breaking up because of Davis being controlling of the victim.
- 35) Detective Meilahn also spoke with WITNESS 3 on November 14, 2022. WITNESS 3 stated that about two weeks ago WITNESS 3 observed the Victim and Davis arguing at 70 E. Merrill Ave. The Victim was hearing crying and stated "I'm so sick of this" as well as "I can't take this anymore" and "All we do is argue."
- 36) Detective Henning also spoke with WITNESS 4 on November 15, 2022. WITNESS 4 stated that Gary Davis and the Victim fought all the time and that Davis had given the Victim black eyes and had choked her in the past. WITNESS 4 also stated while at 70 E. Merrill Ave WITNESS 4 could hear Gary Davis "throwing" the victim around.
- 37) Detective Deering reviewed Fond du Lac Police Department case 19-2794 which reflected on April 29, 2019 that a mother of one of Gary Davis' children reported that Davis told he would bash her "fucking head in" if he continued talking about child support.

REPEATER

38) Complaint is aware that invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Felony Intimidate Victim/Threaten Force - Domestic Abuse, in Fond du Lac County Case No. 18CF619 on or about 10/26/2018, which conviction(s) remain of record and unreversed.

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

Subscribed and sworn to before me on 11/22/22

Electronically Signed By:

Catherine Block

Assistant District Attorney

State Bar #: 1053966

Electronically Signed By:

Det. K. Meilahn #140

Complainant