

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

STATE OF WISCONSIN
Plaintiff,

vs.

ADAM L. RICHARDSON
W3833 Somerset Ct
Fond Du Lac, WI 54937
DOB: 05/07/1984
Sex/Race: M/W
Alias: Also Known As Adam Lee
Richardson
Defendant.

DA Case No.: 2022FL000567
Assigned DA/ADA: Catherine Block
Agency Case No.: 22-1819
Court Case No.:
ATN:
20002202270049

CRIMINAL COMPLAINT

For Official Use

The undersigned law enforcement officer _____, being first duly sworn, states that:

Count 1: HOMICIDE BY INTOXICATED USE OF A VEHICLE

The above-named defendant on or about Sunday, February 27, 2022, Fond du Lac County, Wisconsin, did cause the death of VICTIM 1, 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., a Class D Felony, and upon conviction 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

The above-named defendant on or about Sunday, February 27, 2022, Fond du Lac County, Wisconsin, did cause the death of VICTIM 2, 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., a Class D Felony, and upon conviction 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: HOMICIDE BY NEGLIGENT OPERATION OF A VEHICLE

The above-named defendant on or about Sunday, February 27, 2022, Fond du Lac County, Wisconsin, did cause the death of VICTIM 1, by the negligent operation of a vehicle, contrary to sec. 940.10(1), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And the Department shall revoke the defendant's operating privilege for one (1) year, and shall order the defendant to submit alcohol assessment and if necessary, to comply with treatment as a condition of reinstatement.

Count 4: HOMICIDE BY NEGLIGENT OPERATION OF A VEHICLE

The above-named defendant on or about Sunday, February 27, 2022, Fond du Lac County, Wisconsin, did cause the death of VICTIM 2, by the negligent operation of a vehicle, contrary to sec. 940.10(1), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And the Department shall revoke the defendant's operating privilege for one (1) year, and shall order the defendant to submit alcohol assessment and if necessary, to comply with treatment as a condition of reinstatement.

Count 5: HOMICIDE BY INTOXICATED USE OF A VEHICLE WITH A PROHIBITED ALCOHOL CONCENTRATION

The above-named defendant on or about Sunday, February 27, 2022, Fond du Lac County, Wisconsin, did cause the death of VICTIM 1, 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., a Class D Felony, and upon conviction 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 6: HOMICIDE BY INTOXICATED USE OF A VEHICLE WITH A PROHIBITED ALCOHOL CONCENTRATION

The above-named defendant on or about Sunday, February 27, 2022, Fond du Lac County, Wisconsin, did cause the death of VICTIM 2, 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., a Class D Felony, and upon conviction 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.

PROBABLE CAUSE:

Complainant bases this complaint upon the report and investigation of Deputy Vaile of the Fond du Lac Sheriff's Office. Complainant and Deputy Vaile are presumed reliable as sworn law enforcement officials.

Complainant reports that Deputy Vaile reports that on Saturday, February 26, 2022, Deputy Vaile, was working uniformed patrol for the Fond du Lac County Sheriff's Office in marked squad #118, working the 11p-7a shift.

At approximately 2:23am, Deputy Vaile was dispatched to the area of Hwy 151 at CTH WH, which is in the Township of Taycheedah, Fond du Lac County, Wisconsin, for the report of a single vehicle accident with injuries. The reporting party, who was later identified as DEBORAH L. HEFTER, advised Dispatch that she heard "a big boom" and could hear a male yelling for help. HEFTER advised that the loud sound and male yelling "help" was coming from north of her residence. It should be noted that HEFTER lives at N7768 HWY 151.

At approximately 2:28am, Deputy Vaile arrived on scene along with Deputy Vis. Upon arrival, Deputy Vaile observed a vehicle that had appeared to have struck a tree and was split in half. The two halves of the vehicle appeared to have traveled approximately 45 feet beyond the tree, coming to a rest in the east ditch of HWY 151. There was debris from the car scattered across the entirety of the scene. Deputy Vaile observed there were tire marks coming from the south of the scene leading to the vehicle, leading Deputy Vaile to believe that the vehicle had been traveling northbound. Based on the extensive damage to the vehicle and tire marks leading to it, **it appeared that the vehicle had been traveling at a very high speed, much faster than the posted speed limit of 55mph.** The vehicle was a 2018 Jeep Grand Cherokee bearing Wisconsin registration of ADF5066.

Deputy Vaile observed that there was a male standing in the east ditch near the vehicle that was holding his jaw. There was visible blood on his face and hands. There was a female standing next to the male speaking to him. The male was later verbally identified as **ADAM LEE RICHARDSON**. Deputy Vaile asked **A. RICHARDSON** and the female where the other occupants of the vehicle were and they stated still in the vehicle.

Deputy Vaile then approached the front compartment of the vehicle and observed a male, who was later identified as VICTIM 1 behind the driver's and passenger's seat since the vehicle had been split in half. Deputy Vaile scanned the rest of the front half of the vehicle and observed that the front airbags had been deployed. The steering wheel airbag did have blood on it. **The driver's seat and driver's cockpit area was largely undamaged** relative to the rest of the vehicle, which was a mangled mess. **The driver's seatbelt was extended in the locked out position, indicating that it had been buckled with someone in the seat at the time of the crash and then unbuckled after the crash.** The front passenger's door had separated from the front half of the car exposing the front passenger's seat. The front passenger's seat was rotated clockwise and was significantly damaged.

Deputy Vaile then went to the rear compartment of the vehicle and observed that there was a female, who was later identified as VICTIM 2, located in the rear cargo area. VICTIM 2 and VICTIM 1 did not have seatbelts on when Deputy Vaile arrived on scene.

EMS pronounced VICTIM 2 and VICTIM 1 **deceased** at the scene, showing no signs of movement after the crash. This would have prevented either one from unbuckling the driver's seatbelt.

Sgt. Metzger arrived on scene and directed Deputy Vaile to speak **with A. RICHARDSON** to gather pertinent information. **A. RICHARDSON** did sit down on the back seat of the squad car. Deputy Vaile gathered some basic identifying information from him and then asked him who had been driving the vehicle. He stated that his wife, VICTIM 2, had been driving. He stated that he, VICTIM 2 and her brother, VICTIM 1, were the only occupants of the vehicle and coming from the Holiday Inn where they had been for a Boys and Girls Club fundraiser. **A. RICHARDSON** did admit to **drinking** at the Radisson Hotel. It should be noted that Deputy Vaile did **smell a strong odor of intoxicants** emitting from **A. RICHARDSON** as Deputy Vaile spoke to him. He also had **bloodshot and glassy eyes.**

Due to the fact that the **driver's seat cockpit area was largely undamaged** relative to the rest of the vehicle, the fact that the **seatbelt had been locked out, indicating someone had to have unbuckled it** after the crash, **A. RICHARDSON** only complaining of facial pain and **the positioning and health status of VICTIM 2 and VICTIM 1, it would be reasonable to state that A. RICHARDSON had been driving** the vehicle at the time of the crash.

Deputy Vaile observed Consultants Lab Technician Trevor draw two vials of blood from A. RICHARDSON'S right arm. Due to the above stated information regarding Deputy Vaile's observations of the **condition of the vehicle including the largely undamaged driver's cockpit, the driver's seat seatbelt being locked out, indicating that it had been unbuckled after the crash, the excessive speeds** the vehicle would have to be traveling to

split it in half, the **condition and positioning of the deceased occupants**, the facial injury that **A. RICHARDSON** sustained coinciding with the blood on the steering wheel airbag, the **odor of intoxicants emitting from A. RICHARDSON**, as well as him **having bloodshot and glassy eyes**, A. RICHARDSON was ultimately determined to be in the driver's seat of the vehicle while intoxicated.

On 02/26/2022, Deputy Vis did observe a **strong odor of intoxicants** coming from A. RICHARDSON's breath. Deputy Vis did have a conversation with Sgt. Metzger about who was driving. Deputy Vis did inform him that at this point it was not certain who was driving but A. RICHARDSON was claiming that his wife was. Sgt. Metzger and Deputy Vis then examined the scene. The vehicle split in half after striking the tree and now swung around clockwise with the front half of the vehicle facing ENE and the rear half of the vehicle facing NE up by the shoulder of HWY 151. Through Deputy Vis's training and experience, Deputy Vis does know that a vehicle has to be **traveling at a high rate of speed** to sustain that amount of damage when striking an object.

Deputy Vis did note that the driver seat belt was locked out. Deputy Vis also observed that the latch was unbuckled and placed on the driver seat. It did appear that the **driver of the vehicle had the seatbelt on and then unbuckled it placing it on the seat.**

It did appear that the only survivable location in the vehicle would have been the **driver seat** due to the amount of damage to all other seating areas. Based on that information as well as the seatbelt appearing to be used and then unlocked, it was **believed that A. RICHARDSON was the driver** of the vehicle during the incident. It did appear that A. RICHARDSON was **intoxicated due to the strong odor and the motor vehicle crash that occurred.**

Based on the fact that HEFTER initially heard A. RICHARDSON screaming "I can't find them," Deputy Vis **does believe that A. RICHARDSON was not in the back compartment of the vehicle**, due to his wife being in there. BURG's statement confirmed that A. RICHARDSON probably first witnessed VICTIM 2 when he later looked into the vehicle. Deputy Vis **doesn't believe that A. RICHARDSON was ejected due to the fact that there was fresh snow to the north of the vehicle with no prints or marks** and based on the estimated speed of the crash as well as the damage, Deputy Vis doesn't believe that someone who got ejected at that speed would have survived. A. RICHARDSON stated his wife was driving, but it would appear based on the vehicle being split in two with VICTIM 2 in the back, that she was likely sitting in the back of the vehicle. The observed locked out seatbelt in the driver seat would not support VICTIM 2 driving as well and then being located in the back compartment. Lastly, the only seat that was not damaged or crumpled in was the driver seat, which again had the seatbelt locked out. Deputy Vis does believe that A. RICHARDSON had been driving the vehicle.

SGT. METZGER viewed ADAM and his physical condition. While standing in close proximity to him SGT. METZGER could detect the strong odor of intoxicants coming from his person. SGT. METZGER observed that he was able to stand and walk around with no apparent injuries to his lower body. In looking at his face, SGT. METZGER noted that he had several areas that were bleeding on his face. There were small drops of blood visible in the snow from where the blood was dripping off his face. SGT. METZGER noted that there were marks on his arms but there were no obvious indicators of having broken bones in his arms.

Based on the condition of the vehicle and the manner of the crash, it appeared that the only seating position inside of the vehicle in which someone would have been able to survive without extensive injuries to multiple portions of their body would be the driver's seat. The remote/key fob for the vehicle was located in A. RICHARDSON's right front pants pocket.

Based on all of the information, it was determined that ADAM was the operator of the vehicle. With the time of night, the odor of intoxicants coming from ADAM, the poor driving behavior in the form of excessively high speed and leaving the roadway, and his admission to drinking to Deputy VAILE, it was determined that ADAM was under arrest. He was in custody for violations relating to operating a motor vehicle while under the influence of an intoxicant, causing the death of another by the operation of a vehicle while under in the influence of an intoxicant, and causing the death of another human being by the negligent operation of a vehicle.

On Tuesday, March 1, 2022, Digital Forensic Examiner Volm, was reviewing the citizen evidence uploaded to evidence.com in this case. Digital Forensic Examiner Volm observed there were submissions from Victor Moyer, the owner of Fred's Fastrac, that depicted the crash. This system had cameras that captured the crash.

Channel 7 was angled to capture traffic entering and exiting the USH 151 entrance of Fred's Fastrac. This angle also captures the north and southbound traffic of USH 151. At approximately 2:27:27, a vehicle **traveling at a high rate of speed** (A. RICHARDSON) is seen entering the frame traveling northbound. The vehicle exits the frame at approximately 2:27:28. This vehicle appears to be traveling at a higher than normal speed for this posted 55-mph area of roadway. There is a different vehicle (BURG) that passes through the frame at approximately 2:24:40 and exits the frame at approximately 2:24:44, prior to the crash. This vehicle is traveling noticeably slower than the vehicle involved in the crash.

On Wednesday, March 9th 2022, Digital Forensic Examiner Volm, conducted follow up in regards to this case. It was determined to apply for search warrants in regards to the vehicle involved in this case, the 2018 Jeep Grand Cherokee. The search warrants applied for would be to conduct a mechanical inspection of the vehicle, remove and search the digital data stored on the infotainment (iVe) system and the Crash Data Recorder (CDR) and Event Data Recorder (EDR).

On Thursday, March 10 2022, at approximately 9 a.m. Detective Mike Lake of the Dodge County Sheriff's Office conducted the iVe extraction at the Fond du Lac County Sheriff's Office impound, located at 1820 S. Hickory St. Fond du Lac WI. On Thursday, August 18, 2022, at 9:33 am, Detective OLIG picked up the Infotainment device from the Dodge County Sheriff's Office. The Dodge County Sheriff's Office attempted to retrieve the data but were unsuccessful. The Fond du Lac County Sheriff's Office arranged for the Division of Criminal Investigation (DCI) - Appleton Office to attempt data retrieval.

On Friday, March 11 2022 at approximately 9 a.m., members of Wisconsin State Patrol arrived to conduct the mechanical inspection and CDR/EDR download and analysis. Ryan Schultz conducted the mechanical inspection. Jason Schwarz conducted the EDR/CDR download. These both took place at 1820 S. Hickory St. Fond du Lac WI.

The Fond du Lac County Sheriff's Office received reports from the Madison Crime Lab. The report dated May 9, 2022, is the toxicology report from ADAM RICHARDSON. The following is a summary of the report.

- Item A (OWI blood draw) tested for ethanol yielding a result of **0.155** g/100mL
- Item B (hospital blood draw) tested for ethanol yielding a result of **0.211** g/100mL

Detective OLIG indicates that DCI car computer board testing is dependent on a supply/parts order and that DCI is waiting for to test the board. The State patrol crash reconstruction report is dependent on the results of the computer board testing to ensure a thorough report.

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

Subscribed and sworn to before me on 11/08/22

Electronically Signed By:

Kristin R. Menzl

Deputy District Attorney

State Bar #: 1088841

Electronically Signed By:

Det. Eric Muellenbach

Complainant