

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

STATE OF WISCONSIN
Plaintiff,

vs.

FERMIN TEODORO LOPEZ-
MENDOZA
N5452 County Road K
Fond Du Lac, WI 54937
DOB: 12/27/1973
Sex/Race: M/
Alias:

Defendant.

DA Case No.: 2024FL000954
Assigned DA/ADA: Eric J. Toney
Agency Case No.: 24-2021
Court Case No.:
ATN:

CRIMINAL COMPLAINT

For Official Use

The undersigned law enforcement officer, of the Fond du Lac Sheriff's Office, being first duly sworn, states that:

Count 1: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Friday, March 22, 2024, in the Town of Fond du Lac, Fond du Lac County, Wisconsin, attempted to cause the death of Victim 1, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 968.075(1)(a)1, 939.63(1)(b) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And further, invoking the provisions of sec. 968.075(1)(a)1 Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

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, USE OF A DANGEROUS WEAPON, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY

The above-named defendant on or about Friday, March 22, 2024, in the Town of Fond du Lac, Fond du Lac County, Wisconsin, with the intent to disfigure or disable Victim 1, did cut or mutilate the limb or bodily part of Victim 1, contrary to sec. 940.21, 939.50(3)(c), 939.63(1)(b), 968.075(1)(a)1 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. 939.63(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.

And further, invoking the provisions of sec. 968.075(1)(a)1 Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

Count 3: FIRST DEGREE RECKLESS INJURY, USE OF A DANGEROUS WEAPON, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY

The above-named defendant on or about Friday, March 22, 2024, in the Town of Fond du Lac, Fond du Lac County, Wisconsin, did recklessly cause great bodily harm to Victim 1, under circumstances which show utter disregard for human life, contrary to sec. 940.23(1)(a), 939.50(3)(d), 939.63(1)(b), 968.075(1)(a)1 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 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.

And further, invoking the provisions of sec. 968.075(1)(a)1 Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

Count 4: AGGRAVATED BATTERY, DOMESTIC ABUSE - INFLICTION OF PHYSICAL PAIN OR INJURY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Friday, March 22, 2024, in the Town of Fond du Lac, Fond du Lac County, Wisconsin, did cause great bodily harm to Victim 1, by an act done with intent to cause great bodily harm to that person, contrary to sec. 940.19(5), 939.50(3)(e), 968.075(1)(a)1, 939.63(1)(b) Wis. Stats., a Class E Felony, and upon conviction may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

And further, invoking the provisions of sec. 968.075(1)(a)1 Wis. Stats., because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under sec. 973.055(1) Wis. Stats.

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.

PROBABLE CAUSE:

Complainant is a law enforcement officer with the Fond du Lac County Sheriff's Office and basis this complaint upon the report and investigation of Deputies Flood, Barrett, Birkholz, and Radtke as well as Detective David Olig of the same agency with whom your complainant has worked with and knows to be competent and reliable.

- 1) On March 22, 2024 at approximately 1632 hours Deputies were dispatched to a residence near Highway K, in the Town and County of Fond du Lac, Wisconsin for a report of a female that was stabbed in the stomach. Dispatch advised the female was barely conscious and the suspect had fled the scene. The call advised the suspect was the defendant, the husband of the victim, VICTIM 1, that had been stabbed.
- 2) Deputy Barret arrived to the scene at approximately 16:38 and ran to the house entering through the front door. Upon entering the residence Deputy Barret observed VICTIM 1 on her back on the living room floor. Deputy Barret was able to observe three lacerations to the abdomen and began providing first aid care. WITNESS 1 stated that VICTIM 1 had been stabbed by a steak knife by the defendant.
- 3) Deputy Barret continued providing medical care until EMS arrived and took over care for VICTIM 1, who was transported to a hospital for further care. Deputy Birkholz observed the stab wounds to be deep, bleeding a "good amount." Deputy Birkholz was able to see some of VICTIM 1's organs through one of the stab wounds. Deputy Birkholz also observed lacerations to VICTIM 1's hands, which through his training and experience he believed to be defense wounds.
- 4) Deputy Barret observed a broken drinking glass in the kitchen with glass shards on the floor. A butcher's block with multiple knives on the counter near it. Deputy Barret also observed droplets of blood on the floor leading to the living room and blood droplets on the couch in the living room.
- 5) Deputy Barret then followed the ambulance as it transported VICTIM to a hospital for care where he learned VICTIM 1 would be in surgery for hours to care for the stab wounds. VICTIM 1 was moved to the ICU after surgery. Deputy Barret was advised that one of the stab wounds had cut into VICTIM's liver.

- 6) Deputy Birkholz viewed VICTIM 1's injuries at the hospital and observed what appeared to be an inch long and an inch wide laceration on the right side of the abdomen with heavy bleeding and organs showing. The second laceration on the right side appeared to be a 1/2 inch long and a 1/4 inch wide with heavy bleeding and human tissue showing. The third laceration was towards the middle of the torso and appeared to be a 1/4 inch long and a 1/4 inch wide with heavy bleeding and human tissue showing.
 - 7) On VICTIM 1's right hand Deputy Birkholz observed a small laceration on the top her wrist, which appeared to have been from the stabbing. Deputy Birkholz observed several lacerations consistent with defensive wounds attempting to fend off someone with a bladed weapon. Deputy Birkholz saw lacerations on both hands and some appeared consistent with VICTIM 1 attempting to grab the bladed weapon in self-defense based on their location and nature of the lacerations.
 - 8) Deputy Birkholz attempted to speak with VICTIM 1 through an interpreter but was unable to do so because of the medical staff in the room providing care for VICTIM 1.
 - 9) Deputy Birkholz spoke with nursing staff and learned VICTIM 1 would be in surgery for the next few hours and that the source of internal bleeding appeared to be from a VICTIM 1 having a punctured liver from the stab wound requiring a large amount of blood to be given to VICTIM 1.
 - 10) Deputy Radtke arrived to the scene and spoke with WITNESS 1 about what occurred. WITNESS 1 stated he was in the basement when he heard VICTIM 1 and the defendant, Fermin Teodoro Lopez-Mendoza, arguing, which was not unusual. WITNESS 1 stated that he became concerned when he began hearing VICTIM 1 saying yelling similar to "help me!" WITNESS 1 went up to the first floor and observed the defendant leaving towards the garage door. WITNESS 1 observed the defendant with a knife in his right hand but was unable to see the blade because it was partially concealed by the defendant's sleeve but recognized the knife as being one that was kept in the butcher block at the residence.
 - 11) WITNESS 1 stated he then walked in the garage and saw the defendant holding the knife and was now able to see a portion of the blade, which was covered in blood. WITNESS 1 picked up a construction hammer and followed the defendant through the service door of the garage towards the defendant's vehicle, a white 2023 Hyundai Santa Fe, that was parked by a detached garage to the west of the property. The defendant then entered the vehicle and WITNESS 1 stood behind the vehicle. WITNESS 1 heard the tires of the vehicle squeal and the vehicle began moving into reverse towards him.
 - 12) WITNESS 1 then threw the hammer at the vehicle, which struck the back window causing it to shatter. Deputy Radtka observed broken glass in the area WITNESS 1 described.
 - 13) WITNESS 1 stated the incident occurred with the defendant being upset about having to move out the residence by Saturday at 3:00 pm because the defendant was attempting to control everyone's lives. WITNESS 1 stated there were multiple instances of domestic violence over the past 20 years with the defendant. WITNESS 1 stated that the defendant and VICTIM 1 have four children together and resided together during the time of the incident resulting in VICTIM 1 being stabbed.
 - 14) On Saturday March 23, 2024 Detective Flood spoke with VICTIM 1 at the hospital. VICTIM 1 stated there was an extensive history of domestic violence with the defendant. VICTIM 1 stated an argument led to the defendant stabbing VICTIM 1 because the family wanted the defendant to move out of the residence. VICTIM 1 stated the argument started in the attached garage and moved back inside the house. VICTIM 1 stated the defendant grabbed a serrated knife with a black handle and held it against VICTIM 1's throat. VICTIM 1 then moved away towards the living room and the defendant then stabbed VICTIM 1. The defendant previously made comments similar to saying if VICTIM 1 left he would "end her life."
 - 15) On Saturday March 23, 2024 the Fond du Lac County Sheriff's Office in conjunction with the Ozaukee County Sheriff's Office took the defendant into custody during a traffic stop in Ozaukee County and the defendant was transported to the Fond du Lac County Jail.
 - 16) Lieutenant Alex Volm learned the defendant was illegally in the United States after checking with a Homeland Security Special Agent. Homeland Security verified their database check for the defendant was noted as "entry without inspection" which means the defendant was illegally in the United States.
- Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me on 03/27/24

Electronically Signed By:

Eric J. Toney

District Attorney

State Bar #: 1079214

Electronically Signed By:

Ryan Flood

Complainant