

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2020ML011606
Court Case No.:

vs.

CRIMINAL COMPLAINT

STREICHER, JOEL R
2816 SOUTH 68TH STREET
MILWAUKEE, WI 53219
DOB: 07/10/1969

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: HOMICIDE BY NEGLIGENT OPERATION OF A VEHICLE

The above-named defendant on or about Saturday, January 25, 2020, at 1000 West State Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause the death of Ceasar Stinson, another human being, by the negligent operation or handling of a vehicle, contrary to sec. 940.10(1), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, **a Class G Felony**, the defendant 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.

Probable Cause:

Complainant is a City of Milwaukee Police Officer and bases this complaint upon his review of Milwaukee Police reports, as well as other reports developed and obtained in the course of his investigation. Those reports and that investigation revealed the following:

First Responding Officer

On January 25, 2020, City of Milwaukee Police Officer Matthew Nogalski was dispatched to a vehicular crash at the intersection of 10th Street and W. State Street, City and County of Milwaukee, State of Wisconsin. Upon arrival, Officer Nogalski observed a black Ford F-150 pickup truck lying on the driver's side, just north of the intersection on 10th Street. A second vehicle, later determined to be the unmarked Milwaukee County Sheriff's squad of the above named defendant, Deputy Joel Streicher, was west of the intersection, up on the sidewalk in front of the Milwaukee Secure Detention Facility.

Officer Nogalski went to check on the black Ford F-150 and determined that the driver, victim Ceasar Stinson, had been partially ejected and was laying on the ground, with his head stuck between the roadway and the driver's door. Officer Nogalski observed the victim to be unresponsive.

Officer Nogalski then observed a female passenger, VW, hanging sideways in the passenger seat, being held up by her seat belt. Officer Nogalski broke the rear window in an attempt to get VW out of

the vehicle. The Milwaukee Fire Department then arrived on scene and successfully extricated VW from the vehicle. They also determined that victim Stinson was deceased.

Officer Nogalski then went to the unmarked Milwaukee County Sheriff's Office squad to check on the Defendant. The Defendant stated that he had been driving northbound on 10th Street and **had looked away from the road to look at his squad computer**. The Defendant then stated that he believed it was possible that he had driven through a red light at the intersection of 10th Street and State Street.

Autopsy

Complaint is further based upon the statement of Dr. Brian Linert, who is duly licensed to practice medicine in the State of Wisconsin and is trained and experienced in the field of forensic pathology. Dr. Linert performed an autopsy on Ceasar Stinson and determined that he had suffered numerous abrasions and lacerations to his head, face, and hands. During an internal examination, Dr. Linert determined that the victim had suffered multiple complex skull fractures. Dr. Linert determined that the cause of death was multiple blunt force injuries to the head consistent with a vehicular crash.

Scene Investigation

Complaint is further based upon Complainant's scene investigation. Complainant is a member of the Milwaukee Police Department Crash Reconstruction Unit and is trained and experienced in the area of crash reconstruction.

On January 25, 2020, Complainant was dispatched to the intersection of 10th Street and State street to conduct a scene investigation. Upon arrival, Complainant observed the vehicles involved in the crash.

Complainant learned that the Defendant's vehicle was traveling northbound on 10th Street into the intersection. Complainant states that the speed limit is 30 mph. The intersection is controlled by four different traffic lights that can be observed by a vehicle traveling northbound, two on the north side of the street and two on the south side of the street. **Complainant noted that all four traffic lights were illuminating and appeared to be cycling correctly.**

Complainant also states that northbound 10th Street has three lanes. The left lane is a left turn only lane to turn left onto State Street heading westbound. The center lane is a lane to travel straight northbound through the State Street intersection. The right lane is a right turn only lane to turn right onto State Street heading eastbound. Therefore, **the center lane is the only legal lane for a vehicle to be in if the driver intends to drive northbound straight through the intersection.**

Complainant was informed through investigation that the Defendant's squad had potentially driven through a red light and caused the fatal crash. Complainant examined the northbound lanes south of the intersection where the Defendant's squad traveled before entering the intersection against the light. He could not locate any pre-impact tire marks or skid marks from the Defendant's squad that are left by braking. This is consistent with the Defendant entering the intersection against the light **and not braking at any time prior to the crash.**

Statement of the Defendant

Complaint is further based upon the statement of the above named Defendant to Milwaukee Police Detectives Keith Kopcha and Dennis Devalkenaere. The Defendant stated that he has been a deputy sheriff since 1996 and has previous training in EVOG (Emergency Vehicle Operations Course) and Vehicle Contacts.

The Defendant stated that on the above date, he was driving his squad car while on duty. The Defendant had stopped at the Safety Building and then returned to his vehicle. The Defendant stated that he remembers intending to or thinking that he would get on the freeway heading northbound to continue his patrol duties. The nearest northbound entrance to the freeway is at 11th Street and Highland.

The Defendant stated that he traveled southbound on 9th Street through the Courthouse tunnel, and then used the frontage side road in front of the Courthouse to get to 10th Street, which he then took northbound towards the northbound freeway entrance.

Complainant notes that in order to get to the freeway entrance, the Defendant would have had to go northbound on 10th Street through the State street intersection. Thus, the only legal lane for the Defendant to travel **is using the center lane of northbound 10th Street at the intersection.**

The Defendant further stated that while traveling northbound on 10th Street he looked at his MDC computer screen for any new assignments or activity. He stated that the new assignments normally populate in the upper portion of the screen before they are dispatched by a dispatcher. The Defendant stated that he recalled seeing an assignment about a stolen vehicle, that he believed was an older assignment.

The Defendant further stated that he does not remember how long he looked at his computer screen or how many times. He does remember traveling northbound on 10th Street intending to get on the freeway at Highland avenue. Again this route requires the Defendant to be in the center lane of 10th Street as he approaches the intersection.

The Defendant further stated that he **did not have a memory of seeing any of the traffic signals at the intersection of State Street and 10th Street.** He also did not have a memory of entering the intersection.

The Defendant states that his next memory is the collision and that he never saw the victim's vehicle at any point prior to the crash.

The Defendant stated that he assumed that either he or the victim had to have gone through a red traffic signal. He further stated that it may have been him that went through the red traffic signal because he doesn't have a memory of the red traffic light prior to the crash.

Emergency Vehicle Operations Course Manual

Complaint is further based upon complainant's review of the Wisconsin Department of Justice's Emergency Vehicle Operations Course (EVO) Manual, last compiled by the Law Enforcement Standards Board on December 2014. These are the current standards for those that operate law enforcement emergency vehicles in the State of Wisconsin. In the introduction, the manual states that:

You must be continually alert to your environment and pay attention to the surrounding area as well as the other drivers on the road with you. You must be prepared to shift into emergency mode at any time. You will be constantly monitoring the radio, trying to stay aware of what other officers in your area are doing, and where they are. **Patrol driving takes more concentration than ordinary off-duty driving.**

Regarding the use of the on board computer, the manual states:

MDTs and laptops. Mobile Data Terminals and laptops are another matter—they not only require mental attention, they also require you to take your eyes off the road. **Do not try to read the screen while your vehicle is in motion...**¹

Download of the Airbag Control Module of the Defendant's Squad

Complaint is further based upon complainant's review of the download of the Airbag Control Module (ACM) from the Defendant's squad. That download shows the breakdown of the squad's speed at half-second increments prior to the impact of the crash.

The download of the Defendant's ACM shows that for the five seconds prior to the crash impact, the **squad was traveling steadily at 29 to 30 mph**. This speed remained constant around 29 to 30 mph from 5 seconds before the impact to half a second before the impact.

Furthermore, the ACM shows that **the squads brakes were never used at any point prior to the crash**.

Security Camera Footage

Complaint is further based upon review of security camera footage from the Milwaukee County Criminal Justice Facility (CJF). The security camera is located on the west side of the building, facing northbound. The camera captures the intersection of 10th Street and W. State Street and captured the fatal crash.

The video provided by the Milwaukee County Sheriff's Office captures the Defendant's squad traveling northbound on 10th Street towards State Street. All four traffic signals that control the northbound traffic on 10th Street can be seen in the video. The camera footage captures most of the length of CJF from just north of the sally port entrance to the intersection and beyond.

The video begins approximately 11 seconds prior to the crash. At the beginning of the video, **all four traffic signals are red**. The Defendant's vehicle is not within camera view at the beginning of the video clip. Thus, the traffic signals are already red even before the Defendant's squad enters the area covered by the video camera.

Approximately five seconds into the video and six seconds before the fatal crash, the Defendant's squad enters the coverage area. Importantly, **the traffic signals are still red**. At no point, from when the Defendant's squad enters the footage until he reaches the impact area in the intersection, does the Defendant's squad brake lights illuminate. Thus, consistent with the evidence described above, the Defendant's vehicle is traveling at 29-30 mph towards fully illuminated red lights and does not brake at any time.

Additionally, approximately one second after the squad enters the camera footage area and five seconds before the crash, the security camera captures a vehicle traveling eastbound, with the right of way due to a green light, on State Street and passing in front of the forward view of the squad's front windshield. Again, the Defendant's squad does not appear to brake at any point, thus consistent with the Defendant failing to see a car traveling in front of him, in addition to the four red lights at the intersection.

¹ The bolded and italicized is in the original. The bolded sentence at the end of the passage is highlighted for this complaint.

Lastly, the video also clearly shows that **the Defendant's vehicle is in the rightmost northbound lane**. As discussed above, the lane the Defendant is in is a **right turn only lane**. Complainant states that as the Defendant indicated that he planned on traveling northbound through the intersection to the Highland freeway entrance, the Defendant was, therefore, not in the proper legal lane to proceed through the intersection northbound. Thus, the Defendant both went through a red light and entered the intersection from a turn only lane in violation of the traffic rules.

At no point, while the Defendant's squad is in the camera footage, can the squad be seen attempting to correct its lane of travel into the lane of travel appropriate for the Defendant's intended travel route. Thus, the video of the Defendant's driving is consistent with the Defendant not being aware of the red lights that control the intersection, not being aware of the vehicle that traveled across his lane of travel, and also not being aware that he is not in the proper lane of travel.

The video then shows the Defendant's squad enter the intersection, from the wrong lane and against the red traffic signal lights. The video then shows the victim's Ford truck enter the intersection and impact with the squad vehicle. At the moment of the impact, the traffic signal for the Defendant is still red. The victim's vehicle spins 180 degrees and then rolls on to the driver's side. The Defendant's squad is pushed onto the sidewalk.

Time/Distance Analysis

Complaint is further based upon Complainant's time/distance analysis. This analysis was based upon information from the ACM modules, forensic mapping of the crash scene, security video of the crash, and satellite maps of the area. Using this information, Complainant was able to approximate important details regarding the time/distance of the Defendant's squad relevant to this crash.

First, Complainant obtained a signal timing report from the City of Milwaukee Department of Public Works that reveals that the red light traffic signal for northbound traffic on North 10th Street is illuminated for 52 seconds every cycle.

Complainant then reviewed the security camera footage from CJF, as well as security footage from north of the intersection and compared it to the traffic signal report. From the security cameras, as well as mathematical comparisons with the traffic signal report, **the traffic lights that controlled the northbound traffic of 10th Street were red for approximately 11 seconds prior to the fatal crash.**²

Complainant then used the ACM data to determine how far away the Defendant's vehicle was from the crash location when the traffic signal first turned red. When using a constant velocity of 29 mph, the Defendant's squad would have been approximately **489 to 511 feet away** from the crash scene when the light turned red.

Crash Analysis

Complainant states that based upon his training and experience in the field of crash reconstruction/investigation and his training on the sound scientific principles of that field, the fatal crash that caused the death of Mr. Stinson was caused when the Defendant drove into the intersection contrary to red traffic lights and drove straight contrary to being in a right turn only lane. The evidence shows that the Defendant admitted to looking away from the road and also the evidence shows that the Defendant did not take any action despite 4 seconds of a yellow traffic signal, despite 11 seconds of a

² It should be noted that the signal timing report also revealed that the yellow traffic lights last for 4 seconds before the light changes to red. Thus, in addition to any failure to see the red traffic signal for 11 seconds, as will be shown, the Defendant appears to have also failed to see or react to the 4 seconds of yellow lights prior to the red control lights.

red traffic signal, despite a car traveling eastbound which was an indication that the Defendant did not have the right of way, and despite being in a right turn only lane when the Defendant intended to travel straight through the intersection.

Complainant's conclusion that the Defendant's actions were the cause of the fatal crash are based upon his training and experience as an expert in the field of crash reconstruction and investigation.

Prior Crash

Complaint is further based upon the statement of City of Milwaukee Police Officer Richard Schnier, also assigned to the MPD Crash Reconstruction Unit, who conducted a check of Milwaukee Police Records for any prior traffic incidents involving the Defendant. Those records revealed that on July 25, 2018, Milwaukee Police Officer Elvis Lock was dispatched to a vehicular crash involving a Milwaukee County Sheriff's Office Squad and another vehicle at the intersection of 11th and Highland.³

Officer Lock remembered the incident. Conversations with Officer Lock, a review of body camera footage from that incident, and reports reveal that the Defendant was operating the same unmarked squad later involved in the fatal crash in this complaint.

The Defendant, on July 25, 2018, was exiting southbound I-43 at W. Highland Avenue. This off ramp has three lanes. **The left lane is a left turn only lane**, the center lane is for traffic straight through the intersection, and the right lane that allows for right turns and straight through traffic.

The Defendant was traveling southbound in the off ramp **and was in the left lane**, which is for left turn only traffic. However, instead of turning left, the Defendant continued straight and collided with another vehicle that was in the center lane and was properly driving through the intersection. **Thus, the Defendant entered the intersection from a left turn only lane in violation of traffic rules** and therefore failed to keep his designated lane.

****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 Grant I. Huebner.

³ It should be noted that this traffic location is the same area that contains the highway onramp that the Defendant was traveling to in the current case.

Subscribed and sworn to before me on 05/18/20
Electronically Signed By:
Grant I. Huebner
Assistant District Attorney
State Bar #: 1036890

Electronically Signed By:
Officer William Hanney
Complainant