

STATE OF WISCONSIN CIRCUIT COURT SHAWANO COUNTY

STATE OF WISCONSIN
Plaintiff,

vs.

GARY A CAMERON
N8468 CTY ROAD G
GRESHAM, WI 54128
DOB: 09/02/1963
Sex/Race: M/W
Eye Color: Brown
Hair Color: Gray
Height: 6 ft 3 in
Weight: 228 lbs
Alias:

Defendant.

DA Case No.: 2021SH000985
Assigned DA/ADA: Gregory A. Parker
Agency Case No.: S21-07339
Court Case No.:
ATN:

CRIMINAL COMPLAINT

For Official Use

CRIMINAL CHARGES

Count 1: OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE - 3RD OFFENSE - REFUSAL

The above-named defendant on or about Thursday, July 1, 2021, in the Town of Red Springs, Shawano County, Wisconsin, did operate a motor vehicle while under the influence of an intoxicant, contrary to sec. 346.63(1)(a), 346.65(2)(am)3 Wis. Stats., a Misdemeanor, and upon conviction shall, for the third offense counted under s. 343.307(1) since January 1, 1989, be fined not less than Six Hundred Dollars (\$600) nor more than Two Thousand Dollars (\$2,000), and imprisoned for not less than 45 days nor more than one year in the county jail.

And furthermore, invoking the provisions of sec. 343.30(1q)(b)4 and (1q)(c) Wis. Stats., upon conviction, the court shall revoke the defendant's operating privilege for not less than two (2) years nor more than three (3) years, and shall order the defendant to submit to an alcohol and drug abuse assessment and to comply with treatment as a condition of reinstatement.

Count 2: POSSESSION OF A FIREARM WHILE INTOXICATED

The above-named defendant on or about Thursday, July 1, 2021, in the Town of Red Springs, Shawano County, Wisconsin, did go armed with or operate a firearm, a .45 caliber pistol, while under the influence of an intoxicant, contrary to sec. 941.20(1)(b), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 3: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Thursday, July 1, 2021, in the Town of Red Springs, Shawano County, Wisconsin, did recklessly endanger the safety of BRADY SINOTTE, under circumstances which show utter disregard for human life while failing to comply with officer commands to put down a gun, the defendant pointed a .45 caliber pistol at Deputy Brady Sinotte, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b), 973.046(1r) 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. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while threatening to use a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 4: THREAT TO A LAW ENFORCEMENT OFFICER, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Thursday, July 1, 2021, in the Town of Red Springs, Shawano County, Wisconsin, did intentionally threaten to cause bodily harm to BRADY SINOTTE, a law enforcement officer, without their consent, and at the time of the threat, the defendant knew or should have known that BRADY SINOTTE was a law enforcement officer and the threat was in a response to any action taken by a law enforcement officer in an official capacity while failing to comply with officer commands to put down a gun, the defendant pointed a .45 caliber pistol at Deputy Brady Sinotte, contrary to sec. 940.203(2), 939.50(3)(h), 939.63(1)(b), 973.046(1r) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while threatening to use a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

The undersigned, being first duly sworn on oath swears that he has had an opportunity to review the police reports and documents supporting this complaint, incorporated herein, which are kept in the normal and ordinary course of business which your complainant believes to be truthful and reliable and have proven so on numerous occasions in the past and believes them to be accurate and reliable.

This complainant states that according to the records of the Wisconsin Department of Transportation, those records indicate that the defendant has the following traffic record:

1. A prior violation for OWI on 11/03/90 and conviction on 01/04/91 in Marathon County;
2. A prior violation for OWI on 08/14/99 and conviction on 11/17/99 in Marathon County.

This complainant states that he believes the records of the Wisconsin Department of Transportation to be true and accurate, in that they are records that are kept in the ordinary course of business, and it is within the ordinary course of business of this state agency to keep said records, and further believes that these conviction(s) are unreversed and still of record, therefore, making this a third offense.

Supplement

STATEMENT OF DEPUTY C MADLE

OWI / WEAPON OFFENSE

07/01/21 AT ABOUT 2115 HOURS

LOCATION: W11012 UPPER RED LAKE RD; TOWN OF RED SPRINGS

SUSPECT: GARY A CAMERON 09/02/1963

Charges

WI 346.63(1)(a) - OWI - 3rd Offense

WI 941.20(1)(b) - Armed while Intoxicated

At the above date and time, our department took a call regarding a single vehicle crash near the above location. At the time of this call I was off duty and at home. I was later contacted by dispatch in regards to this incident as I was informed this had turned into an officer involved shooting incident and I needed to come into work.

Upon checking on, I was informed the suspect, identified as GARY CAMERON, was currently receiving medical attention at Theda Care in Shawano. I was told CAMERON had suffered a gun shot wound to his elbow area but was still conscious and alert. I was advised CAMERON was the only occupant in the vehicle and was the driver of the vehicle prior to it crashing.

I responded to the hospital and met with CAMERON. CAMERON was laying in the hospital bed, with a C collar on, but was still conscious and alert. I spoke to CAMERON in regards to an OWI investigation. This conversation was recorded via VieVU Body worn camera. In my conversation with CAMERON he admitted he was driving the vehicle prior to it crashing. He admitted to drinking prior to driving. When asked, CAMERON stated it was most likely unsafe for him to be driving. While talking to him I observed a moderate odor of intoxicants coming from his person. I also observed his speech to be slowed and slurred.

Based on his medical condition I felt it was appropriate to administer the Horizontal Gaze Nystagmus test on CAMERON. I explained the directions of the test where he stated he understood my directions. I first confirmed equal tracking and equal pupil size in both eyes confirming there were no head injuries in regards to this matter. I continued the test where I observed a lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation, as well as nystagmus prior to the onset of 45 degrees in both eyes. I observed a total of six out of six clues in this test.

Due to his condition, I did not administer any further tests. Based on CAMERON'S statements, my observations, and the HGN Test, I believed CAMERON'S ability to operate a motor vehicle safely was impaired and he was going to be under arrest for OWI - 3rd offense.

Deputy Buschman remained with CAMERON while I went out to my squad car and completed the citation for the OWI offense. Once complete, I went back into the hospital and explained the OWI

citation to CAMERON. Upon issuing the citation, I read the Informing the Accused form to CAMERON where upon completion of reading the form, CAMERON was confused about what was read to him and did not fully consent to a blood draw. Based on his confusion I felt the best course of action was to apply for a search warrant for his blood.

Judge Sloma was contacted and she advised she was available to review my warrant. I completed the affidavit in support of the warrant where I went to her residence, it was reviewed and ultimately the warrant was signed and granted by Judge Sloma.

I returned to the hospital where the warrant was explained to CAMERON and the blood draw was completed without issue. The legal blood kit was then turned over to me as evidence. CAMERON was left with a copy of the citation, the Informing the Accused, as well as the search warrant and the Notice of Intent to Revoke paperwork.

I was contacted by DCI and asked if CAMERON'S clothes were still on him or if they had been removed as they wanted them as evidence. I was informed they had all been cut off and were in a bag which I secured in my squad car.

Deputy Stefl arrived at the hospital where he followed Shawano Ambulance to Theda Care Neenah for further medical treatment.

I was also advised, during this incident, CAMERON made comments about how he wanted to be shot and wanted to die. Based on these comments, Shawano DHS was contacted. I spoke to Nichole about this incident and she requested an EM-1, emergency detention form be completed for CAMERON at the hospital. This information was passed onto supervisors, as well as Deputy Stefl who would complete the form upon arriving at Theda Care Neenah with CAMERON.

Once clear from the hospital, I returned to the sheriff's office to complete paperwork. I was provided with a brief statement from a witness to this incident, identified as T. M. F., DOB: 05/17/67. This statement was collected from Detective Dan Conradt of the Shawano Police Department. In this statement, T.M.F. advised she had made contact with CAMERON after the crash to check on him and she could tell he had been drinking. She remained on scene and saw the deputy respond and make contact with CAMERON where she stated she saw CAMERON with what she believed to be a gun to his head. A few moments later she heard two gun shots believed to come from the deputy. I was informed there was a handgun recovered from the vehicle which was sitting in an open bag on the passenger seat of the vehicle CAMERON was in.

At this time, statements and further investigation is being completed by the Department of Criminal Investigations. Further information from involved deputies will be available once their investigation is complete.

At this time, I will be referring charges on CAMERON for OWI - 3rd offense, and Going Armed while Intoxicated. He will remain in custody on the EM-1 hold and will then be transported to our jail.

Search warrant return for the blood was completed and all originals were turned over to the Clerk of Courts Office. The clothing CAMERON had on was turned over to DCI as evidence and the legal blood kit was logged and secured in our evidence to be sent out for analysis. Blood results are still pending at this time.

Case referred to the Shawano County District Attorney's Office. Nothing further at this time from this deputy.

Deputy C Madle 535 / SHSO
Fri Jul 2 11:15:31 2021

Supplement

P21-04227 / Detective Dan Conradt / Main Report:

INVOLVED:

T. R. F. (05/07/71) / Witness (TRF)
T. M. F. (05/17/67) / Witness (TMF)
Gary A. Cameron (09/02/63) / Suspect

NARRATIVE:

On 07/01/21 at approximately 10:30pm I was off duty when I received a call from Chief Rabideau requesting me to call Det. Lt. Prey of the Shawano Sheriff's Dept. to assist them in an Officer Involved Shooting Incident. Upon speaking to Lt. Prey, I was instructed to respond to the area of W11012 Upper Red Lake Road, Gresham, and complete interviews with two witnesses of the incident.

Upon arrival I met with Det. Gamm and was introduced to TRF and TMF. TRF and TMF were waiting in a pick-up truck parked near the scene. I made arrangements to meet with TRF and TMF at their home for an interview/statement. Once at the residence I spoke with TRF first while TMF waited in another room of the home. An audio recording of these interviews is attached to this file for full details. A Summary of TRF's statement is as follows:

- On 07/01/21 at approximately 8:15pm, TRF leaves work in Green Bay and arrived at his residence at approximately 9:05-9:15pm.
- TRF was outside his residence when he heard a car accelerating eastbound towards his residence and then sees a silver car pass his residence at approximately 75-90mph. Seconds later, TRF hears the car crash and calls 911.
- TRF and his wife TMF get into their truck and proceed to check on the driver/crash.
- TRF states he speaks to the driver of the car and explains smelling alcohol coming from inside the vehicle. TRF tells the driver help is on the way and the driver makes the comment, "Yeah, doesn't fucking matter."
- TRF and TMF return to their truck to wait for the Police. 10-15 minutes later TRF sees Officer arrive, proceed to the passenger side of the car.
- TRF states after approximately 30 seconds, hears the Officer yell for the driver to put the gun down and sees the Officer draw his pistol.
- TRF backs his truck up at this time as he was in line of fire with the driver. TRF stated he saw the driver holding a black object to his head and shortly thereafter hears the Officer fire two (2) shots.
- TRF waited in his truck and another Officer arrived a short time later and assisted the Officer on scene.

Upon completing a written statement with TRF, I then spoke to his wife TMF. A Summary of TMF's statement is as follows:

- On 07/01/21 at approximately 8:50-9pm TMF was at her residence when she heard her husband come into the house and he was on with 911. TRF told her about the crash up the road and they both went to check on the driver.
- TMF described the driver as approximately 45-55 years old, had shorter gray hair, and facial hair.
- The driver opened the passenger window and TMF spoke to him. TMF states she could tell he had been drinking as when she stuck her head in the car, she could smell alcohol.
- TMF states when the driver was told help was coming, he stated something to the affect of, "Doesn't Matter".
- TMF and TRF return to their truck and wait for an Officer which came approximately 10-15 minutes later.
- TMF states she saw the Officer and driver talking via the passenger side of the car. TMF then sees the Officer draw his pistol and told the driver something.
- TMF sees the driver with something to his head and she believed it to be a gun.

- TMF hears two (2) shots a short time later.
- TMF explains hearing the Officer talking with the driver after the shots and another Officer arriving a short time later.
- The driver was removed from the car and laid in the ditch until rescue arrived and removed him.

Both TRF and TMF signed written statements regarding what they had witnessed. Upon completion I provided them with my business card and explained the process going forward. TRF and TMF advised they would call if they had any further questions or concerns. Once completed, I left their residence and returned to the incident scene.

Once on scene, I spoke with Lt. Prey, Det. Gamm, and DCI Special Agent Yerges and advised them of the what the witnesses observed. I remained on scene until no longer needed. All reports/recordings be forwarded to Agent Yerges for their investigation.

Det. Dan Conradt.

Special Agent (S/A) JAY YERGES - DEPUTY SINOTTE - WALK-THROUGH STATEMENT

On the night of Thursday, July 01, 2021, Special Agent (S/A) Jay K. Yerges of the Wisconsin Department of Justice - Division of Criminal Investigation (DCI) was contacted and informed about an officer-involved shooting (OIS) event in Shawano County, Wisconsin. The OIS event reportedly involved the Shawano County Sheriff's Office (SHSO). S/A Yerges was notified about the OIS at 9:59 p.m. S/A Yerges responded to the location of the OIS scene from Sheboygan, Wisconsin. S/A Yerges arrived at the OIS scene at approximately 11:31 p.m. S/A Yerges was assigned as the lead case agent for the OIS investigation.

The location of the OIS scene was located across the roadway from a rural residence located at W10947 Upper Red Lake Road, Township of Red Springs (Gresham), Shawano County, Wisconsin. The law enforcement-related shooting scene was more specifically located off the roadway in a wooded area just beyond a ditch-line at the location of a one-vehicle crash scene.

After arrival at the scene, S/A Yerges received a briefing of the incident facts, that were known at that time, by SHSO Detective (Det.) Christopher E. Gamm. After the briefing, S/A Yerges visually assessed the scene and performed scene management duties.

While on-scene, S/A Yerges coordinated arrangements to formally meet with SHSO Deputy Brady J. Sinotte in order to perform a scene walk-through procedure with him. Deputy Sinotte had been identified as the sole sworn/certified law enforcement officer who had positively discharged his duty pistol during the encounter with the subject (motor vehicle operator) who was seated inside the motor vehicle at the time of the incident. S/A Yerges coordinated to perform the scene walk-through procedure with Deputy Sinotte.

Deputy Sinotte freely, voluntarily and verbally agreed to perform a scene walk-through procedure with S/A Yerges. S/A Yerges walked with Deputy Sinotte and Schrank to an area in front of Deputy Sinotte's assigned agency patrol vehicle which was partially parked upon the asphalt roadway at the scene of a crashed motor vehicle.

S/A Yerges noted Deputy Sinotte appeared to wear a SHSO deputy uniform during his meeting with S/A Yerges. Deputy Sinotte confirmed he freely and voluntarily agreed to make statements to S/A Yerges about his professional actions and observations as they pertained to the OIS incident. It was noted that S/A Yerges, Deputy Sinotte and Schrank never came into any contact with any article(s) of evidence or disturbed any article(s) of perceived evidentiary value during the walk-through procedure.

Deputy Sinotte confirmed he was on-duty and was performing patrol duties for the SHSO on the night of July 01, 2021. Deputy Sinotte confirmed he had been dispatched to a report of a crashed motor vehicle at the scene location by a dispatcher. Deputy Sinotte advised he wore an agency-issued body camera upon his uniform at the time of the incident. Deputy Sinotte confirmed that he was aware that the referenced body camera was functional and operational at the time of the incident. Deputy Sinotte advised he operated SHSO marked patrol vehicle at the time of the incident. Deputy Sinotte advised the patrol vehicle was equipped with an audio/visual recording system.

Deputy Sinotte stated upon his initial arrival at the scene, he parked his assigned patrol vehicle in the exact location of its' then present location and had never moved it during or after the shooting event. Deputy Sinotte positively identified his patrol vehicle (which was parked inside the scene) to S/A Yerges.

After his arrival on-scene, Deputy Sinotte advised he walked down the embankment into the ditch line to approach the crashed automobile which was at the wood line to the wooded area adjacent to the roadway. Deputy Sinotte approached the passenger side of the automobile to make attempted contact with the sole occupant (operator) of the referenced motor vehicle. Deputy Sinotte advised he leaned into the front passenger door window area to inquire of the subject if he was okay or what the extent of his injuries were. Upon contact with an adult male subject who was seated in the front left operators seat, Deputy Sinotte found the subject to initially be conscious, alert and cooperative. Deputy Sinotte stated after his first several statements, he immediately observed a firearm near the "waist of the driver." Deputy Sinotte advised he drew his duty pistol at such time. Deputy Sinotte stated the subject held the firearm with both of his hands. Deputy Sinotte explained he began to direct verbal commands to the subject in order for the subject to drop or surrender the firearm. Deputy Sinotte advised the subject refused to listen to Deputy Sinotte and the subject did not comply with Deputy Sinotte's verbal directives. Deputy Sinotte described moving backwards and slightly angled toward the roadway approximately seven (7) feet away front the front passengers door of the automobile after he observed the subject's firearm in his hands. Deputy Sinotte explained the subject proceeded not to listen to any of Deputy Sinotte's repeated verbal commands.

Deputy Sinotte advised the subject proceeded to raise the firearm and pointed it at his own head. Deputy Sinotte explained the subject repeatedly directed Deputy Sinotte to "shoot him." Deputy Sinotte described the subject referenced the loss of his "21 year old son." While Deputy Sinotte continued to speak to the subject, the subject then moved the firearm away from his own head and pointed the firearm out the front passenger side window opening, directly at Deputy Sinotte. At the point the subject pointed the firearm at Deputy Sinotte, Deputy Sinotte recalled he immediately discharged his duty pistol either two (2) or three (3) times at the subject in self-defense.

Deputy Sinotte advised after he discharged his duty pistol, the subject immediately dropped his firearm onto the front passengers seat. Deputy Sinotte continued to maintain cover with his duty pistol at the subject until his first back-up deputy arrived on-scene to assist Deputy Sinotte. Deputy Sinotte advised the subject remained compliant with Deputy Sinotte after he discharged his duty pistol up until the first back-up deputy arrived on-scene.

Deputy Sinotte identified his duty pistol as a Glock brand, 9mm caliber semi-automatic duty pistol. Deputy Sinotte was certain he directed his gunfire at the subject while seated upon the operators seat of the interior passenger compartment of the automobile.

Deputy Sinotte advised himself and the first back-up deputy offered first-aid to the subject after they were able to remove the subject from inside the passengers compartment area of the automobile. Deputy Sinotte stated he was unaware of any citizen witness(es) who may have made any observations of the described event.

Deputy Sinotte stated he did not sustain any injuries during the described event. Deputy Sinotte offered he received the subject's blood on his hand(s) and sustained a bio-hazard exposure(s) during the described event from when he offered first-aid to the subject after the subject was removed from inside the motor vehicle.

All of the above incidents occurred in Shawano County, Wisconsin.

Subscribed and sworn to before me on 07/06/21

Electronically Signed By:

Gregory A. Parker

District Attorney

State Bar #: 1021721

Electronically Signed By:

Chief Deputy George Lenzner

Complainant