

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 23CF _____

KEVIN MICHAEL GREEN,
S2012 Park Lane,
Reedsburg, WI 53595,
DOB: 06/13/2005,

Defendant.

CRIMINAL COMPLAINT

I, Eric Van Den Heuvel, a Chief Deputy with the Sauk County Sheriff’s Department, being first duly sworn on oath, states the following upon his information and belief:

This complaint is based on official law enforcement agency reports prepared by one or more investigating officers from the Sauk County Sheriff’s Department, whom your complainant believes to be truthful and reliable. Said reports have been prepared, filed, and maintained in the normal and ordinary course of business of said law enforcement agency. This complaint contains facts to establish probable cause and not necessarily all facts known to the affiant relating to their investigation.

COUNT 1: HOMICIDE BY NEGLIGENT OPERATION OF A VEHICLE

The above-named defendant on Friday, May 12, 2023, in the town of Excelsior, Sauk County, Wisconsin, did cause the death of Victim by the negligent operation of a vehicle, contrary to Wis. Stat. §§ 940.10(1), 939.50(3)(g), a Class G Felony, and upon conviction may be fined not more than \$25,000, or imprisoned not more than 10 years, or both.

And per Wis. Stat. §§ 343.31(1)(a) and (3)(a), the Department shall revoke the defendant's operating privilege for one year.

FACTUAL BASIS

Deputy Hannah Volz reports that at approximately 7:21 a.m. on May 12, 2023, deputies were dispatched to a crash involving a vehicle, a school bus, and a pedestrian, on STH 23/33 west of Northwoods Drive, in the town of Excelsior, Sauk County, Wisconsin. Initial reports indicated that a vehicle had struck a school bus and then a child who was waiting to board the bus. Deputy Volz reports that upon arrival at the crash scene, the Reedsburg Fire Department and Ambulance Service were already on scene, along with other police personnel. Deputy Volz observed a red Ford F-150 in the ditch on the north side of the road. It appeared to have significant damage to the front and down the driver's side of the truck.

Several yards beyond the Ford, Deputy Volz observed a truck topper, which had been on the Ford prior to the crash, and a group of First Responders attempting to provide life-saving measures to a juvenile, later identified as Victim. In the roadway was a yellow school bus belonging to the School District of Reedsburg. Deputy Volz reports that eventually another bus was brought to the scene to remove the students from the school bus that had been involved in the crash and transport them to another location.

Deputy Volz spoke to Witness 1, who stated that he was driving home from work and was stopped in traffic by the crash. Witness 1 stated he received an alert on his cell phone about the crash, as he is a member of the Reedsburg Fire Department, and realized that the crash was right in front of him. He went to the scene and observed Victim's mother performing CPR on Victim. He began performing chest compressions but was not able to find a pulse on Victim. Witness 1 stated that he continued CPR until other rescue professionals arrived. Deputy Volz reports that

after a short time, the Reedsburg Ambulance Service personnel ceased life-saving measures on Victim.

Deputy Jonathon Macaskill reports that he responded to the scene of the crash and spoke to Kevin Green, the driver of the red Ford F-150. Deputy Macaskill reports that Green stated he was either looking down at his radio or looking to his left toward a field when he looked up and saw the bus stopped in front of him. Green stated he was about 200 feet behind the bus when he looked up and saw the bus stopped with its red flashing lights on. Green stated he slammed on his brakes and swerved toward the northern ditch. In doing so, he struck the back of the bus and continued into the ditch. Green stated he was not aware he had hit anyone until he got out of his truck and saw someone lying on the ground near his truck topper. He stated he ran over and started CPR on this person. Green again stated he was not on his phone at the time of the crash and that he could not recall if he was looking at his radio or at the field. Deputy Macaskill reports he obtained consent to perform a forensic examination of Green's cell phone.

Detective Isaac Hanson reports that on May 12, 2023, he met with Witness 2, who was the driver of the school bus involved in the crash. Witness 2 stated he was westbound on STH 23/33 and had made a stop to pick up three children. The next stop was the crash location, west of Northwoods Road, on the north side of 23/33, where he was to pick up Victim and another child. Witness 2 stated that as he approached the second stop, just prior to Northwoods Road, he activated the bus's yellow lights and started to slow down. Witness 2 stated that eastbound traffic was steady, so he allowed them to pass. Witness 2 stated that as he approached the driveway, he slowed the bus considerably, and then activated the red lights and stop sign/sticks as the bus was just short of the driveway. Witness 2 stated he observed Victim standing in the driveway about 15 feet from the bus door, with the other child further north in the driveway. When the bus was fully stopped,

Witness 2 opened the door and observed Victim take two or three steps toward the bus. He felt the bus jolt as it was struck in the rear, saw a flash of red go by the bus, and then saw Victim lying in the ditch.

Sergeant Bradley Lubber, a member of the Sauk County Sheriff's Department's Crash Reconstruction Team, responded to the crash location to document physical evidence to assist him in reconstructing the crash. Upon his arrival on scene, he observed damage to both the school bus and the Ford F-150. On the bus, Sergeant Lubber noted that there was damage to the rear passenger side, and the right rear corner was pushed into the passenger compartment. There were also scrapes and scratches down the side of the bus, along with red paint transfer in the damaged areas. On the Ford F-150, Sergeant Lubber observed scratches and crush damage to the driver's side, along with damage to the windshield and A-pillar on the same side. There was also damage to the front bumper, hood, and driver's side headlight of the truck.

Sergeant Lubber reports that while on scene, he observed a curved tire mark rotating in a clockwise manner, which he knew from his training and experience to be a yaw mark. The mark was located to the east of the rear of the school bus, just prior to where the Ford F-150 collided with the bus. Relying on this yaw mark and other information, Sergeant Lubber utilized the Critical Speed Yaw Formula to calculate the Ford's speed. Sergeant Lubber determined that the Ford was traveling approximately 63 miles per hour at the time the yaw mark was made, just prior to colliding with the school bus. The speed limit on STH 23/33 where the crash occurred is 55 miles per hour.

Sergeant Lubber reports that the school bus was equipped with video cameras that captured the crash and the moments leading up to it. Upon reviewing the video, Sergeant Lubber observed that the red Ford F-150 stopped directly behind the school bus as it stopped at the residence just

prior to the crash location. As the bus began moving again, the Ford falls out of the camera's view until the bus is stopped at the crash location, when it can be seen approaching the bus from the rear, striking the bus, and striking Victim.

Detective Hanson reports that after reviewing the video footage from the school bus, he observed that Victim was struck by the truck at 7:24:22 a.m., according to the time stamp on the video. Detective Hanson reports that he noted that the bus's video system was 3 minutes and 23 seconds ahead of the actual time. Your affiant believes that given the time difference, the actual time at which the truck struck Victim was 7:20:59 a.m.

Detective Tyler Pointon reports that on May 15, 2023, he examined Green's cell phone. Upon opening the phone, Detective Pointon observed that the Messages application was open and there was an outgoing message with a photo ready to send in the text box. Detective Pointon observed multiple incoming and outgoing text messages from the morning of May 12, 2023 beginning at 7:06 a.m. All the texts were in a single conversation with one other number. Detective Pointon observed the following text messages:

- 7:06-7:08 a.m.: Incoming texts
- 7:16 a.m.: Outgoing text
- 7:17 a.m.: Outgoing text
- 7:17 a.m.: Incoming text
- 7:18 a.m.: Incoming text
- 7:20 a.m.: Outgoing text
- 7:20 a.m.: Incoming text

Detective Justin Hannagan of the Sauk County Sheriff's Department reports that he attended an autopsy that was performed of Victim on May 15, 2023, by Dr. Robert Corliss in Madison. Dr. Corliss reports that the cause of Victim's death was multiple blunt force injuries.



CHIEF DEPUTY ERIC VAN DEN HEUVEL
Sauk County Sheriff's Department

Subscribed and sworn before me and approved for filing this 23rd day of August, 2023.



TARA JENSWOLD
Assistant Attorney General
State Bar # 1031912
My Commission is permanent.

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