

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 22CF _____

JASON E. LINDEMANN,
891 Adams Avenue,
Oshkosh, WI 54902,
DOB: 06/29/1970,
Sex/Race: M/W,
Eyes: Blue Hair: Gray,

Defendant.

FILED

DEC 21 2022

**WINNEBAGO COUNTY
CLERK OF COURTS**

CRIMINAL COMPLAINT

Todd Christie, a Captain with the Winnebago 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, 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: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did recklessly endanger the safety of another, namely, all persons on the *On the Loos* boat, contrary to Wis. Stat. §§ 941.30(2) and 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.

COUNT 2: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did recklessly endanger the safety of another, namely all persons on his boat, contrary to Wis. Stat. §§ 941.30(2) and 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.

COUNT 3: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 1), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 4: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 2), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he

was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 5: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 3), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 6: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 4), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 7: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 5), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 8: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 6), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 9: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 7), fail to stop his boat and render to other

persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 10: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 8), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 11: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 9), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to

Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 12: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 10), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 13: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 11), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 14: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 12), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 15: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 13), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 16: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 14), fail to stop his boat and render to other

persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 17: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 15), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 18: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 16), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to

Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 19: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 17), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 20: BOATING ACCIDENT INVOLVING INJURY – FAIL TO RENDER AID

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did, as the operator of a boat involved in a boating accident that resulted in injury but not great bodily harm to (Victim 18), fail to stop his boat and render to other persons affected thereby such assistance as was practicable and necessary to save them from or minimize any danger caused by the accident, and to give his name and the identification of his boat to any person injured and to the owner of any property damaged in the accident, insofar as he was able to do without serious danger to the operator's boat or to persons on board, contrary to Wis. Stat. §§ 30.67(1) and 30.80(2g)(b), an unclassified misdemeanor, and upon conviction shall be fined not more than \$10,000, or imprisoned for not more than nine months, or both.

COUNT 21: NEGLIGENT OPERATION OF BOAT

The above-named defendant, on Saturday, July 9, 2022, in the city of Oshkosh, Winnebago County, Wisconsin, did operate or use any boat upon the waters of this state in a careless, negligent, or reckless manner so as to endanger that person's life, property, or person or the life, property or person of another, contrary to Wis. Stat. §§ 30.68(2) and 30.80(2), an unclassified misdemeanor, and upon conviction shall be fined not more than \$200, or imprisoned for not more than six months, or both.

FACTUAL BASIS

Winnebago County Sheriff's Deputy Al Fenrich reports that on Saturday, July 9, 2022, at approximately 9:58 p.m., multiple officers were dispatched to the area between the Wisconsin Street and Oregon Street bridges over the Fox River, in the city of Oshkosh, Winnebago County, Wisconsin, for a crash involving a two-story boat and a speed boat. Officers were advised that the striking boat, a silver/black/charcoal speed boat with orange trim, approximately 38 feet long, with four motors on the back, was last seen traveling eastbound on the river toward Lake Winnebago.

Deputy Fenrich reports that when he arrived on scene, he observed the *On the Loos* party boat docked near the river walk. He also observed multiple people in the area, including fire and rescue personnel and vehicles. Upon arriving on scene, law enforcement began identifying and interviewing passengers from the *On the Loos* boat as well as other witnesses who were present. Winnebago County Sheriff's Detective Ron Timm reports that he spoke to an individual identified as Witness 2, who stated that on July 9, 2022, he was fishing on the Fox River near the Oregon Street bridge. While fishing, Witness 2 observed a Nor-Tech 450 power boat traveling upstream from south of the Oregon Street bridge. Witness 2 stated he believed the people on the

boat to be “rowdy,” meaning that they appeared to be consuming alcohol, talking loudly, and listening to loud music.

Witness 2 advised that after the power boat passed under the bridge, it went to full throttle, and the bow went up. Witness 2 then heard a loud boom near the area where the *On the Loos* paddle boat was located. He stated that the “Nor-Tech was still on full throttle, never let off.” Witness 2 looked to the north and saw the power boat ricochet to the right off the paddle boat. The Nor-Tech continued slowly upstream then turned around downstream.

Witness 2 stated that he saw the passengers get off the *On the Loos*, and approximately 15 minutes later the power boat passed by the paddle boat. He heard someone calling from shore saying, “You hit me, you need to stop, you need to come over here.” In response he heard a slurred voice coming from the power boat saying, “I didn’t see you.” Witness 2 also heard people on other boats shouting to the power boat, “You need to stop, go to shore, don’t leave.” The people on the power boat shouted back, “Shut up, we need to run to the marina and drop someone off.” Witness 2 watched as the power boat headed downstream, never stopping to check on the paddle boat. He also saw other boats following the power boat and attempting to stop it.

Detective Craig Bohn reports that he interviewed one *On the Loos* passenger, identified as Victim 20, who advised that she was on the upper deck of the boat at the time of the crash. Victim 20 said that she did not see the other boat approaching, but felt an impact and heard a thud. Victim 20 immediately looked over her shoulder and saw the bottom of the striking boat sliding across the hull of the *On the Loos*. Victim 20 saw the striking boat come off the *On the Loos* and veer away. Shortly after veering away, she saw the striking boat come to a stop before eventually travelling down the river with its lights off.

Deputy Fenrich reports that he spoke to Witness 1, who stated that he had been in a different boat and had followed the striking boat after the crash. Witness 1 stated that the striking boat had

traveled east on the river and stopped at the river walk near the Leach Amphitheater, where Witness 1 observed multiple occupants exit the boat. Witness 1 stated that the boat's operator, a white male later identified as the defendant, remained on the boat and traveled east, exiting into Lake Winnebago, with no lights illuminated.

Investigator Mike Sewall reports that he made contact with another *On the Loos* passenger, Victim 21, who was on the upper deck at the time of the crash. Victim 21 stated that after he jumped off to shore, the captain of his vessel asked him to chase the striking boat. Victim 21 was able to catch up to the boat near the amphitheater where it was letting people off. He observed two people exit the boat, covering their faces so as not to be seen. He stated that one of them was bleeding badly from the head.

Victim 21 saw another boat behind the striking boat and heard the operator of that boat yell at the driver of the striking boat, telling them there were injuries and that they needed to stop. Victim 21 heard the operator of the striking boat yell, "I'm so fucked, I'm so fucked" until the boat sped away with its lights off.

Detective Timm made contact with Victim 19, the owner and operator of the *On the Loos* party boat, who stated that he had a clear view of the striking boat as it approached his boat. Victim 19 said he saw the front end of the striking boat go up as it picked up speed and headed directly toward the *On the Loos* in a head-on fashion. Victim 19 stated that he was not able to get out of the way but honked his horn. The striking boat veered to its right and struck the paddle boat on the lower deck area.

Victim 19 stated that after the crash he was able to maneuver safely to shore. He stated that he was fearful for the safety of his passengers and crew, that he did not know the condition of his boat and thought he was taking on water because his bow was severely damaged. He stated that the striking boat never stopped to render aid or assistance and continued upstream. Victim 19 stated

that after most of the passengers were safely off his boat, he observed the striking boat slowly pass by his location. Victim 19 called out to the boat, "Can you come talk to me?" and a female passenger yelled back, "We're just floating down the river." The boat then continued on without stopping.

Victim 19 estimated that at the time of the crash, the *On the Loos* was traveling approximately 4-5 mph with an added 2 mph for traveling downstream. He described the *On the Loos* as a 63 1/2-foot paddle wheel houseboat which was converted into a business cruise vessel. At the time of the crash, Victim 19 said that there were eight seats on the lower deck area, all of which were occupied by seated passengers.

Deputy Tyler Wuest reports that he observed the exterior of the *On the Loos* and saw that the front port (left) side was severely damaged. Deputy Wuest observed that everything on the deck was smashed and broken, the deck railing was bent and broken, and there was structural damage to the deck. Inside the boat Deputy Wuest observed the interior to be in complete disarray. Windows on the port side were smashed, broken glasses and bottles were strewn about, pictures in glass frames were smashed, and many other items of property were damaged.

Deputy John Kressin reports that he made contact with Victim 18, who stated that at the time of the crash he was on the lower level outside towards the front of the boat. He heard and saw the striking boat coming toward them at a high rate of speed with the hull of the boat up out of the water. Victim 18 stated he did not have time to react before their boat was hit. He stated he fell from the impact of the collision, and immediately felt pain in his back and his knee. Victim 18 stated he did not know how to swim and thought that their boat was sinking. He stated that he feared for his safety and thought he might die. He also feared for the safety of others on board and believed some people would be seriously injured or killed.

Investigator James Megna reports that he made contact with another passenger, Victim 7, who was on the lower deck of the *On the Loos* at the time of the crash. Victim 7 said that she saw the striking boat right before it hit them, but did not see the impact because of water in her eyes. Victim 7 stated that she put up her arms up as a defensive motion, and when the boat hit them, she and others fell to the deck. She stated that after impact, she observed that the striking boat kept going away from them, turned like it was coming back, then continued past them towards the bridge. Victim 7 stated that she did not see any lights on the boat when it came back towards them or as it kept going away towards the bridge.

Investigator Megna reports that he made contact with another passenger, Victim 17, who stated that she saw the striking boat moments before it hit them, and that when it did, she was in complete shock and thought she was going to lose her life. Victim 22, who was on the upper level of the *On the Loos* at the time of the crash, told Investigator Megna that he did not see any lights on the striking boat as it approached. Victim 22 said that it appeared that the striking boat turned towards them, and he indicated that it sounded like the engine noise level increased, as if the boat was speeding up. Victim 22 said he grabbed the railing, and when the boat struck them, he began to panic because he was concerned their boat was going to sink.

Deputy John Gende reports that at approximately 10:00 a.m. on July 10, 2022, he and other officers went to the Pioneer Marina, located at 1100 Pioneer Drive in the city of Oshkosh. Deputy Gende reports that he was escorted to a slip that appeared to contain the boat that was the striking boat from the crash the night before. It had four engines on the back, and damage to the port side of the bow that extended to the middle of the vessel.

Deputy Gende observed what appeared to be dried blood inside the boat, and also observed a bird decoration that he knew to have been located on the *On the Loos* prior to the crash. Deputy Gende also observed a case of White Claw alcoholic beverages on the boat.

Deputy Tom Burns reports that Witness 3, an employee of the Pioneer Marina, stated that he recognized the boat as belonging to the person who owns the marina down the river, and that it was not authorized to be stored at the Pioneer Marina. Witness 3 stated that the boat had arrived at Pioneer Marina sometime between 1:30 a.m. and 8:45 a.m. on July 10, 2022. Deputy Burns reports that he observed a registration card for the boat, showing it was registered to the Sweetwater Performance Center in Oshkosh.

Detective Brian Hammen reports that he spoke with Victim 24 who stated that he arrived at the Dockside Tavern at about 7:00 p.m. on July 9, 2022. The defendant, who is the owner of the Dockside Tavern and an acquaintance of his, arrived at the Dockside at about 8:00 p.m. He stated that after some time, the defendant asked him if he wanted to go for a boat ride, so Victim 24 and his wife got into the defendant's boat with the defendant and some other people. Victim 24 stated that the defendant was driving the entire time. He stated that they pulled away from the Dockside, the defendant took off, he did not know how fast, and they hit something. Victim 24 stated that he fell down and his wife fell on top of him. He stated that he cracked his back and gashed his head open when he fell.

Victim 24 stated that after the crash the defendant asked if everyone was all right and he said no, he had to get off because he felt blood coming down and he could barely move. He stated that the defendant dropped them off at a dock, they walked back to the Dockside, and then drove to the emergency room, where he was treated for a bruised back, bruised ribs, and a gash above his eye.

Deputy Timm reports that he made contact with Victim 25, a passenger on the defendant's boat at the time of the collision. Victim 25 stated that he had been with the defendant on his power boat all day on July 9, 2022, arriving at Streich's (a popular sand bar) at around 12:30 p.m. Victim 25 admitted to drinking heavily all day long, then going to the Dockside Tavern with the

defendant, where they continued to drink. He stated he remembered getting back on the power boat with the defendant and another couple he did not know. He stated the defendant was driving the whole time. Victim 25 stated that he did not remember the crash, and the only thing he remembered was arriving at the Pioneer Marina early in the morning on July 10, 2022.

Detective Jack Theyerl reports that he made contact with another passenger on the defendant's boat, Victim 26, who is the girlfriend of Victim 25. Victim 26 stated that she was with the defendant on his boat at Streich's and at the Dockside. She stated that her daughter and her daughter's boyfriend were also on the boat with them. Victim 26 said that she was drinking all day and was quite intoxicated. After being at the Dockside Tavern, Victim 26 said they all got back on the defendant's boat, along with another couple, and shortly after leaving, they hit something in the river. Victim 26 said after the collision they dropped off her daughter, her daughter's boyfriend, and the other couple near the Leach Amphitheater. She and Victim 25 stayed on the boat. The defendant then drove the boat somewhere out on the lake, and they spent the night. Victim 26 stated that when she woke up in the morning the boat was docked at the Pioneer Marina. She stated that she did not see anyone other than the defendant driving his boat. Victim 26 also stated that the defendant owns the Sweetwater Marina.

Detective Theyerl reports that he made contact with Victim 27, who stated that she was on the boat all day with the defendant, Victim 25, and Victim 26. She stated she observed the defendant drinking beers while on the boat. Victim 27 stated that shortly after leaving the Dockside Tavern, they hit something. She did not immediately know what it was, but later realized that it was a large paddle boat, which was pulled off along the side of the river. Victim 27 stated that the defendant was driving at the time of the crash, and that after the crash he started to leave the scene right away. She stated she yelled at the defendant to take responsibility and turn around to check on people, but he ignored her. Victim 27 stated there were plenty of places the defendant could

have stopped, but he did not. Victim 27 stated that after the crash, multiple boats followed them on the river, and the defendant dropped her and her boyfriend and another couple off at the Leach Amphitheater.

Detective Randy Woldt reports that he made contact with Witness 4, who stated that he had been in his boat at Streich's Sand Bar on Lake Winnebago on July 9, 2022. Witness 4 stated that they arrived at about 1:30 p.m., and they were about 50-60 yards from the large speed boat that was in the crash with the paddle boat later that evening. He stated that one of the men on the speed boat was an older man with grayish hair, who was "real drunk." After seeing a photo of the defendant, Witness 4 stated, "Yes, he was the real drunk one." Witness 4 stated he observed the people on the speed boat taking shots of Crown Royal liquor and that he did not stay very long because of their language, loud music, and obnoxious behavior.

DNR Conservation Warden P. Michael Neal reports that he reviewed multiple videos and GPS data from the defendant's boat. In reviewing the video depicting the collision between the defendant's boat and the *On the Loos*, Warden Neal reports that he observed that prior to the crash, the *On the Loos* displayed navigational lights, as required, while the defendant's boat had its interior lights illuminated but not the required exterior navigational lights.

Warden Neal reports that according to the GPS data, the defendant's boat maintained a slow "no wake" speed while going under the Oregon Street Bridge, but then accelerated rapidly, reaching a top speed of 46 mph as it traveled in the direction of the *On the Loos*. As it turned to the right before impact, the defendant's boat slowed to a speed of approximately 31 mph at impact with the *On the Loos*.

Warden Neal reports that in reviewing the video, he observed that after the impact, the defendant's boat rotated to the starboard (right), while the *On the Loos* depressed downward and

rolled to port (left) into the water due to the force of the impact and also changed direction by rotating to the starboard.

Warden Neal reports that the defendant's actions after the crash—failing to stop and provide assistance to those on board the *On the Loos* and leaving the crash scene without reporting the crash—are in violation of state and federal boating regulations.

Deputy Fenrich reports that he made contact with Victim 23, who is the husband of Victim 1, who advised that Victim 1 started to experience back pain after the crash. Victim 1 went to the emergency room on July 10, 2022, where she was diagnosed with a muscle strain and sciatic nerve injury.

Investigator Megna reports that Victim 2 advised that he experienced muscle pain and small lacerations from broken glass on his arms and neck because of the crash. Victim 2 advised that he went to the doctor on July 13, 2022, for treatment of his injuries.

Detective Hammen reports that Victim 3 reported that he had a back injury from the crash, and that he had undergone six weeks of physical therapy.

Detective Hammen reports that Victim 4 reported an injury to her neck and bruising and cuts to her right arm from the crash. Victim 4 advised that she went to urgent care for treatment of her injuries.

Deputy Timm reports that Victim 5 stated that she has experienced back and right hip pain since the crash, and that she has gone to the chiropractor multiple times for treatment of her injuries.

Investigator Megna reports that Victim 6 advised that she went to the emergency room on July 10, 2022, due to the muscle pain and bruises she suffered in the crash.

Investigator Megna reports that Victim 7 stated that she went to urgent care on July 11, 2022, for pain in her left knee and shoulder after the crash.

Detective Kyle Schroeder reports that Victim 8 stated that he experienced back pain in the days following the crash and went to the emergency room for treatment.

Detective Hammen reports that Victim 9 stated that she had a back injury from the crash, and that she was seeing a doctor and a physical therapist.

Detective Hammen reports that Victim 10 reported a back and neck injury from the crash and stated that he was seeing a chiropractor for treatment.

Detective Hammen reports that Victim 11 reported that he had a back and knee injury after the crash. Victim 11 stated that he went to a walk-in clinic for treatment.

Deputy Timm reports that Victim 12 stated that she had back spasms and a bruised hip from the crash, and that she went to the doctor for her injuries after the crash.

Investigator Megna reports that Victim 13 went to the doctor on July 11, 2022, due to a back injury from the crash, and was given a brace to wear.

Deputy Wuest reports that Victim 14 suffered pain in his leg and sought medical treatment on July 14, 2022.

Deputy Timm reports that Victim 15 stated that she had sustained shooting pain in her arms, back, neck, and shoulders after the crash. Victim 15 stated that she went to a walk-in clinic after the crash.

Investigator Megna reports that Victim 16 stated that in the crash he fell onto the stairs on his back. He was seen by first responders for his injuries on scene after the crash and then went to the doctor on July 10, 2022.

Investigator Megna reports that Victim 17 stated she could not get out of bed on July 10, 2022, due to pain from the crash, and that she went to the doctor on July 11, 2022.

Deputy Fenrich reports that while on scene after the crash, he observed one *On the Loos* passenger, identified as Victim 18, be transported to the hospital with a non-severe leg injury.



CAPTAIN TODD CHRISTIE
Winnebago County Sheriff's Department

Subscribed and sworn to before me and approved for filing this 21st day of December, 2022.



TARA M. JENSWOLD
Assistant Attorney General
State Bar #1031912

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-8908
(608) 294-2907 (Fax)
jenswoldtm@doj.state.wi.us