

STATE OF WISCONSIN

CIRCUIT COURT

LACROSSE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No.

TRISHA STRATMAN,
Race/Gender: W/F,
DOB: 05/08/1979,

Defendant.

SUMMONS

THE STATE OF WISCONSIN TO THE ABOVE-NAMED DEFENDANT:

A Complaint, copy of which is attached, having been made before me accusing the defendant of committing the crime of homicide by negligent operation of a vehicle, contrary to Wis. Stat. §§ 940.10(1), 939.50(3)(g), a Class G Felony,

You, Trisha Stratman, are, therefore, summoned to appear before the Circuit Court of LaCrosse County, Branch 5, the Honorable Dale T. Pasell, at the LaCrosse County Courthouse, 333 Vine Street, LaCrosse, Wisconsin, to answer the complaint, on **Friday**,

February 4, 2011, at 1:30 p.m., and, in case of your failure to appear, a warrant for your arrest may be issued.

Dated this 19th day of January, 2011.

J.B. VAN HOLLEN
Attorney General



TARA JENSWOLD-SCHIPPER
Assistant Attorney General and
Special Prosecutor for LaCrosse County
State Bar #1031912

Attorneys for Plaintiff

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-8908
(608) 267-2778 (Fax)
jenswoldschippertm@doj.state.wi.us

STATE OF WISCONSIN

CIRCUIT COURT

LACROSSE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No.

TRISHA STRATMAN,
Race/Gender: W/F,
DOB: 05/08/1979,

Defendant.

CRIMINAL COMPLAINT

Complainant, Arden Asp, Trooper, Wisconsin State Patrol, being duly sworn on oath, and based upon information and belief, states as follows:

COUNT 1: HOMICIDE BY NEGLIGENT OPERATION OF A VEHICLE

The above-named defendant on or about Saturday, July 18, 2010, in the Town of Onalaska, LaCrosse County, Wisconsin, did cause the death of Brandon Jennings, 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 Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

FACTUAL BASIS:

Your complainant is a trooper and Accredited Reconstruction Specialist for the Wisconsin State Patrol. He states that he has been employed as a law enforcement officer for the past 33 years. As part of his responsibilities, he investigates and reconstructs traffic crashes. He bases this complaint upon his own investigation as well as the reports of other law enforcement officers and the statements of citizen witnesses.

Pursuant to his investigation, your complainant has read the written reports of, and has spoken with a number of, fellow law enforcement officers employed by the Wisconsin State Patrol, and your complainant believes their statements and information to be truthful and reliable. To the extent that information was obtained from citizen witnesses, your complainant also believes that the information they provided was truthful and reliable.

Wisconsin State Patrol Trooper and Certified Crash Reconstructionist Kris Anderson reports that on July 18, 2010, at 1:30 a.m., he responded to a report of a motor vehicle crash with serious injuries at the intersection of STH 35 and CTH OT, in the Town of Onalaska, LaCrosse County, Wisconsin. Trooper Anderson reports that upon arriving at the above-stated location, he observed that there were two vehicles involved in the crash. The first, a Pontiac Grand Am was located in the northbound traffic lane of STH 35, partially onto the right shoulder, north of the intersection. Trooper Anderson reports that the airbags of the Pontiac had been deployed and there was extensive damage to the vehicle. Trooper Anderson further reports that the driver's door was still latched and the area of the door above the latch was bent out. The inside of the door had rub marks on it, indicating to him that something had exited the vehicle between the B-post of the vehicle and the open area of the door. Trooper Mike Marquardt reports that he made contact with an individual identified as Eric Zwicker, who is a deputy with the LaCrosse Sheriff's Department. Deputy Zwicker responded to the crash at STH 35 and CTH OT on

July 18, 2010. Deputy Zwicker stated that when he arrived on the scene he observed an individual later identified to be Brandon Jennings lying on the ground near a road sign or post. Deputy Zwicker indicated that Brandon Jennings had struck the sign after being ejected from the vehicle.

Trooper Anderson reports that while on scene, he observed the second vehicle involved in the crash, a 2010 Ford Crown Victoria LaCrosse County Sheriff's Department squad car, off the right shoulder of STH 35 southbound, north of CTH OT. The squad car had severe damage to the front and right side front area and the airbags had deployed.

Trooper Anderson reports that STH 35 is a two-lane highway that runs in a north-south direction and intersects CTH OT, which runs in an east-west direction. STH 35 is posted as a 55- mph speed zone at the intersection and both north and south-bound lanes provide dedicated left and right-turn only lanes onto CTH OT. CTH OT is a four-lane undivided highway as it approaches STH 35 from the east and is posted as a 35 mph speed zone. Trooper Anderson reports that the intersection is controlled by traffic lights which were operational at the time of the crash. Trooper Anderson reports that the roadway was wet when he arrived due to rain that had recently passed through the area.

Trooper Anderson reports that in examining the scene, he observed tire mark evidence that indicated that the Pontiac was westbound on CTH OT and had entered the intersection in lane one. Trooper Anderson reports that he observed fluid, scrape, and tire mark evidence from the squad car that started at what appeared to be the area of impact with the Pontiac, and continued to the point where the squad car came to a rest. This residual evidence started in the northbound lane of STH 35 in the intersection of CTH OT. Trooper Anderson reports that the residual evidence indicated that after colliding with the Pontiac Grand Am, the squad car crossed the curbed median, struck a traffic light pole and continued across the southbound traffic lane.

Trooper Anderson reports that there was no pre-impact tire mark evidence on the roadway from the squad car.

Your complainant reports that based on his examination of the scene, the physical evidence indicated that the approximate area of impact of the two vehicles was at the area where the northbound lane of STH 35 intersects with the westbound lane of CTH OT. Your complainant reports that he conducted an extensive physical examination of the vehicles, and that the vehicle damage indicated that the front right corner of the squad car struck the left front fender of the Pontiac Grand Am.

Trooper Anderson reports that while at the scene of the crash, he was advised that the driver of the Pontiac Grand Am was an individual identified as Brandon Jennings. Trooper Anderson further reports that he was advised that Jennings had sustained fatal injuries as a result of the crash. Trooper Anderson further reports that he was advised that the driver of the LaCrosse County squad car was identified to be Deputy Trisha Stratman.

Your complainant has reviewed the medical records of Brandon Jennings from Gunderson Lutheran Hospital. Your complainant states that those records show that Brandon Jennings was brought to the hospital by ambulance on July 18, 2010. After continued efforts at resuscitation were unsuccessful, Brandon Jennings was pronounced dead on that date by Dr. Travis J. Smith.

Trooper Thomas Campbell reports that on July 18, 2010, he responded to St. Francis Medical Center in LaCrosse, Wisconsin to make contact with Deputy Trisha Stratman. Trooper Campbell reports that he made contact with an individual who identified herself as Trisha Stratman. Trooper Campbell reports that Stratman stated that she was on duty as a LaCrosse County Sheriff's Deputy at the time of the crash, responding "10-33" to a report of a domestic dispute at Smokey's in Holmen. Your complainant reports that based on his training and

experience as a law enforcement officer, he knows that "10-33" means an emergency response.

Deputy Stratman stated that she could not recall what happened when the crash occurred.

Trooper Anderson reports that he made contact with an individual who identified herself as Angela Berkley, a citizen witness whom Anderson believed to be truthful and reliable. Trooper Anderson reports that Berkley stated that she was traveling in her vehicle westbound on CTH OT, ahead of Brandon Jennings, who was in his vehicle. Berkley stated that as she crossed the intersection, she had a green light. Berkley further stated that she looked right and left just before crossing the intersection, and that she saw the squad car with emergency lights coming northbound on STH 35. Berkley stated that she did not hear a siren. Berkley stated that after she crossed through the intersection she looked back and saw sparks flying. Berkley stated that she had never seen a car go as fast as the squad car was going.

Your complainant reports that the squad car driven by Stratman was equipped with a Mobile-Vision camera system and that he has reviewed digital video footage recovered from the squad car's onboard camera. Your complainant reports that the video footage reveals that the traffic light signal for traffic traveling northbound on STH 35 was red as the squad approached the intersection of STH 35 and CTH OT from the south.

Trooper Mike Marquardt of the Wisconsin State Patrol reports that a deployment file was written and locked into the vehicle's Airbag Control Module because the Pontiac's Grand Am's airbags were deployed during the crash. Trooper Marquardt reports that he downloaded the Airbag Control Module from the Pontiac Grand Am on July 19, 2010, using the Bosch Crash Data Retrieval System and recovered a deployment file from the module which contained pre-crash information. The data indicated that the Pontiac accelerated from 18 mph to 20 mph during the seconds prior to the collision event.

Trooper Marquardt reports that he downloaded the Power Control Module from the Ford Crown Victoria squad on July 19, 2010, using the Bosch Crash Data Retrieval System. Trooper Marquardt reports that he recovered a data file from the Power Control Module which showed the vehicle braking from a speed of 106 mph approximately 1.6 seconds prior to the collision event. Trooper Marquardt reports that the last speed recorded by the Power Control Module was 90.6 mph.

Your complainant reports that he has reviewed the applicable Wisconsin state statute governing the operation of authorized emergency vehicles. Wisconsin Stat. § 346.03 in relevant part states:

(1) The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm, when transporting an organ for human transplantation, or when transporting medical personnel for the purpose of performing human organ harvesting or transplantation immediately after the transportation, may exercise the privileges set forth in this section, but subject to the conditions stated in subs. (2) to (5m).

(2) The operator of an authorized emergency vehicle may:

...

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

...

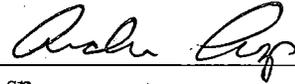
(5) The exemptions granted the operator of an authorized emergency vehicle by this section do not relieve such operator from the duty to drive or ride with due regard under the circumstances for the safety of all persons nor do they protect such operator from the consequences of his or her reckless disregard for the safety of others.

Your complainant reports that he has reviewed a document titled *LaCrosse County Sheriff's Department Policy and Procedures*. That document states: "[I]t will be the policy of the LaCrosse County Sheriff's Department to operate emergency vehicles in accordance with

State Statutes 346.03 and with due regard for the safety of all persons.” Your complainant reports that section 4a.of the guidelines states as follows:

When operating an authorized emergency vehicle under the exemptions of 346.03, officers shall slow upon approaching an intersection and be prepared to stop if necessary. When proceeding past a red light or stop sign or stop signal, officers shall proceed at speeds when [sic] enable them to stop or yield to any vehicle that has the right of way or is unable to stop.

Dated this 19 day of January, 2011.



Arden Asp
Trooper
Wisconsin State Patrol

Subscribed and sworn to before me
and approved for filing
this 19th day of January, 2011.



Tara Jenswold-Schipper
Assistant Attorney General
and Special Prosecutor for LaCrosse County
State Bar No. 1031912