

FILED
08-17-2022
Clerk of Courts
Fond du Lac County WI
2022CF000591

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

STATE OF WISCONSIN
Plaintiff,

vs.

TRENTON BENJAMIN KMIEC
[REDACTED]
Salem, WI 53168
DOB: 04/04/2000
Sex/Race: M/W
Alias:

Defendant.

DA Case No.: 2021FL003865
Assigned DA/ADA: Kristian K. Lindo
Agency Case No.: 21-12171
Court Case No.:
ATN: 20002111240042

CRIMINAL COMPLAINT

For Official Use

The undersigned law enforcement officer of the Fond du Lac Sheriff, being first duly sworn, states that:

Count 1: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Wednesday, November 24, 2021, in the Town of Eden, Fond du Lac County, Wisconsin, did recklessly endanger the safety of deputies and motorists, contrary to sec. 941.30(2), 939.50(3)(g), 939.63(1)(b) Wis. Stats., 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.

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

Count 2: VEHICLE OPERATOR FLEE/ELUDE OFFICER CAUSING DAMAGE TO PROPERTY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Wednesday, November 24, 2021, in the Town of Osceola, Fond du Lac County, Wisconsin, while operating a motor vehicle on a highway, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, did knowingly flee or attempt to elude an officer by increasing the speed of the vehicle in an attempt to elude, causing damage to the property of Victim 1, contrary to sec. 346.04(3) and 346.17(3)(b), 939.50(3)(h), 939.63(1)(b) 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 using 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 343.31(3)(d)2, upon conviction the department shall revoke the defendant's operating privileges for 1 year.

Count 3: FELONY CRIMINAL DAMAGE TO PROPERTY, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Wednesday, November 24, 2021, in the Town of Eden, Fond du Lac County, Wisconsin, did intentionally cause damage to the physical property of another, lawn and trees, belonging to Victim 1, without that person's consent, whereby said property was reduced in value by more than \$2,500, contrary to sec. 943.01(2)(d), 939.50(3)(i), 939.63(1)(a) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And further, invoking the provisions of sec. 939.63(1)(a) Wis. Stats., because the defendant committed this crime while using a dangerous weapon, the maximum term of imprisonment may be increased by not more than 6 months.

Count 4: POSSESSION OF A FIREARM WHILE INTOXICATED

The above-named defendant on or about Wednesday, November 24, 2021, in the Town of Eden, Fond du Lac County, Wisconsin, did go armed with a firearm while he had a detectable amount of a restricted controlled substance in his blood, contrary to sec. 941.20(1)(bm), 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 5: OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE - 2ND OFFENSE

The above-named defendant on or about Wednesday, November 24, 2021, in the Town of Eden, Fond du Lac County, Wisconsin, did drive a motor vehicle while under the influence of a controlled substance, a controlled substance analog or any combination of an intoxicant, a controlled substance and a controlled substance analog; under the influence of any other drug to a degree which rendered the defendant incapable of safely driving; or under the combined influence of an intoxicant and any other drug to a degree which rendered the defendant incapable of safely driving, contrary to sec. 346.63(1)(a), 346.65(2)(am)2 Wis. Stats., a Misdemeanor, and upon conviction shall, for the second offense counted under s. 343.307(1) within ten (10) years, be fined not less than Three Hundred and Fifty Dollars (\$350) nor more than Eleven Hundred Dollars (\$1,100), and imprisoned for not less than five (5) days nor more than six (6) months.

And furthermore, invoking the provisions of sec. 343.30(1q)(b)3 and (1q)(c) Wis. Stats., upon conviction, the court shall revoke the defendant's operating privilege for not less than one (1) year nor more than eighteen (18) months, and shall order the defendant to submit to an alcohol and drug abuse assessment and to comply with treatment as a condition of reinstatement.

PROBABLE CAUSE:

I am a Fond du Lac County Sheriff's deputy and base this complaint upon my review of Fond du Lac Sheriff's Office incident reports whose reports are of the type I have relied upon in the past and found to be truthful and reliable. Said reports state as follows:

On November 24, 2021, at approximately 10:00 am, Fond du Lac County Sheriff's Deputy Laura Young was running stationary radar near US Highway 45 and Hickory Heights Road, in Fond du Lac County. Deputy Young observed a blue Jeep Cherokee, driven by the above named defendant, that appeared to be going much slower than the posted 55 miles per hour speed limit. Using her radar device, Deputy Young confirmed that the defendant was traveling at 37 miles per hour.

Deputy Young further noted the defendant had swerved towards the shoulder as it appeared he was leaning over towards the passenger seat, reaching for something. The defendant also ended up impeding two vehicles due to speed and swerving. Deputy Young activated her emergency lights and sirens and got behind the defendant near US Highway 45 and CTH W. The defendant did not pull over his vehicle and a high speed chase ensued. Deputy Young's report indicates the following, during the chase with the defendant:

Deputy Young observed the vehicle swerve with its passenger side tires completely over the fog line and then swerve to the left with its driver's side tires on the roadway centerline. The vehicle increased its speeds to approximately 65mph. At one point the vehicle swerved from shoulder to centerline and then jerked the car back into the southbound lane of travel as an oncoming northbound vehicle approached in a curve. The defendant then turned westbound onto CTH F as the vehicle traveled left of center, increasing its speeds to approximately 60mph. While traveling on CTH F, Deputy Young the suspect vehicle to appear to have damage to its driver's side mirror. The vehicle continued westbound on CTH F as it slowed for the intersection of CTH F and CTH W. The vehicle did not make a complete stop as it turned northbound on CTH W and gain increased its speeds which reached between 75 and 80mph.

The suspect vehicle then turned into a farm driveway on the west side of CTH W just north of U.S. Hwy 45. The suspect vehicle was traveling at such speed that it fishtailed as it entered the gravel farm driveway.

The defendant did leave the gravel driveway and entered a plowed farm field where he continued westbound. Once the vehicle reached a tree line, it turned abruptly and began to travel eastbound through the field. It should be noted the vehicle was traveling at a high rate of speed kicking up dirt and swerving erratically.

The vehicle drove back on the graveled farm entrance and continued east toward CTH W. While traveling down the gravel road, a westbound pickup truck was also in the farm lane, causing the suspect vehicle to swerve, and again drive in the farm field before it returned to the gravel road.

The suspect vehicle then entered back onto CTH W southbound where it traveled left of center. The suspect vehicle continued south on CTH W and continued to travel left of center on several occasions at a speed of 60 to 75mph. It should be noted the suspect vehicle while approaching Big Bend Road, did not slow despite the Village of Campbellsport's marked squad car being at that location with its emergency lights illuminated. Once the vehicle reached the bridge on CTH W near Sunset Road, it did pass a tractor and vehicle which was stopped in the southbound lane. It should be noted the suspect vehicle did pass the tractor and vehicle at a speed of approximately 65mph.

Once past Sunset Road, Deputy Young terminated the pursuit per Lieutenant Chris Dobyns. Deputy Young turned off her emergency lights and siren and pulled over on the side of the road. 11 minutes and 30 seconds had passed since Deputy Young had first observed the defendant. Deputy Young slowly continued southbound on CTH W, however lost visual of the suspect vehicle over the hill on CTH W near Gudex Lane.

Two minutes and 20 seconds after the pursuit was terminated, Deputy Young observed what appeared to be the suspect vehicle stopped at the stop sign on CTH W southbound at Sheboygan Street. The vehicle turned westbound on Sheboygan Street, stopped at the four way stop on Fond du Lac Avenue, and then continued northbound on CTH V.

Once the suspect vehicle was out of the Village of Campbellsport, Deputy Young did activate her lights and siren and again attempted to stop the suspect vehicle. The vehicle continued to travel northbound on CTH V despite the lights and sirens, increasing its speed to approximately 67mph, and then as the vehicle approached CTH V and Sunset Road, it decreased its speeds to 54mph. As the vehicle approached CTH V and Lonely Road, it passed a northbound vehicle in the gravel on the right and then passed a northbound vehicle on a hill in a curve in a no passing zone.

On CTH V at CTH F, Deputy Trevor Theisen had deployed stop sticks in the northbound lane. The suspect vehicle did swerve into the southbound lane of travel in a no passing zone on the opposite side of the hill to avoid striking the stop sticks. The suspect vehicle continued to travel northbound on CTH V despite Deputy Theisen's marked squad car with its emergency lights illuminated. Also at the intersection of CTH F at CTH V was a Fond du Lac County unmarked squad car with its emergency lights illuminated. The vehicle continued to vary its speeds, swerve in its lane, and at times cross the centerline.

Deputy Young continued to follow the suspect vehicle on CTH V northbound as it approached the Village of Eden. Two Fond du Lac County marked squad cars with their lights illuminated were positioned in the area of CTH V and Shady Lane. Once the suspect vehicle reached that location, it swerved onto the gravel shoulder and into the grassy ditch, as it continued northbound in the ditch parallel to CTH V, and then onto Shady Lane eastbound. Shady Lane does dead end into residential driveways. The suspect vehicle did drive southbound down the driveway of a house on Shady Lane. The vehicle then began to travel off the driveway into the lawn, swerving, and then turning abruptly continuing through the yards until it reached Shady Lane headed west. At this time, Deputy Young and two other marked squad cars with their emergency lights and sirens activated were following the suspect vehicle in attempt to get it to stop. The vehicle then turned northbound onto Reagan Drive passing the Eden Community Park and entering a residential area. The vehicle was traveling at a speed of approximately 50mph through the residential area. An additional Fond du Lac County marked squad car joined the pursuit with its emergency lights and siren activated. Deputy Young observed the suspect vehicle turn onto Southgate Drive, southbound without stopping at the stop sign. Deputy Young continued north onto Southgate Drive knowing that it intersects with Margaret Avenue. Deputy Young and another Fond du Lac County squad car attempted to do an open road block on Margaret Avenue at Southgate Drive, prompting the suspect vehicle to drive up the curb across the sidewalk, and across the front lawn of 108 Margaret Avenue and into the backyard of 125 West Main St.

At this time, Deputy Theisen was traveling behind the suspect vehicle and in front of Deputy Young's squad car

The suspect vehicle turned northbound onto CTH K at a high rate of speed causing the vehicle to enter the west shoulder of CTH K. As the vehicle attempted to exit the shoulder of the roadway, the defendant lost control of the vehicle, causing the vehicle to spin 360 degrees counterclockwise as the vehicle's rear entered the west ditch of CTH K. The suspect vehicle was attempting to exit the ditch as Deputy Theisen attempted to ram the vehicle to pin the vehicle into the ditch. The suspect vehicle was able to exit the ditch and continued northbound on CTH K. On CTH K near Mill Road, the suspect vehicle did appear to lose control, struck the gravel of the east shoulder, and then veered into the southbound lane of travel on CTH K.

On CTH K near Club De Neveu Lane, Deputy Young attempted to ram the vehicle, however was unsuccessful due to the vehicle's speed. The suspect vehicle continued northbound at a speed of approximately 70mph despite being in a 35mph zone. At Victim 1's residence on CTH K, the suspect vehicle crashed and overturned at which point it came to a rest on its roof facing northbound in the east ditch.

The pursuit spanned 22.3 miles and lasted approximately 25 minutes long. The suspect vehicle passed multiple vehicles that had pulled over on the shoulder during the pursuit. Multiple law enforcement agencies were involved in the pursuit.

As State Patrol Troopers were trying to get the defendant out of the vehicle, Deputy Young noted a firearm within reach of the defendant. The firearm was identified as a Glock 17, serial number AUZ584. The Glock was loaded and chambered with a live round. Deputy Young also recovered an extended 30 round magazine, which was loaded.

When asked why he fled, the defendant stated "I don't really know." Further investigation revealed the defendant was likely impaired by a restricted controlled substance. Deputy Young noted the defendant had on two dermal Buprenorphine patches, which the defendant said was used for pain. Deputy Young looked up the patches on webmd.com, which she has used in the past and found to be reliable. Deputy Young found that the Buprenorphine patches are a narcotic, used to treat pain. Deputies also found empty bottles of Cyclobenzaprine and Tramadol in the vehicle. Deputy Young noted the defendant had a chalky crust in each nostril, consistent with snorting a controlled substance or crushed up pill. Deputy Lucas Olson performed a drug recognition evaluation on the defendant and opined that the defendant was under the influence of a central nervous system stimulant.

Deputy Olson performed a limited DRE evaluation, as the defendant was in a C-collar, applied by medical staff, as a precaution, due to the vehicle crash. Deputy Olson noted the defendant was cooperative, but drowsy. His speech was slow and slurred, his breath was normal, but his face was flush. Deputy Olson noted the presence of 4 clues in the horizontal gaze nystagmus test, but no vertical gaze nystagmus.

The defendant was eventually arrested and taken in for a blood draw as he was also arrested for suspicion of OWI.

A department of transportation teletype and/or an NCIC criminal history database indicates that on May 18, 2020, the City of Burlington Municipal Court, the defendant was convicted of OWI (1st Offense).

On January 4, 2022, the Wisconsin State Laboratory of Hygiene returned a laboratory report that the defendant's blood was analyzed for alcohol and no ethanol was detected. Test results for the presence of any drugs are still pending.

Deputy Young spoke with Victim 1, who stated approximately 8 to 10 trees and fencing was damaged by the defendant crashing through his yard. On December 13, 2021, Victim 1 informed Deputy Young that he received an estimate from Midpark Nurseries, stating that the cost to replace the damage would be approximately \$8,000.00.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me on 08/17/22

Electronically Signed By:

Catherine Block

Assistant District Attorney

State Bar #: 1053966

Electronically Signed By:

Lt. Chris Randall

Complainant

Kenosha County Eye