

STATE OF WISCONSIN CIRCUIT COURT DODGE COUNTYSTATE OF WISCONSIN
Plaintiff,DA Case No.: 2019DD001449
Assigned DA/ADA:
Agency Case No.: B19-09503

Vs.

Roy Cortez
808 N Center Street
Beaver Dam, WI 53916
DOB: 06/03/1997
Sex/Race: M/H
Eye Color: Brown
Hair Color: Black
Height: 5 ft 06 in
Weight: 134 lbs
Alias:**CRIMINAL COMPLAINT**

Defendant,

The undersigned, being first duly sworn, states that:

Count 1: VEHICLE OPERATOR FLEE/ELUDE OFFICER CAUSING DAMAGE TO PROPERTY

The above-named defendant on or about Wednesday, August 21, 2019, in the City of Beaver Dam, Dodge 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 flee, causing damage to the property of The Beaver Dam Unified School District, contrary to sec. 346.04(3) and 346.17(3)(b), 939.50(3)(h) 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 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.

PROBABLE CAUSE:

The undersigned has reviewed the reports of the law enforcement officers referenced below and believes them to be true and correct as these reports were created by law enforcement officers while they were acting in their official capacity.

-City of Beaver Dam Police Sgt. Johnson reports:

On Wednesday, August 21, 2019, I, Sgt. Jeremiah Johnson, was on duty for the City of Beaver Dam Police Department, Dodge County, Wisconsin. I was wearing a full police uniform and operating a fully marked patrol vehicle.

At approximately 11:15 pm, officers of the Beaver Dam Police Department were dispatched to a disorderly conduct type incident, later determined to be a domestic disturbance at 808 N. Center St in the City of Beaver Dam. The caller and complainant now identified verbally as **Jade D. Evans, F/W, DOB redacted, reported a male subject as under the influence of alcohol and belligerent had broken a window after she locked him out of the residence. She reported him leaving in a white Dodge Dart with Texas plates.**

In addition to this complaint, a separate and now believed to be unrelated report of a vandalized window was received shortly after this call. This broken window was reported at 903 N. Center St, which is approximately one block away.

Officers proceeded to the area to attempt to locate a suspect who may have been responsible for either of the two damaged windows and disorderly conduct incident.

I arrived at 808 N. Center St and spoke with the complainant Jade Evans. At this time, **she informed me the suspect identification of Roy Cortez, M/H, 06/03/1997.** Jade explained that Roy had been living with her at 808 N. Center St for approximately 3 weeks. It should be noted that this differed with what was reported by Roy after he was interviewed. Jade continued stating that Roy had been kicked out of his previous residence at the Shoe Factory Apartments in the City of Beaver Dam and reported that all of his belongings were at the residence, and Roy had no other place to stay nor did he stay at any other addresses. Jade stated that they were not involved in an intimate relationship; however, noted that Roy had feelings for her and did not understand that Jade was not interested.

Jade began to explain that she had returned from Madison to the residence and **observed Roy inside under the influence of alcohol. She stated that Roy had been belligerent with her and began to verbally argue with her. She stated that he was agitated and began pacing back and forth. She felt threatened by Roy's comments and behavior.** Jade explained Roy had left the apartment and she then locked him out. **Jade began to explain that Roy had broken the window of the residence in order to regain access inside the building and this had occurred in her presence while she was inside.** She stated that she felt threatened by this action; however, admitted that she was the one who had locked Roy out of the residence after she had stepped out.

While Jade was explaining this to me, **I observed a white Dodge Dart traveling northbound on N. Center St with Texas plates. As this occurred, I pointed it out to Jade and asked her if this was Roy. Jade stated it indeed was.**

Due to the report of the disorderly conduct, the broken window, and the possibility that Roy was under the influence and operating a motor vehicle, **I felt it necessary to conduct an investigative stop with Roy.**

I entered my patrol vehicle and began following Roy's vehicle. I observed the vehicle bore a Texas registration of KRG1303. The motor vehicle proceeded onto Lake St. I activated my emergency lights for the investigative stop. The motor vehicle did not yield and continued to travel up Gomer Dr and eventually E. Circle Dr. The vehicle did not increase in speed. **I activated now my lights and siren** in an attempt to stop the motor vehicle. The vehicle proceeded at the speed limit; however, as it approached Gomer Dr once again, it signaled a right turn; however, it did not make any attempt to stop at the stop sign. As it approached Denning Ave, it once again turned right, **making no attempts to stop at the stop sign.** Due to the amount of time I was attempting to stop the vehicle, being in a **fully marked patrol vehicle with both emergency lights and siren clearly being displayed, and the disregard for the marked stop signs of the motor vehicle, I considered this to be a vehicle pursuit.**

As the motor vehicle approached the intersection of Denning St and N. Center St, the vehicle signaled left. However, then turned right and **immediately began increasing speed.**

The vehicle signaled a left turn to turn north on N. Center St; however, quickly turned right and began traveling down N. Center St at a very high rate of speed and squealed the tires as it accelerated. The vehicle then turned left on Liberty St and right to travel southbound on Grove St. **At this time, the motor vehicle began to accelerate even further. Speeds began to exceed 50-60 miles per hour.** I began to back off from the motor vehicle as it was approximately two blocks ahead of my position as it approached the 100 block of Grove St.

From my vantage point in approximately the 200 or 300 block of Grove St, **I was able to observe a large fireball as well as a flash and shortly thereafter a large thud sound emanating from ahead of my patrol vehicle. As I approached the scene, I was able to observe the white Dodge Dart, which had collided with several utility items at the north wall of the Beaver Dam Middle School.** The vehicle appeared to have left the roadway at the intersection of Grove St and W. Mackie St. The address of the Beaver Dam Middle School is 108 Fourth St.

It should be noted that as the vehicle proceeded southbound on Grove St, it **disregarded several stop signs and the vehicle did not slow but rather accelerated away from my position** as it approached the end of Grove St and the Beaver Dam Middle School. **I would estimate that the speed the vehicle was traveling at the time of impact exceeded 80-90 miles per hour.** This estimation was made based on my vehicle speed and the rate at which it opened the distance between us.

The Dodge Dart had airbags deployed with what appeared to be all of the side curtain airbags in front. **The vehicle was located in a western orientation with the driver side pushed up against the north wall of the Middle School. A large section of bricks had fallen into the hallway of the school as the wall was damaged. The approximate size of the hole in the side of the building was 30 feet wide by approximately 6-7 feet tall. It appeared that the front driver side wheel of the vehicle was fully inside the Beaver Dam Middle School.**

The utilities which appeared to be thick electrical lines as it was the main inlet for electricity into the building were covered with a green metal box. This box was completely removed from the top of the wires, and the bare wires were exposed in the air. There appeared to be some liquid which I originally thought was water, but was later determined to be oil for a heating and cooling system was spread all over the grass on the north side of the middle school. In addition, **a fire had broken out in what appeared to be an air conditioner unit directly adjacent to the electrical boxes.** Officer Edwards of the Beaver Dam Police Department was able to extinguish these flames as we attempted to approach the vehicle to extricate Roy from it.

Roy did not respond to officers initially; however, was making noise and appeared to be moving. Officer Ryan Borchardt and Officer Edwards entered the Beaver Dam Middle School in an attempt to access the driver side door through the hole in the wall; however, were **overcome by smoke and left for safety reasons**, returning outside. As the Beaver Dam Fire Department arrived, **the utility fire appeared to flare up again, and I also began to notice flames coming from the engine compartment of the vehicle.** At this time, I began shouting at Roy in a loud commanding authoritative voice to get out of the vehicle. Roy appeared to respond to my voice. I began encouraging him to get out of the vehicle any way he could. Roy appeared to be able to move now, moving through between the driver and passenger front seats, entering the rear of the vehicle, and exiting out of the rear passenger window, which had been broken during the impact. **Roy was escorted by fire fighters and police to the sidewalk away from the crash and eventually into an ambulance for medical treatment.**

Prior to this, while Roy was inside the vehicle, I observed a very large laceration to the back of his arm above his elbow. It appeared to be approximately 1-1/2 inches wide open, actively bleeding, and approximately 4 inches long. It was in a horizontal position. In addition, I observed blood on the rear driver side door handle. It did not appear that prior to me observing these injuries and the blood that Roy had attempted to exit the vehicle at all.

I remained on scene as the Beaver Dam Fire Department extinguished the fire, and Alliant Energy workers attempted to secure the live electrical lines. I contacted the Wisconsin State Patrol through Dodge County Dispatch for an uninvolved agency to conduct the crash investigation. A member of the state patrol later arrived and took the necessary information and completed a crash report.

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

Subscribed and Sworn to me on 08/22/19
Electronically Signed By:
Robert G Barrington
Special Prosecutor
State Bar #: 1052380

Electronically Signed By:
Scott Bahr
Complainant