

FILED
08-31-2020
Clerk of Circuit Court
Outagamie County
2020CF000755

STATE OF WISCONSIN	CIRCUIT COURT	OUTAGAMIE COUNTY
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STATE OF WISCONSIN

Plaintiff,

vs.

CRYSTAL J. DRAHEIM

109 Racine Street

Menasha, WI 54952

DOB: 08/31/1986

Sex/Race: F/W

Eye Color: Green

Hair Color: Blonde

Height: 5 ft 0 in

Weight: lbs

Alias:

Defendant.

DA Case No.: 2020OU000327

Assigned DA/ADA: Melinda Tempelis

Agency Case No.: 000121-3086

Court Case No.:

ATN:

CRIMINAL COMPLAINT*For Official Use*

The undersigned, being first duly sworn, states that:

Count 1: HOMICIDE BY NEGLIGENT OPERATION OF A VEHICLE

The above-named defendant on or about Thursday, May 9, 2019, Outagamie County, Wisconsin, did cause the death of NPT, by the negligent operation of a vehicle, contrary to sec. 940.10(1), 939.50(3)(g), 973.046(1r), 973.047(1f) 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 the Department shall revoke the defendant's operating privilege for one (1) year, and shall order the defendant to submit alcohol assessment and if necessary, to comply with treatment as a condition of reinstatement.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

Count 2: RECKLESS DRIVING CAUSING INJURY

The above-named defendant on or about Thursday, May 9, 2019, Outagamie County, Wisconsin, did cause bodily harm to another by negligent operation of a vehicle, contrary to sec. 346.62(3), 346.65(3), 973.046(1r), 973.047(1f) Wis. Stats., a Misdemeanor, and upon conviction shall be fined not less than Three Hundred Dollars (\$300) nor more than Two Thousand Dollars (\$2,000) and may be imprisoned for not less than thirty (30) days nor more than one (1) year in the county jail.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that she or she may request expungement under s. 165.77 (4).

PROBABLE CAUSE:

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is a sworn law enforcement officer and bases this Complaint upon the investigation of the officers named below, who are presumed truthful and reliable as sworn law enforcement officials.

On May 9, 2019, officers from the Wisconsin State Patrol and Outagamie County Sheriff's Office responded to a fatal crash that occurred on State Trunk Highway 15 east of Greendale Road, Township of Ellington, County of Outagamie, State of Wisconsin.

Troopers Lewis Judge and Mark Haessly determined that at approximately 7:52 a.m., a westbound commercial motor vehicle (CMV) was stopped on STH 15 east of Greendale Road waiting to make a left turn into a private road. Other westbound motorists were stopped or slowed behind this CMV. This included a westbound Chevrolet pickup driven by AF.

A westbound Dodge Charger (497-ZZR) approached the slowed/stopped traffic at a high rate of speed and crashed into the rear left corner of the Chevrolet pickup. The Chevrolet pickup was deflected on to the north shoulder facing west. The driver of the Chevrolet pickup was AF. He was not injured as result of the crash.

The Dodge Charger was then deflected into the eastbound lane of traffic and crashed head-on into an eastbound Thomas school bus. The school bus was pushed in a southeast direction into the south ditch. The driver of the Thomas School bus was KA. He suffered acute bilateral low back pain as a result of the crash for which he obtained medical treatment. No other person was on the bus at the time of the crash.

As a result of the crash with the school bus, the Dodge charger then was redirected southeasterly and rotated onto the south shoulder coming to rest facing in a southeast direction. The driver of the Dodge Charger is the defendant herein, Crystal J. Draheim. As a result of the crash, a child, NPT, DOB 11/11/08, the back seat passenger was killed.

The defendant was negligent in the operation of the Dodge Charger in that the airbag control module (ACM) from the Dodge Charger indicated that the Dodge Charger was operating at 86 miles per hour 5 seconds prior to the crash with the Chevrolet pickup. At 3.5 seconds prior to the crash, the driver activated the brake. The vehicle was traveling 67 mph at the time of

collision with the Chevrolet pickup. The speed limit in the area of the crash was 55 mph for both directions of travel.

Peter M. Moe, an accident reconstruction expert for the Wisconsin State Patrol stated, "at nearly 31 mph over the speed limit, the excessive speed of the Dodge was a significant causal factor in the collision sequence." Mr. Moe further stated "if the Dodge was operating at the posted limit of 55 mph at the start of the event, and responded in the same manner as reported in the ACM, it would have stopped approximately 67 feet short of colliding with the Chevrolet, thus avoiding the eventual impact with the Thomas school bus.

The investigation revealed that the defendant was not impaired by drugs or alcohol at the time of the crash. Both the defendant and NPT were wearing seatbelts. The investigation further revealed no mechanical defect with the Dodge Charger and no adverse weather conditions.

Subscribed and sworn to before me on 08/31/20

Electronically Signed By:

Lacey L. Coonen

Assistant District Attorney

State Bar #: 1077648

Electronically Signed By:

William Flood

Complainant