

FILED  
12-27-2017  
Clerk of Circuit Court  
Winnebago County, WI  
2017CF000820  
Honorable Karen L  
Seifert  
Branch 4

**STATE OF WISCONSIN      CIRCUIT COURT      WINNEBAGO COUNTY**

STATE OF WISCONSIN  
Plaintiff,

DA Case No.: 2017WN007224  
Assigned DA/ADA: Adam J. Levin  
Agency Case No.: OP17-043352  
Court Case No.:

vs.

**CRIMINAL COMPLAINT**

SHAWN L. SCHETTLE  
675 BOYD ST  
OSHKOSH, WI 54901  
DOB: 02/26/1970  
Sex/Race: M/W  
Eye Color: Hazel  
Hair Color: Brown  
Height: 5 ft 10 in  
Weight: 210 lbs  
Alias:

Defendant.

*For Official Use*

**CRIMINAL CHARGE**

**Count 1: HOMICIDE BY INTOXICATED USE OF A VEHICLE WHILE HAVING PRIOR INTOXICANT-RELATED CONVICTION/REVOCAION**

The above-named defendant on or about Friday, December 22, 2017, in the City of Oshkosh, Winnebago County, Wisconsin, did cause the death of J.L.R., by the operation of a vehicle while under the influence of an intoxicant, and has one or more prior convictions, suspensions, or revocations, as counted under s. 343.307 (2)., contrary to sec. 940.09(1)(a)&(1c)(b), 939.50(3)(c), 343.31(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And, invoking the provisions of sec. 343.31(3)(c) Wis. Stats., furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(c), upon conviction, the department shall revoke the defendant's operating privilege for five (5) years.

**Count 2: HOMICIDE BY INTOXICATED USE OF A VEHICLE WHILE HAVING PRIOR INTOXICANT-RELATED CONVICTION/REVOCAION**

The above-named defendant on or about Friday, December 22, 2017, in the City of Oshkosh, Winnebago County, Wisconsin, did cause the death of E.N.M., by the operation of a vehicle while under the influence of an intoxicant, and has one or more prior convictions, suspensions, or revocations, as counted under s. 343.307 (2)., contrary to sec. 940.09(1)(a)&(1c)(b), 939.50(3)(c), 343.31(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And, invoking the provisions of sec. 343.31(3)(c) Wis. Stats., furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(c), upon conviction, the department shall revoke the defendant's operating privilege for five (5) years.

### **Count 3: HIT AND RUN - RESULTING IN DEATH**

The above-named defendant on or about Friday, December 22, 2017, in the City of Oshkosh, Winnebago County, Wisconsin, did operate a vehicle involved in an accident that resulted in death of J.L.R. and failed to reasonably investigate what was struck and knew or had reason to know that that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he or she was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1)&346.74(5)(d), 939.50(3)(d), 343.31(3)(j) Wis. Stats., a Class D Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And, invoking the provisions of sec. 343.31(3)(j) Wis. Stats., furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(j), the Department shall revoke the defendant's operating privilege for five (5) years.

### **Count 4: HIT AND RUN - RESULTING IN DEATH**

The above-named defendant on or about Friday, December 22, 2017, in the City of Oshkosh, Winnebago County, Wisconsin, did operate a vehicle involved in an accident that resulted in death of E. N.M. and failed to reasonably investigate what was struck and knew or had reason to know that that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he or she was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1)&346.74(5)(d), 939.50(3)(d), 343.31(3)(j) Wis. Stats., a Class D Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And, invoking the provisions of sec. 343.31(3)(j) Wis. Stats., furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(j), the Department shall revoke the defendant's operating privilege for five (5) years.

### **Count 5: KNOWINGLY OPERATE MOTOR VEHICLE WHILE SUSPENDED - CAUSE DEATH**

The above-named defendant on or about Friday, December 22, 2017, in the City of Oshkosh, Winnebago County, Wisconsin, while being a person whose operating privilege had been duly suspended under the laws of the State of Wisconsin, and as a person who knew or had reason to believe his operating privilege had been suspended, did operate a motor vehicle upon a highway in this state during the period of suspension, and in the course of the violation, caused the death of another person, J.L.R., contrary to sec. 343.44(1)(a)&(2)(ag)3, 939.50(3)(h), 343.30(1g)(c) 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, invoking the provisions of sec. 343.30(1g)(c) Wis. Stats., furthermore, invoking the provisions of Wisconsin Statute 343.30(1g)(c), the court shall revoke the defendant's operating privileges upon conviction. The revocation shall be for a period of six (6) months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

#### **Count 6: KNOWINGLY OPERATE MOTOR VEHICLE WHILE SUSPENDED - CAUSE DEATH**

The above-named defendant on or about Friday, December 22, 2017, in the City of Oshkosh, Winnebago County, Wisconsin, while being a person whose operating privilege had been duly suspended under the laws of the State of Wisconsin, and as a person who knew or had reason to believe his operating privilege had been suspended, did operate a motor vehicle upon a highway in this state during the period of suspension, and in the course of the violation, caused the death of another person, E.N.M., contrary to sec. 343.44(1)(a)&(2)(ag)3, 939.50(3)(h), 343.30(1g)(c) 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, invoking the provisions of sec. 343.30(1g)(c) Wis. Stats., furthermore, invoking the provisions of Wisconsin Statute 343.30(1g)(c), the court shall revoke the defendant's operating privileges upon conviction. The revocation shall be for a period of six (6) months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

#### **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

Your affiant, being first duly sworn on oath, and in that capacity has knowledge of the following:

Your affiant is informed from the reports of the Oshkosh Police Department which are kept in the normal and ordinary course of business and in which your affiant believes to be truthful and reliable and have proven so on numerous occasions in the past that on or about December 22, 2017 Officer Sarah Pauer was dispatched to Washington and Broad in downtown Oshkosh, Winnebago County, Wisconsin, for a car vs. train crash. At that location Pauer observed a highly damaged vehicle with two deceased passengers in the back seat. The passengers were later identified as JLR, 12/4/1974, and ENM, 9/17/1980. A dog jumped out of the car and ran from the scene.

Officer Nicholas Kawleski observed a car pull into a residence on Bowen near the crash scene. One of the occupants was the defendant, **SHAWN L. SCHETTLE, 2/26/1970**. The defendant had various stories to explain his presence; that he walked from his house at 675 Boyd Street, and then, that a friend had driven him for cigarettes and dropped him at the Bowen address. The defendant had

fresh scratches on him, and told officers his wallet might be in the car struck by the train. When asked why, the defendant stated he often is driven around in that car by the registered owner, who is "like a sister" to him. The defendant had alcohol on breath and admitted drinking vodka.

The defendant performed and failed field sobriety tests, and gave a PBT result with a result of 0.074. The defendant admitted he daily smokes marijuana, and last smoked the morning before the arrest. The defendant consented to a blood draw, results of which are not known as of the drafting of this complaint. The field tests showed the defendant was under the influence of an intoxicant.

Officer Kyle Roberts spoke with Andre Haste, who stated that he was drinking with the defendant and JLR when the defendant left with JLR. "She [JLR] left with that motherfucker [the defendant]. She left here with him." The defendant returned to 675 Boyd and said the car got hit by a train and that he bounced out of there.

Officer Timothy Skelton talked with James Steinbruner who gave the following statement:

"On 12-22-17 approximately 430 PM, I arrived at 675 Boyd St. Oshkosh, Winnebago County, WI. I was hanging out with "Doug" unknown last name and had a couple drinks to celebrate Christmas. There was also five or so other people there but I don't really know them. I know "Karen" owns the house but is in jail, I think Shawn (Schettle) showed up hours (unknown exact time) after I had arrived. Shawn made a statement that he had drank more than he normally would and had a bottle of vodka with him. Shawn left thirty minutes to an hour later. Shawn handed his keys to a tall, skinny female (possibly Maloto) by the name of Erika (unknown last name). I was getting ready to leave 1115 PM and Shawn showed up. Shawn made a comment that "something happened" and "he needed to check on someone," so he need a ride. I said I would, I originally didn't know where he wanted a ride too. We left 2 or 3 minutes after he had arrived at 675 Boyd St. Shawn seemed "worried" and was talking fast. I'm hard of hearing so I was asking "what was going on." I couldn't understand if he did say why he was "worried" because of my hearing and how fast he was talking. I didn't see Shawn drink anything (alcohol) when he returned to the house on Boyd St. and he wasn't drinking alcohol when I was driving

him to Bowen St. I pulled into the driveway of the house on Bowen St. that he (Shawn) told me too. The police arrived. This statement is true and correct and written by Officer Skelton 308."

OPD spoke with the registered owner of the crashed vehicle, who had a text from the defendant that afternoon asking to borrow the car.

According to reliable DOT documents, the defendant has no valid license, and his privilege to drive is suspended. The defendant has one prior conviction for OWI, 5/8/1995 violation; 6/8/95 conviction.

Your affiant believes the statements of Andre Haste and James Steinbruner to be truthful and reliable in that they are based upon his own personal knowledge, observations, and beliefs.

Your affiant believes the statements of Shawn L. Schettle to be truthful and reliable in that they are made against his own penal interest.

All the above incidents occurred in Winnebago County, Wisconsin.

**WHEREFORE**, as said affiant verily believes and prays that the said **SHAWN L. SCHETTLE, D.O.B. 02/26/1970**, might be arrested and dealt with according to law.

Subscribed and sworn to before me on 12/27/17

Electronically Signed By:

Adam J. Levin

Assistant District Attorney

State Bar #: 1045816

Electronically Signed By:

Jim Curtis

Complainant