

STATE OF WISCONSIN

CIRCUIT COURT OUTAGAMIE COUNTY

STATE OF WISCONSIN
Plaintiff,

vs.

IRMA G. GARCIA
209 W. Pacific Street
Appleton, WI 54911
DOB: 02/09/2002
Sex/Race: F/U
Eye Color: Brown
Hair Color: Brown
Height: 5 ft 3 in
Weight: lbs
Alias: Also Known As Irma
Gabriella Garcia
Defendant.

DA Case No.: 2021OU004269
Assigned DA/ADA: Melinda
Tempelis
Agency Case No.: A21038152
Court Case No.:
ATN:

CRIMINAL COMPLAINT

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: FIRST DEGREE RECKLESS HOMICIDE

The above-named defendant on or about Friday, September 17, 2021, in the City of Appleton, Outagamie County, Wisconsin, did recklessly cause the death of S.H., under circumstances which show utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 973.046(1r), 973.047(1f) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

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.

Response

On 09/17/2021 at 2251 hours, Officer Justice was dispatched to the area of E Calumet St. and S Oneida St. in the City of Appleton, Outagamie County, Wisconsin for a reported two vehicle car crash. Off. Justice reports when he arrived, he located two vehicles involved with one vehicle being completely engulfed in flames in the northbound turn lane of S. Oneida St. The other vehicle was in the southwest corner of the intersection smoking. He reports he attempted to approach the vehicle that was fully engulfed to verify whether there was someone still inside but was unable to get close to the vehicle due to the amount of fire and heat coming from the flames. He reports multiple people in the area of the accident were yelling there was someone still in the vehicle that was fully engulfed. Off. Justice reports he got as close as he could and was able to see someone, later identified as S.P.H., located within the driver's seat of the vehicle but was unable to access her to get her out. Lt. Del Plaine reports the flames reached 20' or more in the air and needed the Appleton Fire Department to assist.

Off. Botz noted there was a female occupant, later identified as Irma Garcia, in the non-engulfed vehicle, who was moving slightly, but did not appear to be conscious. She had a severe laceration to her head and the front of her car was collapsed, suggesting that the collision was at a speed beyond the crash structure capabilities of the vehicle.

Autopsy of S.P.H.

Sgt. Kuether reports the driver in the vehicle that was hit and engulfed in flames was identified as S.P.H. and she died at the scene. S.P.H. was taken to the Milwaukee County Medical Examiner's Office, where an autopsy was conducted by Dr. Jessica Lelinski. Dr. Lelinski determined the cause of death to be thermal injury and blunt force injuries with carbon monoxide levels pending.

Traffic Video

Off. Lowe reports traffic camera footage of the accident at S. Oneida St. and E Calumet St. showed suspect vehicle traveling at a suspected high rate of speed.

Sgt. Bohren reports she reviewed traffic cameras in the city of Appleton, which showed:

- The vehicle driven by S.P.H. (dark colored SUV) was seen driving south bound on S. Oneida St., in the lane closest to the curb. The vehicle approached E. Calumet St., slowed and then came to a complete stop for a red traffic control signal at the intersection at 22:50:17 hours.
- Shortly after, the Saturn Aura, driven by Irma Garcia, is seen driving south bound on S. Oneida St., also in the lane closest to the curb, at a high rate of speed with showing no intent on slowing or stopping for the intersection. The Saturn rear ended the victim vehicle (approximately 22:50:26 hours), causing the victim vehicle to move forward through the intersection and immediately burst into flames.
- The Saturn can be seen on traffic camera just prior to the accident at the intersection of S. Oneida St. and Olde Oneida St., (approximately 22:50:03 hours), going through the intersection on a red traffic control signal, also without any sign of slowing or stopping, traveling at a high rate of speed.

Sgt. Bohren had contact with Eric Lom, the City of Appleton Traffic Engineer, who reviewed the traffic video of the crash and estimated the speed of the suspect vehicle. Eric reviewed the southbound approach leading into the Oneida/Calumet intersection, and identified the driver covered about 248' ± 15' in 1.80 seconds. This would work out to an average speed across that distance of 94 mph ± 4.5 mph. Eric also reviewed the S. Oneida St. where the suspect vehicle approached W. Seymour St. Eric identified the driver covered about 259' ± 15' in 1.80 seconds. This would work out to an average speed across that distance of 98 mph ± 4.5 mph.

Vehicle Downloads

Trooper Tauschek completed a download of the black box in the Saturn Aura XE driven by Irma Garcia, which indicates the speed on the Saturn one second before the crash was 105 mph. 2-4 seconds prior to the crash the speed was 106 mph. The engine speed (RPM) was 4288 from 1-5 seconds prior to the crash. The throttle percent was 38 one second prior to the crash. The Accelerator Pedal Position (percent) was 99 one second prior to the crash. The brake was shown as not being used in this time period.

Trooper Tauschek completed a download of the black box in the vehicle driven by S.P.H. The download showed the victim vehicle was at a complete stop, with the brake depressed. Upon impact, the victim vehicle was pushed forward, reaching 51 mph (from 0 to 300 m second after impact).

Witnesses

Sgt. Bohren reports she spoke to C.F., who stated he was driving west bound on Calumet St. and the traffic control signal was red at the intersection of S. Oneida St. so he came to a complete stop. C.F. advised the victim vehicle was either in the left lane or 'going straight lane' and a vehicle came up behind the victim's, going 40 or 50 mph and rear ended the victim vehicle. C.F. reported the suspect car's hood went up and the rear tires on the victim's car went off of the ground and then the car blew up instantly.

Off. Lowe reports he spoke to D.D., who stated he saw the "grey" vehicle speeding 80-100mph southbound on S. Oneida Street while he was at the BP gas station but proceeded to point to the black vehicle that was facing eastbound. D.D. confirmed by pointing to the black vehicle again which was later identified to be a black 2007 Saturn Aura XE registered to J.S.

Off. Norris reports he spoke to G.D. who said he had been driving a trolley bus turning onto S Oneida St from S Olde Oneida St when a black car, described as the one involved in the accident, had been going at an extremely high rate of speed southbound over the S Oneida St bridge. G.D. said the vehicle almost hit his vehicle as he was attempting to turn southbound and then continued at a high rate of speed down S Oneida St. Off. Norris reports he observed traffic camera footage of the area G.D. described and observed the black car in the accident traveling at a high rate of speed over the S Oneida St bridge and running a solid red light at S Oneida St and S. Olde Oneida St almost striking the bus G.D. had been driving.

Interview with Irma Garcia

Sgt. Kuether reports he spoke to Irma Garcia at Theda Care Regional Medical Center – Neenah. Sgt. Kuether told Irma he was looking to find out what happened tonight and asked her if she was willing to talk to him about what happened tonight. Irma said she didn't know if her family was trying to kill her, but there was a car following her for the longest time. Irma said she decided she was just going to kill herself. Irma said she was driving all over the place. Sgt. Kuether asked Irma if she knew how she got all of her injuries and she said she thinks she crashed. She thought maybe she crashed into a building and then said she didn't know. Sgt. Kuether asked if she remembered what was happening before the crash and she said everyone was following her, but even she didn't know who they were.

Sgt. Kuether asked Irma if she used any drugs or alcohol today and she said no. Sgt. Kuether told Irma they collect blood when people come into the hospital after a crash and asked if she would be okay with officers collecting that blood in order to make sure she didn't have any drugs or alcohol in her system. Eventually, Irma told Sgt. Kuether she took mushrooms around 2000 hours at her aunt's house in Appleton. She said she took three grams of mushrooms, which was a decent amount. She said she was fine until she realized some shit and what they were doing. She said the mushrooms make her feel more open to things. Irma said she could feel the mushrooms when she was driving, but that wasn't why she crashed though, rather it was because they were following her, and they were going to kill her or keep her hostage. Sgt. Kuether asked who she meant by they and she said her cousin and her aunt and everyone. She said she didn't know any of them anymore.

Irma said she was driving a Saturn Aura XE 2007, which belonged to her Dad, J.S. Irma said she was wearing a seatbelt and was going really fast.

In another interview, Sgt. Kuether asked if Irma crashed on purpose and she said no and she didn't remember crashing. She remembered trying to stop because she was pretty sure there was a red light, but didn't remember seeing the other vehicle. She said she wasn't trying to hurt herself.

Investigation

Sgt. Kuether reports at approximately 2309 Irma's mother had called in a welfare check as she was concerned about comments her daughter made about wanting to kill herself and said she was driving around in a black Saturn.

Sgt. Kuether reports he spoke to Irma's mother, E.M., who stated Irma called her around 2216 and told her she wasn't safe by her, and E.M. didn't know what she meant, but offered to meet her somewhere where she would feel safe. She told Irma she loved her and Irma said that wasn't funny, she was going to kill herself and hung up. E.M. also learned that night that Irma was taking psychedelics. E.M. said something was not adding up because Irma had never expressed fear of her mom and had never threatened suicide before, so she contacted the police and reported the threat of self-harm and the vehicle Irma was driving. E.M. said Irma has had no previous mental health issues or concerns.

Sgt. Kuether reports he spoke to Irma's sister, A.M., who stated she had missed several of Irma's calls, and when they finally spoke she didn't understand Irma and was very confused. Irma told her she had taken psychedelics that night. She could tell Irma was in her car, but not driving. A.M. told Irma she wanted to come pick her up. She heard Irma turn her car on and she told Irma it was not ok for her to drive. Irma told A.M. she was fine, but just needed to leave and wasn't safe. A.M. again offered to get her, but Irma said she wouldn't be safe with her, which A.M. didn't understand. A.M. knew Irma wasn't thinking clearly and doesn't talk like that. A.M. said Irma made comments about hurting herself. A.M. said Irma had brought up doing mushrooms earlier in the week and A.M. told her she was not in the right state of mind to be playing with something like that.

Sgt. Kuether reports he spoke to Irma's aunt, T.G., who said Irma had done some mushrooms at her house and all of a sudden got really scared and went to her car. She said Irma went out to her car and was reacting excitedly and making comments about leaving and Irma left around 2130-2200 hours. She said when Irma arrived she was fine and had no issues or concerns. She said she had never seen Irma behave the way she did when she left and was worried about her. T.G. thought Irma did the mushrooms around 1930 hours and after that began acting scared and talking to herself.

Sgt. Kuether also spoke to A.C., Irma's cousin, who stated she is the most well put together, calculated, loving, considerate, patient person in the family and everyone loves and respects her. A.C. said the fact she was talking about killing herself was very shocking and surprising. A.C. said he was with her when they both took some mushrooms and were going to have a good time and sit at the house, watch TV and talk. He said it was like a switch and all of a sudden about an hour and a half to two hours after taking the mushrooms she started asking why, but no one could figure out what was going on. Irma started to get nasty with them, telling them to shut the fuck up and being mean. They gave her some space and that seemed to make her madder. Irma started getting even louder. Irma didn't have shoes on but grabbed her keys and went outside. It seemed like she was going to get something because she didn't have shoes. Irma was then sitting out in her car but had not started it up or anything.

Irma was out there for 15-20 minutes. A.C. told T.G. she should go outside and check on Irma and she did. When T.G. tried to get close to Irma, it seemed like Irma was afraid, so T.G. backed off and then Irma started the vehicle up. T.G. came back inside to tell A.C. that Irma had started the vehicle. A.C. got up and went that way, but as soon as he got to the door, he realized Irma had backed up and took off. A.C. ran outside to see if he could tell where she went, but Irma was gone. A.C. thought Irma took off around 2230 hours.

Subscribed and sworn to before me on 12/17/21

Electronically Signed By:

Daniel J. Tombasco

Assistant District Attorney

State Bar #: 1100015

Electronically Signed By:

Michael Velie

Complainant

