

**FILED**  
**10-28-2020**  
**Clerk of Circuit Court**  
**Winnebago County, WI**  
**2020CF000666**  
**Honorable Daniel J.**  
**Bissett**  
**Branch 6**

STATE OF WISCONSIN	CIRCUIT COURT	WINNEBAGO COUNTY
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STATE OF WISCONSIN	DA Case No.: 2020WN005296
Plaintiff,	Assigned DA/ADA: Eric D. Sparr
	Agency Case No.: WI20-003833
	Court Case No.:

vs.

**CRIMINAL COMPLAINT**

ANDREW CLARK  
2880 ELO RD  
OMRO, WI 54904  
DOB: 03/24/1968  
Sex/Race: M/B  
Eye Color: Brown  
Hair Color: Gray  
Height: 5 ft 9 in  
Weight: 200 lbs

Defendant.

*For Official Use***CRIMINAL CHARGE****Count 1: FIRST DEGREE INTENTIONAL HOMICIDE, DOMESTIC ABUSE ASSESSMENTS**

The above-named defendant on or about Wednesday, October 21, 2020, in the Town of Omro, Winnebago County, Wisconsin, did cause the death of V1, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 973.055(1) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

And further, invoking the provisions of sec. 973.055(1) Wis. Stats., because this charge is an act of domestic abuse, and further, invoking sec. 973.055(1), Wis. Stats., the court shall impose the domestic abuse assessment of \$100 for this offense because this charge is an enumerated crime under sec. 973.055(1)(a)1, Wis. Stats., and the conduct constituting the violation involved an act by the defendant against his or her spouse, against an adult with whom the defendant resides or formerly resided, or against an adult with whom the defendant has created a child.

**Count 2: FIRST DEGREE INTENTIONAL HOMICIDE**

The above-named defendant on or about Wednesday, October 21, 2020, in the Town of Omro, Winnebago County, Wisconsin, did cause the death of V2, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

**Count 3: ATTEMPT MUTILATING A CORPSE**

The above-named defendant on or about Wednesday, October 21, 2020, in the Town of Omro, Winnebago County, Wisconsin, attempted to mutilate a corpse with the intent to avoid prosecution for a crime, contrary to sec. 940.11(1), 939.50(3)(f), 939.32 Wis. Stats., an attempt to commit a Class F Felony, and upon conviction may be fined not more than \$12,500, or imprisoned not more than six years and three months, or both.

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

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

Your affiant is informed from the reports of the Winnebago County Sheriff's Department kept in the normal and ordinary course of business in which your affiant believes to be truthful and reliable and have proven so on numerous occasions in the past that on or about 10/21/20, officers of the Winnebago County Sheriff's Office, along with officers of other jurisdictions, were dispatched to a residence on Elo Road, in the Town of Omro, Winnebago County, Wisconsin. The caller, later identified as **ANDREW NMI CLARK, D.O.B. 3/24/68**, was reporting that his house was on fire, that someone had broken in, and that his wife (referenced in this affidavit as "V1") was not breathing.

Off. J. Peeters of the Omro Police Department arrived first, observing a deceased male (referenced in this affidavit as "V2") on the living room floor, with a gunshot wound, or wounds, to his head and a pool of blood around him. Off. Peeters located Clark in a bedroom, attending to V1. Clark was yelling for V1 to wake up, and was trying to move her arms and legs. Off. Peeters attempted to render aid to V1. Off. Peeters asked Clark about V2, and Clark stated, "That's Shorty, he works for me, fuck him."

Officers observed a heavy odor of gasoline, or some type of other potential accelerant, throughout the residence. Officers observed burned towels or rags in the bathroom off of the bedroom where V1 was located. The towels appeared to have been soaked in accelerant. Officers observed a melted candle, which appeared to have been used as a makeshift fuse, in the same bathroom. Moisture, believed to be the same accelerant, was located in other common areas of the residence as well. Officers reported that V1's skin was wet and slippery, and that she had skin slippage, potentially due to being covered with accelerant. Det. Lt. C. Braman reported that these observations were consistent with a failed attempt to burn the residence.

Det. T. Sleeter and Inv. M. Sewall interviewed Clark, who stated that he had been with V1 and V2 at the Peppermint Hippo, 1413 Green Valley Road, Neenah, Winnebago County, Wisconsin, the prior evening. Officers later obtained video from the Peppermint Hippo which showed that the group arrived at 8:53 PM and departed at 11:33 PM. Clark claimed it was "just the three" individuals in his

group. Clark stated that the three of them then went back to the Elo Road residence. Clark indicated that he had a bar cleaning business, and in the early morning hours on 10/21/20, he cleaned at Greene's Pour House, 44 W. 6th Avenue, Oshkosh, Winnebago County, Wisconsin. Clark claimed that V1 and V2 were fine when he and Draine left and went to Greene's. Video obtained from Greene's showed Clark's arrival time as 3:32 AM on 10/21/20, and his departure at 4:53 AM. Clark had given a slightly different time estimate, but claimed that when he returned to Elo Road, he found that someone had broken in and killed V1 and V2, at which point he called 911.

Inv. Sewall later confronted Clark about the presence of another individual that had been with the group at Peppermint Hippo, whom Clark had left out of his story. Clark then claimed the fourth individual was a drug connection, but would not identify him. The individual was later identified from the Peppermint Hippo surveillance video as Michael P. Draine, D.O.B. 11/3/86. Peppermint Hippo surveillance video showed an argument between Clark and V1. Sometime after the argument, Clark, Draine, V1, and V2 left together in a vehicle later identified as a black Range Rover SUV, registered to Clark. Video surveillance from Greene's Pour House, hours later, showed that Draine arrived and departed that location with Clark.

During the interview with Inv. Sewall, Clark indicated that he had stopped at the BP Station on 9th Avenue, Oshkosh, Winnebago County, Wisconsin, on his way home to Elo Road. Inv. Sewall viewed surveillance footage from BP, which showed Clark arrive at 7:08 AM and depart at 7:15 AM on 10/21/20. From the video, Inv. Sewall reported that Clark appeared to have been rummaging in the back of his vehicle, and then went over to the garbage can near his fuel pump. Inv. Sewall confirmed with a BP employee that the garbage had not been changed since Clark's visit. Inv. Sewall collected the bag of trash, and found two black gloves containing two spent .40 caliber shell casings, consistent with three spent .40 caliber shell casings that were recovered from near the victims' bodies inside the Elo Road residence.

During execution of a search warrant at the Elo Road residence on 10/21/20, officers recovered one round had been discharged into the closet near where V1 was located. Based on the amount of apparent blood in the closet area, officers believed that was where V1 was shot, though her body was located a few feet from the closet. Officers located evidence that four rounds had been discharged in

the living room near V2. One round appeared to have traveled from near the front door and gone through a sliding door at the rear of the residence. The round was located in the backyard. Three rounds appeared, based on V2's location and entry points in the floor, to have been shot into V2 at a downward trajectory. One of those three rounds was located under where V2 was found. Two rounds were not located, despite there being damage to the floor indicating that they had been fired there. Officers located three spent .40 caliber shell casings in the residence, which were not initially easily observable.

Det. Lt. Braman reported that full rigor had set in to the body of V1 at the time he checked the body, which was around 8:30 AM on 10/21/20. Det. Lt. Braman is aware that full rigor would take at least six hours to set in, which would mean that V1 was deceased before Clark and Draine left for Greene's Pour House.

On 10/22/20, Det. C. Bohn had contact with a known citizen witness that reported he had been driving in the vicinity of the Elo Road residence at approximately 5:10 AM on 10/21/20. The witness stated that he was traveling behind a black Range Rover which turned onto Elo Road from County Highway K. The citizen witness stated that the vehicle turned into the driveway of the Elo Road residence where officers were aware the homicides occurred. The witness said the driving had struck him as notable at the time, because the vehicle was traveling slowly, as if the driver did not know where he or she was going. The witness described the vehicle as creeping up the driveway. Officers are now aware that this would have been the first time Clark returned to the residence after attempting to set fire to it.

On 10/23/20, an arrest warrant was issued for Michael Draine. Draine turned himself in to officers in Pleasant Prairie, Wisconsin, on 10/25/20. Officers interviewed Draine on 10/25/20 and 10/26/20. Draine stated that Clark was his uncle through marriage, and that he had been in the Winnebago County area for a few days prior to the 10/21/20 incident. Draine told interviewers, including Det. Lt. Braman, that he, Clark, V1, and V2 had been at a bar in Appleton on 10/20/20, and eventually went to the Peppermint Hippo. Draine said that while they were there, V1 and Clark were arguing about money that Clark believed was either taken or lost by V1. Draine explained that four individuals left the Peppermint Hippo in Clark's Range Rover, driven by Clark, and that the argument

between V1 and Clark continued as they traveled to the Elo Road residence. When they got there, Clark and V1 continued arguing in the bedroom, with the door closed. Draine said that he and V2 were going to smoke marijuana or play videogames, and heard a single gunshot from the bedroom. They went to the bedroom and saw V1 with an apparent gunshot wound to her upper chest area. Draine reported that V1's eyes were open, but she appeared to be deceased. Draine said that Clark was the only other person in the bedroom when the incident occurred, and was holding a gun which appeared visually consistent with the one later recovered by law enforcement. Draine reported that Clark later said he found the money that had supposedly been missing.

Draine said that at Clark's direction, they went to the garage and got a gas can. Draine stated that at some later point, he was aware that Clark was pouring gas around the residence, and specifically in the bedroom where V1 was located. Draine said V2 was freaking out, and appeared to be hyperventilating. While Draine was outside the residence, he heard a gunshot, and observed that Clark had apparently shot V2 in the living room. Draine believed that V2 had been shot in the chest, and Draine said something along the lines of, "This fucker's not dead. I'm going to finish him." Draine said that Clark made him watch as Clark shot V2 in the face or head. Clark then told Draine to change his shoes, take the dog, and wait in the Range Rover. Draine seemed uncertain of whether Clark had started pouring gasoline before or after shooting V2. Officers observed what appeared to be blood splatter on the gas can, which was located in the garage during the search warrant execution.

Draine said that after a few minutes, Clark got into the vehicle and still had the gun. Clark told Draine that Draine had to help him clean a bar, which was going to be an alibi for the shootings, as Clark was aware that Greene's had surveillance cameras. At that point, they traveled to Greene's Pour House. Officers estimated that with expected drive time and the known arrival time at Greene's, they would have left Elo Road around 3:15 AM. Officers believe that it would have been prior to leaving Elo Road that Clark attempted to start the fire in the bathroom to burn the residence and bodies.

Draine eventually admitted to officers that they went back to the Elo Road residence after cleaning at Greene's. Based on the citizen witness observing a black Range Rover arrive at the residence, officers believed their arrival time to be about 5:10 AM, which would be consistent with their departure time from Greene's surveillance. Draine said they saw V2 appear to move, at which point

Clark shot V2 two additional times in the face or head. Draine said that Clark had tried to get him to shoot V2, but that he had not done so. Det. Lt. Braman reports that based on the rigor that had set in to V2's body at the time officers arrived, V2 was likely deceased prior to Clark and Draine going to Greene's.

Draine said that Clark then drove him to a hotel and gave him some money. Clark also gave him a blue backpack and a cell phone that Draine was supposed to get rid of. Draine said he ditched the backpack near railroad tracks by the hotel, which officers later determined was in Appleton. Draine said he did not know which hotel it was, but that his sister would know, because she came from out of state to pick him up. Officers spoke to Draine's sister, who was able to provide the location of the hotel by looking at her phone. Draine said that after he got picked up, which was still on 10/21/20, he got rid of the phone at a gas station. Draine described to officers where he left the backpack, and Det. B. Hammen found a blue backpack matching the description given by Draine. Officers executed a search warrant on the backpack, and found a gun matching the color described by Draine, of the same caliber as the spent casings from the BP garbage and the Elo Road residence. Also in the backpack, officers found over \$3000 cash, MDMA pills, about  $\frac{3}{4}$  pound of marijuana, and approximately 5 ounces of cocaine. The drugs field tested positive for MDMA, THC, and cocaine, respectively.

Draine said that over the course of the incident, he had made peace with God, because he believed he was going to be killed as well.

Gunshot wounds were visually apparent to officers as the causes of death for V1 and V2. This was supported by verbal indications from the medical examiner at the autopsy, though final reports are not available as of 10/28/20.

All of the above incidents occurred in Winnebago County, Wisconsin.

**WHEREFORE**, as said affiant verily believes and prays that the said **ANDREW CLARK** might be arrested and dealt with according to law.

Subscribed and sworn to before me on 10/28/20  
Electronically Signed By:  
Anthony S Prekop  
Assistant District Attorney  
State Bar #: 1088897

Electronically Signed By:  
Jim Goggins  
Complainant

