

FILED

02-18-2019

Clerk of Circuit Court
Winnebago County, WI
2019CF000100
Honorable Scott C Woldt
Branch 2

STATE OF WISCONSIN	CIRCUIT COURT	WINNEBAGO COUNTY
STATE OF WISCONSIN	DA Case No.: 2018WN007315 Assigned DA/ADA: Adam J. Levin Agency Case No.: WI18-002709 Court Case No.:	
Plaintiff,		
vs.		
	CRIMINAL COMPLAINT	
BRIAN R SULLIVAN 474 HAWTHORNE ST NEENAH, WI 54956 DOB: 08/09/1974 Sex/Race: M/W Eye Color: Hazel Hair Color: Brown Height: 5 ft 10 in Weight: 175 lbs Alias:		
Defendant.		
		For Official Use

CRIMINAL CHARGE**Count 1: HOMICIDE BY INTOXICATED USE OF A VEHICLE WITH A PROHIBITED ALCOHOL CONCENTRATION**

The above-named defendant on or about Saturday, August 18, 2018, in the Town of Vinland, Winnebago County, Wisconsin, did cause the death of L.E.L., by the operation of a vehicle while having a prohibited alcohol concentration of more than 0.08% by weight in the blood, contrary to sec. 940.09(1)(b), 939.50(3)(d), 343.31(3)(c) 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.

Count 2: HOMICIDE BY INTOXICATED USE OF A VEHICLE WITH A PROHIBITED ALCOHOL CONCENTRATION

The above-named defendant on or about Saturday, August 18, 2018, in the Town of Vinland, Winnebago County, Wisconsin, did cause the death of C.J.L., by the operation of a vehicle while having a prohibited alcohol concentration of more than 0.08% by weight in the blood, contrary to sec. 940.09(1)(b), 939.50(3)(d), 343.31(3)(c) 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.

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 Winnebago County Sheriff's 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 Saturday, August 18, 2018 at approximately 2038 hours, deputies of the Winnebago County Sheriff's Office were

dispatched to a two boat crash located on Lake Winnebago in the Township of Vinland, Winnebago County, WI. According to the report of Deputy Kyle Beck, dispatch advised deputies that the GPS coordinates they received were 44.126630, -88.44730 which, according to dispatch, was approximately 4,500 feet directly east of Paynes Pt Rd, on Lake Winnebago. Deputy Kyle Beck reported that the initial dispatch included information that two people from one of the involved boats were lost in the water and were not wearing life jackets.

Deputy Kyle Beck reported that the two boats involved in the crash were identified as follows:

2017 Crownline model E6XS with Wisconsin registration WS1179ZF and hull identification number KIS83562L617. This boat was owned and operated by the defendant **BRIAN R SULLIVAN, M/W, DOB: 08/09/1974** on the date of the crash.

1992 Rinker Captiva with Wisconsin registration WS1749CX and hull identification number RNK37398C292. This boat was owned and operated by Kim F Laabs, M/W, dob: 03/31/1953 on the date of the crash.

Deputy Kyle Beck reported that on Saturday, August 18, 2018 at approximately 2100 hours he went to 1942 County Rd A, where paramedics from Gold Cross Ambulance Service were currently treating two individuals that were in the 1992 Rinker Captiva. Deputy Kyle Beck made contact with Kim Laabs, who informed Deputy Kyle Beck he was the operator of the 1992 Rinker Captiva during the crash. Deputy Kyle Beck also verbally identified a passenger in the boat as Kim Laabs' wife, Cheryl L Laabs, F/W, dob: 07/14/1962. Kim Laabs also informed Deputy Kyle Beck that the two missing passengers from his boat were his daughters, LEL, F/W, dob: 07/14/1992, and CJL, F/W, dob: 06/10/1998.

Deputy Kyle Beck reported that, while speaking with Kim Laabs, he observed a light odor of intoxicants coming from Kim Laabs' person. Kim Laabs advised Deputy Kyle Beck that he was coming from the Harbor Bar in Stockbridge, WI, which is on the east side of Lake Winnebago in Calumet County, WI. Kim Laabs told Deputy Kyle Beck he consumed two mixed drinks, specifically screwdrivers, between 1815 and 2015 hours. Deputy Kyle Beck reported that Kim Laabs explained that he was traveling westbound on Lake Winnebago when his boat was struck by a northbound boat in a somewhat T-bone fashion. Deputy Kyle Beck reported that Kim Laabs was transported to ThedaCare

Regional Medical Center – Neenah. Once there, Deputy Kyle Beck completed a telephonic search warrant for a blood draw on Kim Laabs.

Deputy James Megna reported that on Saturday, August 18, 2018 at approximately 2246 hours he made contact with Brian Sullivan at the Grundman Boat Landing. Deputies, operating a Winnebago County Marine unit, had towed the 2017 Crownline E6XS boat with the operator, Brian Sullivan, and his passenger Carron A Sullivan, F/W, dob: 01/27/1974 back to Grundman Boat Landing. Deputy Michael Huth reported the occupants of the boat reported minor injuries and wanted to be seen by Gold Gross Ambulance Service paramedics. Deputy James Megna reported that he could smell a slight odor of intoxicants coming from both Brian Sullivan and Carron Sullivan. Brian Sullivan told Deputy James Megna that he was the operator of the 2017 Crownline boat and his wife, Carron Sullivan, was a passenger. Brian Sullivan explained to Deputy James Megna that he was driving northbound on Lake Winnebago, at approximately 30-32 miles per hour, toward Neenah Marina when all of a sudden they were struck on the right side of their boat, by another boat. Brian Sullivan stated that he called 911 for help within 60 seconds of the crash occurring. Brian Sullivan told Deputy James Megna that he had his lights activated on his boat.

Deputy James Megna asked Brian Sullivan how much he had to drink that night. Brian Sullivan initially told Deputy James Megna that he had approximately four drinks and stopped drinking around 1700 hours on August 18, 2018. Brian Sullivan then stated he had half of a beer at the Ground Round in Oshkosh and stopped drinking sometime between 1800 and 1830 hours on August 18, 2018, and then started to travel back north to Neenah when the crash occurred. Deputy James Megna transported Brian Sullivan to ThedaCare Regional Medical Center – Neenah. Once there, Deputy James Megna completed a telephonic search warrant for a blood draw on Brian Sullivan.

Brian Sullivan also told Deputy Duane Luker that he had stopped drinking 4-5 hours before contact (contact was at 22.07) and had “four beers” to drink.

Deputy Michael Huth reported that on Sunday, August 19, 2018, the deceased bodies of both LEL and CJL, were located and recovered by the Winnebago County Dive Team in Lake Winnebago.

Forensic analysis of Sullivan’s blood drawn at 0007 on 8/19 showed a BAC of 0.093g/etoh/100mL/blood. Alcohol eliminates from the human body at a rate of 0.01-

0.025g/etoh/100mL/blood/hour, so at 3.5 hours after the crash, and with the defendant's claim that he stopped drinking hours before the crash, the defendant's BAC would be greater than 0.08g/etoh/100mL/blood at the time of the double fatal boat crash.

Mr. Laabs' blood was also drawn and analyzed, showing a BAC of 0.026 at 2306 on 8/18.

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

Your affiant believes the statements of Brian R Sullivan 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 **BRIAN R SULLIVAN, D.O.B. 08/09/1974**, might be arrested and dealt with according to law.

Subscribed and sworn to before me on 02/18/19

Electronically Signed By:

Amanda L Folger

Assistant District Attorney

State Bar #: 1073186

Electronically Signed By:

Jim Goggins

Complainant