

**STATE OF WISCONSIN**

**CIRCUIT COURT**

**WAUPACA COUNTY**

STATE OF WISCONSIN,

Plaintiff,

**CRIMINAL COMPLAINT**

vs.

CASE TYPE: CF

SCOTT CHARLES FARMER  
1743 DUBLIN TRL APT 95  
NEENAH, WI 54956  
DOB: 04/08/1976  
SEX/RACE: M/W  
EYE COLOR: BLUE  
HAIR COLOR: BLONDE  
HEIGHT: 5 FT 7 IN  
WEIGHT: 155 LBS

DA CASE #:  
2023WP001708

AGENCY CASE #:  
W23-22972

DA/ADA ASSIGNED:  
KAT TURNER

JUDGE ASSIGNED:

Defendant.

The undersigned, being first duly sworn, states that:

**Count 1: OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE - 5TH OR 6TH OFFENSE**

The above-named defendant on Saturday, December 16, 2023, in the Town of Weyauwega, Waupaca County, Wisconsin, did operate a motor vehicle while under the influence of an intoxicant, contrary to sec. 346.63(1)(a), 939.50(3)(g) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute Section 346.65(2)(am)5, the defendant shall be fined not less than \$600 if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations and other convictions counted under s. 343.307 (1), equals 5 or 6, except that suspensions, revocations or convictions arising out of the same incident or occurrence shall be counted as one. The court shall impose a bifurcated sentence under s. 973.01, and the confinement portion of the bifurcated sentence imposed on the person shall be not less than one year and 6 months. The court may impose a term of confinement that is less than one year and 6 months if the court finds that the best interests of the community will be served and the public will not be harmed and if the court places its reasons on the record..

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

The above-named defendant on Saturday, December 16, 2023, in the Town of Weyauwega, Waupaca County, Wisconsin, did cause the death of **Daniela, Age 9**, 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) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And 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.

And furthermore, invoking the provisions of Wisconsin Statute 940.09(1c)(b), upon conviction, the court shall impose a bifurcated sentence under s. 973.01 and the term of confinement in prison portion of the bifurcated sentence shall be at least 5 years except that a court may impose a term of confinement that is less than 5 years if the court finds a compelling reason and places its reason on the record.

**Count 3: HOMICIDE BY INTOXICATED USE OF A VEHICLE WHILE HAVING PRIOR INTOXICANT-RELATED CONVICTION/REVOICATION**

The above-named defendant on Saturday, December 16, 2023, in the Town of Weyauwega, Waupaca County, Wisconsin, did cause the death of **Lilian, Age 14** 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) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And 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.

And furthermore, invoking the provisions of Wisconsin Statute 940.09(1c)(b), upon conviction, the court shall impose a bifurcated sentence under s. 973.01 and the term of confinement in prison portion of the bifurcated sentence shall be at least 5 years except that a court may impose a term of confinement that is less than 5 years if the court finds a compelling reason and places its reason on the record.

**Count 4: HOMICIDE BY INTOXICATED USE OF A VEHICLE WHILE HAVING PRIOR INTOXICANT-RELATED CONVICTION/REVOICATION**

The above-named defendant on Saturday, December 16, 2023, in the Town of Weyauwega, Waupaca County, Wisconsin, did cause the death of **Fabian, Age 23** 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) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And 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.

And furthermore, invoking the provisions of Wisconsin Statute 940.09(1c)(b), upon conviction, the court shall impose a bifurcated sentence under s. 973.01 and the term of confinement in prison portion of the bifurcated sentence shall be at least 5 years except that a court may impose a term of confinement that is less than 5 years if the court finds a compelling reason and places its reason on the record.

**Count 5: HOMICIDE BY INTOXICATED USE OF A VEHICLE WHILE HAVING PRIOR INTOXICANT-RELATED CONVICTION/REVOICATION**

The above-named defendant on Saturday, December 16, 2023, in the Town of Weyauwega, Waupaca County, Wisconsin, did cause the death of **Daniel, Age 25** on December 17, 2023, 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) Wis. Stats.

Upon conviction for this offense, a Class C Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

And 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.

And furthermore, invoking the provisions of Wisconsin Statute 940.09(1c)(b), upon conviction, the court shall impose a bifurcated sentence under s. 973.01 and the term of confinement in prison portion of the bifurcated sentence shall be at least 5 years except that a court may impose a term of confinement that is less than 5 years if the court finds a compelling reason and places its reason on the record.

### **Count 6: OPERATE MOTOR VEHICLE WHILE REVOKED - CAUSE DEATH OF ANOTHER**

The above-named defendant on Saturday, December 16, 2023, in the Town of Weyauwega, Waupaca County, Wisconsin, while being a person whose operating privileges had been revoked pursuant to the laws of the State of Wisconsin, did operate a motor vehicle on a highway during such revocation or thereafter, and in the course of the violation caused the death of another person, **Fabian, Daniel, Daniela and Lilian**, contrary to sec. 343.44(1)(b), 343.44(2)(ar)4 Wis. Stats.

Upon conviction for this offense, an Unclassified Misdemeanor, the defendant shall be imprisoned for not more than one year or fined not less than \$7,500 nor more than \$10,000 or both.

### **PROBABLE CAUSE:**

Your complainant is an officer with the Waupaca County Sheriff's Office (WPSO). Your complainant swears, under oath, that he has reviewed the complaint prior to signing and believes it to be true and correct. Your complainant comes to this conclusion upon information and belief and upon reports and records of the WPSO. The reviewing Sheriff's Office Employee has sworn that they follow the WPSO Policy #322, Report Writing and that no changes were made to any authoring deputy's report. Based upon that affidavit, your complainant and prosecutor believe the reports that form a basis for this complaint are truthful and reliable.

Your complainant is aware that Scott Farmer, DOB 07/08/1998 was convicted of Alcohol related driving offenses on 10/06/1999, on 09/18/2001, on 11/29/2006, and on 12/18/2019. His driver's license was revoked because of these convictions.

Deputy Malueg reports as follows:

On 12/16/2023 at approximately 9:13 PM, I was dispatched to a wrong way driver on Highway 10 near County Highway X, in the Township of Weyauwega, Waupaca County, Wisconsin. At approximately 9:13 PM, it was reported to the Waupaca County Sheriff's Office Communication Center (Comm. Center hereinafter) via 911 of a pick-up truck traveling the wrong way on Highway 10, just east of mile marker 260, which is the County Highway X exit. The complainant had advised Comm. Center that he was an off-duty officer with another agency.

At approximately 9:14 PM, Matthew advised Comm. Center that the wrong way vehicle had just crashed and that he was going to be checking it out. The 911 call then disconnected. At approximately 9:15 PM, Comm. Center received another 911 call who also reported a crash on Highway 10 near exit 260. At approximately 9:16 PM, Conner reported there were two vehicles

involved. One vehicle was on the side of the roadway and the other vehicle was in the middle of the roadway. Both lanes were blocked.

I immediately went en-route to this crash from Highway 10 and County Highway A. I activated my emergency lights and siren and responded to the scene. At approximately 9:18 PM, I arrived on scene. I was the first responder on-scene.

Upon my arrival, I confirmed that it was a two vehicle crash. It was on Highway 10 between County Highway F and County Highway X, in the eastbound lanes. This stretch of roadway is on a hill, better known as the "Weyauwega Hill" or the "Wega Hill". This stretch of roadway is also on a curve.

It appeared that a pick-up truck (Unit 1) had been traveling westbound in the eastbound lane of travel, in the number one lane (fast lane). A second vehicle (Unit 2) appeared to have been traveling eastbound in the eastbound lane of travel, also in the number one lane. Both of the vehicles appeared to have struck each other in a head-on fashion. The wrong-way driver of Unit 1 was eventually identified as Scott C. Farmer, DOB 04/08/1976. Both vehicles had very heavy front-end damage to them. Both vehicles had full air bag deployment. Both lanes were completely blocked and traffic was backing up.

I immediately exited my squad, obtained my EMS bag and AED from my trunk, and began assessing for injuries. A female passerby immediately advised me there was a front seat passenger inside of unit 2 that was not responding. She did not know if the driver was responsive. Another passerby had advised that a male subject in the pick-up truck (unit 1) was saying he was okay. Based on that information, I focused my attention on the second vehicle (unit 2). I had walked around over to the driver side of unit 2 and saw that the driver was unconscious but breathing. I could not see in the back seat very well due to the full air bag deployment.

At approximately 9:19 PM, I provided Comm. Center with a quick update and asked them to page out multiple helicopters to the scene. A few moments later, they advised that they were not flying due to the weather. It is noted that it had been raining/misting through-out the day and evening. It is also noted that the rain/misting did not diminish visibility of the roadway and did not cause the inability to operate a motor vehicle safely on the roadway. It was also 39 degrees outside at the time of the crash.

Eventually I was able to determine that there were three passengers in Unit 2. In the front passenger seat was Fabian, Age 23. In the backseat were two passengers identified as Daniela, Age 9 and Lilian, Age 14. All were beyond lifesaving measures and were pronounced deceased at the scene. The driver was identified as Daniel, Age 25, was transported for medical treatment but succumbed to his injuries on 12/17/2023.

At approximately 9:30 PM, one of the Gold Cross medics advised me that the male driver in the pick-up truck had a large bottle of vodka next to him. The medic requested that I go and talk with him. I immediately walked over to the truck and began speaking with him through the front passenger side window.

I briefly spoke with the male driver of unit 1 through the passenger side window of his pick-up truck. I confirmed that he was okay and was not injured. I also confirmed with him that he was the only occupant inside of the vehicle, other than his dog that was in the front seat. I asked him what had happened. He replied, "I just spun out." I asked him if he had hit anybody and he replied, "I didn't hit anybody". I observed an open bottle of vodka in the center console area, just to the right of his right leg. It was approximately 3/4 full. He told me he did not have any weapons on him.

I could smell a strong odor of intoxicants emanating from inside of the vehicle. I observed Scott to have bloodshot and glassy (or watery) eyes. His eyelids were droopy. He had a very slow, thick, and slurred speech. His speech was incoherent at times and his sentences would trail off so I could not understand them. His facial movements were slow and delayed, specifically his facial and eye movements. He also would not listen when asked to stay still in his seat. He attempted to crawl over to the passenger side of the vehicle at one point. These observations are all indicative of impairment, more specifically impairment caused by consuming alcohol.

At approximately 9:32 PM, Fremont Area Ambulance arrived on scene. From 9:32 PM until 9:45 PM, Weyauwega Fire Department and Fremont Area Ambulance worked on getting the male driver out from unit 1. He was still conscious, breathing, and talking with us. He had become verbally threatening toward the fire department, as he was threatening to fight them. He had threatened to fight several times while they were extricating him. The fire department requested that law enforcement be present while he was extricated. The male driver, later identified verbally as Scott C. Farmer, was finally successfully extricated from the vehicle.

Once Scott was successfully extricated from the vehicle, Sgt. Josh Krueger, Deputy Brandon Rasmussen, and I physically escorted him from the vehicle to a nearby awaiting cot so Fremont Ambulance medics could render aid/treatment. As we arrived at the cot, he began to tense up. He was physically directed to lay down on the cot, which he ultimately cooperated.

While in the back of the ambulance, Scott was asked several questions. He was asked how much alcohol he had to drink and he replied, "A lot." When asked what day it was, he replied, "The 12th of February." He was asked if he was wearing his seat belt, in which he said yes. When asked where he was coming from, his response was incoherent. I could not understand what he said. I asked him again and he was again incoherent. When he responded both times, I could hear the word "fuck" but could not understand the rest of his answer. I asked him how fast he thought he was going before he crashed. He replied, "Fucking 75". I could not understand the rest of his responses. At one point, he asked why it mattered. He also asked why I wanted to fight him. I advised him that I didn't want to fight him. I simply wanted to ask him questions due to causing a crash.

At approximately 10:12 PM, we arrived at ThedaCare Medical Center in Waupaca. Scott was immediately brought inside so he could be provided further medical treatment. Once inside, he became resistive and wanted to fight with staff.

While at the hospital, I performed a record check on Scott. It showed him to possess a revoked class D driver license, due to a prior OWI conviction. He had a total of four prior OWI convictions. He was restricted to a 0.02 BAC limit, due to his previous OWI convictions.

While at ThedaCare Medical Center, I determined that I had sufficient probable cause for an OWI homicide arrest with three victims. Due to Scott's condition, including being sedated and intubated, I determined that reading Scott the Informing the Accused form was not appropriate, nor was it required. Therefore, I moved forward with requesting an OWI blood search warrant for a sample of Scott's blood.

Subscribed and sworn to before me on 12/18/23  
Electronically Signed By:  
Veronica Isherwood  
Assistant District Attorney  
State Bar #: 1022814

Electronically Signed By:  
Capt. Todd G. Rasmussen  
Complainant

