

| STATE OF WISCONSIN | CIRCUIT COURT | ONEIDA COUNTY |
|--|--|---------------|
| STATE OF WISCONSIN, Plaintiff, vs. ERIC C. LABAHN 956 Cumberland Trail Lake Geneva, WI 53147 DOB: 08/27/1996 Defendant. | DA Case No.: 2018ON000754 Assigned DA/ADA: Michael W. Schiek Agency Case No.: 2018-00001198 Court Case No.: 2018CF000173 ATN: AMENDED CRIMINAL COMPLAINT | |

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: HOMICIDE BY INTOXICATED USE OF A VEHICLE

The above-named defendant on or about Sunday, June 10, 2018, in the Town of Three Lakes, Oneida County, Wisconsin, did cause the death of Austin L. Lockwood , by the operation of a vehicle while under the influence of an intoxicant, contrary to sec. 940.09(1)(a) 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 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 WITH A PROHIBITED ALCOHOL CONCENTRATION

The above-named defendant on or about Sunday, June 10, 2018, in the Town of Three Lakes, Oneida County, Wisconsin, did cause the death of Austin L. Lockwood , by the operation of a vehicle while having a prohibited alcohol concentration of more than 0.10% by weight in the blood, contrary to sec. 940.09(1)(b) 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 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.

PROBABLE CAUSE:

Complainant is an officer with the Oneida County Sheriff's Department and bases this complaint upon the written report of Officer Brandon VanNatta of the Three Lakes Police Department, whose reports have been used in the past and found to be truthful and reliable.

Complaint is further based upon the records of the Wisconsin State Laboratory of Hygiene, Medical Toxicology Section, which records your complainant has used in the past and found to be truthful and reliable. Said records indicate that the defendant's blood ethanol concentration was .117 by weight.

The report of Officer VanNatta is attached hereto and incorporated herein by reference.

TL18-001198 OFFICER RE: RT VANNATTA

**THREE LAKES POLICE DEPARTMENT
OFFICER'S SUPPLEMENTAL REPORT**

DATE: 06/10/2018
REPORTING OFFICER: Patrolman Brandon R. VanNatta 387
CASE NUMBER: TL18-1198
CASE INVESTIGATION: OWI 1 – Homicide intoxicated use of a motor vehicle
CASE ACTIVITY: INITIAL REPORT

On June 10, 2018 at approximately 1:40 am while on duty for the town of Three Lakes I received a call from Oneida County Dispatch stating there was a motor vehicle crash on Military Road near Allyn Road in the Town of Three Lakes in Oneida County Wisconsin. Dispatch informed me that the caller Steven L Janisse DOB 05/29/1959 stated that he believed that the passenger was deceased.

Janisse also stated that he was not a passenger in the vehicle and that a guy was knocking on his door. When he answered the door he saw that the male later identified as Eric C. Labahn DOB 08/27/1996 had a big gash over his eye. Labahn then informed Janisse that his buddy needed help and to call 911.

Janisse then left the house with Labahn to see what was going on. At that point Janisse dialed 911 and walked with Labahn to the scene of the crash which was approximately 100 yards one way from Janisse's residence. Janisse stated that as soon as he got to the vehicle he could just tell that the passenger was dead. The only thing the driver told Janisse was that he "swerved to miss a deer".

I then arrived to the scene and witnessed Labahn standing and leaning against the back of the Chevrolet Trail Blazer with Illinois license number AH58157. I then went and looked at the passenger whom was identified as Austin L. Lockwood DOB 05/26/1995 whom was pinned in the passenger seat of the vehicle because the vehicle had hit the tree with such force that it crushed the entire dash and door onto Lockwood. Lockwood's seat was also pushed over so far that the seat was crushed into the center console and was almost touching the driver's seat. The rocker panel of the vehicle was crushed so far into the center of the vehicle that it was impossible to open the passenger side door and the door was almost half way into the center of the vehicle.

I then asked Labahn what had happened and he stated that they were going to their cabin on Allyn Road from the Lindy's Swamp Witch off of Wesley Road when he swerved to miss a deer. Labahn then confirmed that he was the operator and I continued my injury assessment on him. Labahn continued to state that they both had some to drink, but were only at the swamp witch for approximately 20 minutes.

Lockwood had definite signs of post mortem including no pulse, his hands were cool to the touch, and were unresponsive. I then checked for a pulse in multiple places with none to be found.

I then turned my attention to Labahn whom at that point I told to lay down on the ground because he was complaining of back pain. I then applied gauze pad to Labahn's eyebrow which had a deep and actively bleeding wound. I then told Labahn to keep applying pressure. During my injury assessment of the party's involved I could smell the odor of an intoxicating beverage emitting from Labahn's person when he spoke. I then asked Labahn how much he has had to drink to which he stated that they were only at the Swamp Witch bar for only 20 minutes. Labahn's speech was slow and slurred. Labahn kept asking about the passenger Lockwood and his condition.

At that point Medic 8 showed up and I then informed them of the situation. I asked if they could look at the passenger in the vehicle whom was not able to reach without extrication. Medic 8 confirmed that Lockwood was deceased. We then assisted Labahn with his injuries.

At that point Three Lakes Fire and rescue personnel arrived on scene and they proceeded to extricate the passenger of the vehicle.

Vilas County Deputy and Oneida County Deputies Seefeldt and Grant arrived on scene and assisted with the investigation.

Labahn was unable to complete any field sobriety testing due to his injuries.

Deputy Grant and I then followed Medic 8 to the Eagle River Hospital where he was treated for his injuries and I completed a citation for operation of a motor vehicle while under the influence first offense citation number W0468053. I then read the informing the accused paperwork to which Labahn refused the requested test of his blood. Labahn stated that he would not submit to the test right now.

At that point I then completed an affidavit for a search warrant while at the Eagle River Hospital and faxed that to Deputy Coniglio whom then met with Judge Bloom on my behalf. Judge Bloom then contacted me via telephone and discussed the probable cause for the search warrant request. Judge Bloom then swore me under oath over the phone and stated that he would be signing the warrant and Deputy Coniglio would be letting us know when that was completed.

Deputy Coniglio then stated that the search warrant was signed at 04:10am. At 04:15am the blood was drawn by Med Tech Immonen and the search warrant was executed. I then issued a copy of that search warrant to Labahn. I then completed the Notice of intent to revoke. I issued all the paperwork to Labahn before he was transferred. I then also made sure that Labahn understood that he was not allowed to leave the next hospital he would be going to because he is under arrest for OWI 1 and Homicide by intoxicated use of a motor vehicle.

I then collected the State of Wisconsin blood/urine analysis form from the Med Tech Immonen and placed that with the blood sample to be sent out.

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Flight crew then transported Labahn.

While I was at the Eagle River Hospital Medical Examiner Larry Mathein conducted his investigation at the scene.

I then responded back to the scene of the crash where Three Lakes Police Chief Lea was then assisting in the investigation. I was then informed that there were two open intoxicants inside the vehicle. The one open container was a mason jar that had what is believed to be "apple pie" and the second container was an open and empty Bud Light can. I collected those items as evidence.

At that point State Patrol crash investigator arrived on scene and reconstructed the crash scene.

Notification was made to the deceased individual's family.

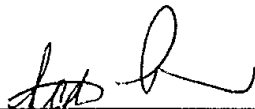
I then conducted an inventory of the items inside the vehicle at that time.

I then collected Labahn's cell phone as evidence.

I then followed Otto Towing to the Oneida County Law Enforcement Facility where the suspect vehicle is being stored in their secured area.

I then completed a state accident report and my reports for this incident and forwarded the information and charges to the Oneida County District Attorney's Office.

I have no further information at this time.



APPROVED BY OFFICER IN CHARGE



SIGNATURE OF REPORTING OFFICER

This document contains neither recommendations nor conclusions of the Three Lakes Police Department. It is the property of the Three Lakes Police Department and is loaned to your Agency. Its contents are not to be distributed outside your Agency.

Subscribed and sworn to before me on 08/17/18

Electronically Signed By:

Michael W. Schiek

District Attorney

State Bar #: 1041073

Electronically Signed By:

Deputy James Adams

Complainant