

HOMICIDE UNIT

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2019ML025000

Court Case No.:

vs.

CRIMINAL COMPLAINT

ROBINSON, DAETWAN C
3115 NORTH 13TH STREET
MILWAUKEE, WI 53206
DOB: 03/06/2000

Defendant(s).

For Official Use

THE BELOW NAMED COMPLAINANT BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: HIT AND RUN - RESULTING IN DEATH

The above-named defendant on or about Thursday, October 24, 2019, at 2200 West Center Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in death of AZG and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he or she was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(d), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant 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)(j), the Department shall revoke the defendant's operating privilege for five (5) years.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 2: HIT AND RUN - RESULTING IN DEATH

The above-named defendant on or about Thursday, October 24, 2019, at 2200 West Center Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in death of ANG and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the

following: give his name, address and the registration number of the vehicle he or she was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(d), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant 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)(j), the Department shall revoke the defendant's operating privilege for five (5) years.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 3: HIT AND RUN - GREAT BODILY HARM

The above-named defendant on or about Thursday, October 24, 2019, at 2200 West Center Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in injury to a person, DR and the person suffered great bodily harm and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he or she was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment is necessary or if requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(c), 939.50(3)(e) Wis. Stats.

Upon conviction for this offense, a Class E Felony, the defendant may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(i), the Department shall revoke the defendant's operating privilege for two (2) years.

And the defendant may also be subject to additional collateral consequences upon conviction, including revocation of operating privileges, assessment and treatment requirements, and future restrictions on operation of motor vehicles under Wisconsin Statute 343.31(1m).

Count 4: SECOND DEGREE RECKLESS HOMICIDE

The above-named defendant on or about Thursday, October 24, 2019, at 2200 West Center Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of another human being, AZG, contrary to sec. 940.06(1), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

Count 5: SECOND DEGREE RECKLESS HOMICIDE

The above-named defendant on or about Thursday, October 24, 2019, at 2200 West Center Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause the death of another human being, ANG, contrary to sec. 940.06(1), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

Count 6: SECOND DEGREE RECKLESS INJURY

The above-named defendant on or about Thursday, October 24, 2019, at 2200 West Center Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did recklessly cause great bodily harm to DR, another human being, contrary to sec. 940.23(2)(a), 939.50(3)(f) Wis. Stats.

Upon conviction for this offense, a Class F Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

Probable Cause:

I am a City of Milwaukee law enforcement officer and I base this complaint upon a review of official Milwaukee Police Department incident reports regularly kept in the course of business and prepared pursuant to the investigation of the incident herein described. I have relied on such incident reports in the past and found them to be truthful and reliable. Said incident reports indicate the following facts:

On the above date at approximately 5:35PM Milwaukee police and paramedics responded to the intersection at W. Center and N. 22nd Streets (the above location) to investigate reports of an automobile-pedestrian accident which had resulted in injuries.

First responders located three seriously injured children in the road. The victims were subsequently identified as follows:

A.Z.G. (04/30/13): This 6-year-old girl suffered severe head injuries. She was pronounced deceased at the scene. Her body was conveyed to the Medical Examiner's Office for an autopsy.

A.N.G. (11/21/14 d.o.b.): This 4-year-old girl was taken from the above location to a hospital. She was diagnosed with a broken neck and severe head trauma, among other injuries. Doctors declared A.N.G. deceased on October 29th, 2019. Her body was conveyed to the Medical Examiner's Office for an autopsy.

D.R.-G. (02/18/09 d.o.b.): This 10-year-old boy was taken from the above location to a hospital. He was diagnosed with a broken pelvis, a spinal injury, lacerations of the spleen and liver, and a broken nose. D.R.-G. survived the impact but underwent surgery.

On October 27th, 2019 Dr. Peterson performed an autopsy on the body of A.Z.G. (04/30/13 d.o.b.). Dr. Peterson is the Chief Medical Examiner for Milwaukee County. Dr. Peterson observed that A.Z.G. had suffered injuries to her skull and brain consistent with being hit by a car.

On October 30th, 2019 Dr. Peterson performed an autopsy on the body of A.N.G. (11/21/14 d.o.b.). Dr. Peterson observed that A.N.G. had suffered a broken neck and a severed spinal cord, as well as injuries to her brain. A.N.G.'s death was caused by these injuries, which are entirely consistent with being hit by a car.

The police located numerous eye-witnesses to the crash. All uniformly stated that the striking vehicle was eastbound on W. Center Street at a high rate of speed in the bicycle lane, passing all the other cars which were stopped at the intersection to allow the children to cross. This car struck all three of the children as they were in the crosswalk, walking together from the north to the south side of Center Street. The witnesses stated that the striking vehicle fled the scene.

Investigators recovered a video recording showing the incident. The video shows the children walk across a school playground toward the intersection. All of the east- and westbound traffic on W. Center Street is stopped. The video shows the children holding hands as they cross the street in the crosswalk. The video shows the striking vehicle eastbound on W. Center Street at a high speed. The striking vehicle is driving in the bicycle lane passing all of the stopped cars on their passenger side. The striking vehicle is moving at such a speed that it appears to be fishtailing and on two wheels only just prior to impact. The video shows the striking vehicle run head-on into all three of the children, two of whom are sent flying. The striking vehicle simply continues eastbound.

At the crash scene P.O. Schnier located a lower grille assembly and a broken piece of a car bumper. The piece of the bumper had duct tape attached to it. The lower grille assembly was imprinted with a manufacturer's part number. Using the part number, P.O. Schnier ascertained that the part was the lower bumper grille belonging to a 2007-09 4-door Saturn Aura. Other debris in the road as well as witness statements led P.O. Schnier to believe that the striking vehicle was a dark gray color, and had one or both headlights broken in addition to missing the lower bumper grille.

Police therefore released to the media a stock color photograph of a generic 2007-09 dark gray 4-door Saturn Aura automobile. Media outlets ran news stories to the effect that the photograph showed the type of suspect vehicle the police were seeking in connection with the crash.

Early in the morning on the next day, October 25th, the police received an anonymous tip. The caller stated that she had observed a similar car for sale online one day prior to the date of the crash, October 23rd, 2019. The caller directed the post she had seen. The social media name of the person who posted a similar automobile for sale was "Daetwan Robinson."

Investigating officers observed the social media posting. The name of the person posting the car for sale was in fact "Daetwan Robinson," and this user's profile picture is a picture of the above-named defendant. The posting advertised a gray 2009 4-door Saturn Aura for sale. A picture of the car showed that it had front end damage. A piece of the driver's side front bumper was held in place with black duct tape.

On October 25th, 2019 police executed a search warrant at a residence and detached garage located at 3115 N. 13th Street in Milwaukee. The defendant was located inside the residence and arrested. Police recovered a cellphone from the defendant's person.

As P.O. Schnier approached the detached garage, he smelled the strong odor of paint. The overhead door was unable to be opened from the outside. Entering through a side door, P.O. Schnier observed a 2007 Saturn Aura, which had been backed into the garage, and then apparently pulled forward to rest against the inside of the overhead door, such that the overhead door could not be opened from the outside.

P.O. Schnier observed numerous cans of black spray paint, both on and around the Saturn. The car itself had been partially painted black with the spray paint. The unpainted portions were dark gray in color. The passenger compartment and trunk were completely empty of all contents. The seats were still wet. There was a bit of water or clear solvent in the center console cup holder. Most of the window tint had been stripped off, but some remained adhering to the windows. P.O. Schnier concluded that someone had wiped the inside of the car in an effort to eliminate any latent fingerprints or genetic material. He further concluded that someone had attempted to remove the window tint and paint the car to alter its outward appearance.

P.O. Schnier observed that this Saturn Aura was missing its lower bumper grille, and he was able to match the piece of debris recovered from the crash scene to the left front corner of the bumper. The recovered piece fit exactly.

I further base this complaint upon the statement of D.H. (03/22/1999 d.o.b.), who provided the following information during a Mirandized interview with Det. Castro on October 25th 2019. D.H. states that the above-named defendant is her boyfriend's brother. D.H. states that she was present at the 3115 N. 13th Street residence on the above date. D.H. observed that the above-named defendant arrived at the residence in his car, which D.H. described as a gray 4-door Saturn. The defendant told D.H. that he had been "in a fender-bender." The defendant asked that D.H. pull her car out of the detached garage so he could put the Saturn in the garage for the night. D.H. states that her boyfriend (the defendant's brother) pulled her car out of the garage, and the defendant parked the Saturn in the garage.

D.H. further stated that between 2 and 3:00PM on October 25th, she observed David D. Baker (10/15/1998 d.o.b.)¹ and a second male subject known to D.H. only as "Don" arrive at the 3115 N. 13th Street residence with multiple cans of black spray paint, which they then took to the garage where the defendant had parked the Saturn.

I further base this complaint upon the statement of a confidential informant (CI). CI states that CI received a communication from the defendant through social media on the above date at approximately 6:05PM. The messages read: "I need to come to yo house like [right now]" followed by "I got in a car accident."²

CI states that shortly after receiving these messages from the defendant he arrived at her residence, accompanied by the defendant's 16-year-old brother D.J.R. (01/09/03 d.o.b.).³ In person, the defendant reiterated that he had earlier been in a car accident. The defendant then admitted to CI that he had hit "the three kids" and that he had made "a rookie mistake."

A review of certified records maintained by the Wisconsin Department of Transportation show that the above-named defendant has never been issued a license to drive a car. On the above date, the status

¹ Investigation revealed that David Baker purchased eight (8) cans of black spray paint from an automotive parts store in the 1800 block of W. North Avenue on 10/25/19 at approximately 12:45PM. "Don" has been identified as Don Corleone Robinson (02/23/1994 d.o.b.), the defendant's older brother. This person was arrested on 10/25/19 at the 3115 N. 13th Street residence with black spray paint all over his hands.

² These communications with CI were confirmed by reviewing certified records pertaining to the above-named defendant's social media account. Said records show these particular communications originating from the defendant's account and being received by CI's account.

³ Data recovered from the cell phone belonging to D.J.R. confirms that this phone was present at CI's residence shortly after the fatal crash at 22nd and Center. The data likewise confirm that D.J.R.'s cell phone was in a car traveling eastbound on W. Center at approximately 27th Street at 5:32P, within a minute of the impact.

of the defendant's driving privilege was suspended due to his conviction for Operating After Suspension.

****End of Complaint****

Electronic Filing Notice:

This case was electronically filed with the Milwaukee County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases. Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party. If you are not represented by an attorney and would like to register an electronic party, you will need to contact the Clerk of Circuit Court office at 414-278-4120. Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Criminal Complaint prepared by Karl P Hayes.
Subscribed and sworn to before me on 11/01/19

Electronically Signed By:

Karl P Hayes

Assistant District Attorney

State Bar #: 1063057

Electronically Signed By:

P.O. Richard Schnier

Complainant