

**STATE OF WISCONSIN                      CIRCUIT COURT                      BARRON COUNTY**

STATE OF WISCONSIN

-VS-

Anthony R Anderson  
2181 20 3/4 Avenue  
Rice Lake, WI 54868  
DOB: 12/06/1980  
Sex/Race: M/W  
Eye Color: Green  
Hair Color: Brown  
Height: 5 ft 11 in  
Weight: 240 lbs  
Alias:

Plaintiff,

DA Case No.: 2021BA000220  
Assigned DA/ADA: Brian H Wright  
Agency Case No.: 21SO00196  
Court Case No.: 21 CF 84

ATN: 03002000181084

**Criminal Complaint**

Defendant,

The undersigned, on information and belief, being first duly sworn, states that:

**Count 1: HOMICIDE BY INTOXICATED USE OF A VEHICLE WHILE HAVING PRIOR INTOXICANT-RELATED CONVICTION/REVOCAION**

The above-named defendant on or about Thursday, February 18, 2021, Barron County, Wisconsin, did cause the death of L.J.M. (DOB 6/10/03), 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) and (1c)(b), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction 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 2: HOMICIDE BY INTOXICATED USE OF A VEHICLE WITH PAC WHILE HAVING PRIOR INTOXICANT-RELATED CONVICTION**

The above-named defendant on or about Thursday, February 18, 2021, Barron County, Wisconsin, did cause the death of L.J.M. (DOB 6/10/03), by the operation of a vehicle with a prohibited alcohol concentration, to wit: did have a blood alcohol level of .085, and in addition has one or more prior convictions, suspensions, or revocations, as counted under s. 343.307

(2)., contrary to sec. 940.09(1)(b) and (1c)(b), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction 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: OPERATING WHILE INTOXICATED CAUSING INJURY - 2ND AND SUBSEQUENT OFFENSE**

The above-named defendant on or about Thursday, February 18, 2021, Barron County, Wisconsin, as a person having one or more prior convictions, suspensions, or revocations, as counted under s. 343.307 (1) since January 1, 1989, did cause injury to J.J.M. (DOB 12/31/04) by the operation of a vehicle while under the influence of an intoxicant, contrary to s. 346.65(3p) and, contrary to sec. 346.63(2)(a)1, 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(e), upon conviction, the department shall revoke the defendant's operating privilege for not less than one (1) year nor more than two (2) years. In addition, the defendant will be required to undertake an alcohol and drug abuse assessment, and follow through with treatment recommendations as a condition of reinstatement.

### **Count 4: OPERATING WITH PROHIBITED ALCOHOL CONCENTRATION CAUSING INJURY - 2ND AND SUBSEQUENT OFFENSE**

The above-named defendant on or about Thursday, February 18, 2021, Barron County, Wisconsin, as a person having one or more prior convictions, suspensions, or revocations, as counted under s. 343.307 (1) since January 1, 1989, did cause injury to J.J.M. (DOB 12/31/04) by the operation of a vehicle while having a prohibited alcohol concentration, to-wit: defendant had a blood alcohol level of .085, contrary to s. 346.65(3p) and, contrary to sec. 346.63(2)(a)2, 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(e), upon conviction, the department shall revoke the defendant's operating privilege for not less than one (1) year nor more than two (2) years. In addition, the defendant will be required to undertake an alcohol and drug abuse assessment, and follow through with treatment recommendations as a condition of reinstatement.

## **PROBABLE CAUSE:**

Basis for this complaint is a statement by the undersigned that he/she is District Attorney/Assistant District Attorney with the Barron County District Attorney's Office and as such has access to all reports and complaints filed with his/her department. Complainant is informed by the report of Sgt. Christopher Allen and Deputy Abigail Schesel of the Barron County Sheriff's Department.

Sgt. Christopher Allen, with the Barron County Sheriff's Department, reports on February 18, 2021 at approximately 6:42 PM, Barron County Dispatch received a call from the defendant Anthony R. Anderson, whose date of birth is December 6, 1980, advising he was involved in a vehicle/Amish buggy crash. Sgt. Allen and Deputy Abigail Schesel, with the Barron County Sheriff's Department, responded to the scene of the crash on 22nd Street/County Highway M, approximately 0.19 miles south of 30th Avenue, in Oak Grove Township, Barron County, Wisconsin.

Deputy Schesel reports she arrived on scene at approximately 6:58 PM, at the same time the ambulance arrived. Sgt. Allen reports he arrived on scene at approximately 7:00 PM.

Upon arrival, Deputy Schesel observed what was left of the Amish buggy on the east side of the road and ditch with lots of debris in the roadway. Sgt. Allen observed a large horse on the east side of the roadway. The horse was deceased. On the west side of the roadway, Sgt. Allen observed a flashing battery operated LED light (blinking strobe light) that was still flashing where it came to rest in the ditch. Deputy Schesel took photographs of two kerosene powered lanterns that First Responders with the Rice Lake Fire Department observed in the ditch, both of which appeared to be broken following the crash.

Deputy Schesel assisted the ambulance crew with getting an individual, who was later identified as L.J.M., onto a stretcher. Sgt. Allen reports that L.J.M. was unconscious, but breathing, where he came to rest after being ejected from the buggy in the middle of the roadway. L.J.M. was airlifted to Mayo Clinic Hospital in Eau Claire where he died from his injuries on February 24, 2021.

Deputy Schesel reports she spoke with J.J.M., who was riding with L.J.M. in the buggy when the crash occurred. J.J.M. suffered non-life threatening injuries, for which he was taken to the hospital and has received follow up medical care. J.J.M. stated that he and L.J.M. were headed home (traveling northbound on County Hwy. M). J.J.M. stated that both kerosene powered lanterns were working before the crash, along with the blinking strobe light. J.J.M. stated the blinking strobe light was located on the upper left corner near the rear of the buggy, making it visible from the front and the back of the buggy.

Deputy Schesel reports she also spoke with C.M.B., who is L.J.M.'s and J.J.M.'s grandfather. C.M.B. made the buggy that the defendant crashed into. C.M.B. stated he built a bracket to hold the LED flashing light on the top side corner near the left rear of the buggy that blinked yellow on both sides (front and back).

C.M.B. showed Deputy Schesel a buggy that he stated was similar to the buggy L.J.M. and J.J.M. were riding in. Deputy Schesel observed the buggy had two kerosene powered lanterns, one on each side of the buggy, which were the same lantern-type mechanisms that she took photographs of at the scene of the crash (a white light that projected to the front of the buggy and a red light that projected to the rear of the buggy).

Deputy Schesel reports she transported the defendant to Marshfield Medical Center for a blood draw following the crash. The Wisconsin State Lab of Hygiene analyzed the defendant's blood sample and obtained a result of .085 g/100 mL.

Deputy Schesel interviewed Tamara L. Carroll and Johnathan R. Paulson, both of whom bartended at V&M Bar on February 18, 2021. Tamara and Johnathan stated the defendant was consuming alcohol at the bar between approximately 4:30 PM when he arrived, and 6:30 PM when he left.

Sgt. Allen reports on March 12, 2021 at approximately 6:55 PM, J.L.M., who is L.J.M.'s and J.J.M.'s father, at the request of the Sheriff's Department, positioned a buggy in the same location where the crash occurred with the blinking strobe light and two lanterns on, along with reflective tape and slow moving reflective triangle sign on the back of the buggy. Sgt. Allen reports he drove a pickup truck northbound on County Hwy. M at the speed of 55 mph. As he was approaching the buggy, Sgt. Allen reports he could observe the blinking strobe light from a distance of approximately 0.81 miles away, the red lights on either side of the buggy from a distance of approximately 0.31 miles away, and the reflective tape on the back of the buggy from a distance of approximately 0.31 miles away.

A check of the defendant's Department of Transportation (DOT) driving record abstract reveals he has one prior Operating While Intoxicated (OWI) conviction as follows:

1. Offense date June 8, 2019, and conviction date September 27, 2019.

Said conviction is also reflected on Wisconsin Circuit Court Access (WCCAP), in Barron County Case No. 19 TR 1147. Said conviction remains of record and unreversed.

The statements made by the law enforcement officers can be considered truthful, credible, and reliable because of the positions of trust they hold. The statements of the citizen witnesses can be considered truthful, credible, and reliable because they are made by citizen witnesses. The statements of the defendant(s) can be considered truthful, credible, and reliable to the extent to which they are admissions against interests.

Subscribed and sworn to before me on 03/18/21

Electronically Signed By:

John Rafa Todd

Assistant District Attorney

State Bar #: 1107234

Electronically Signed By:

Brian H. Wright

Complainant