

**STATE OF WISCONSIN      CIRCUIT COURT      FOND DU LAC COUNTY**

STATE OF WISCONSIN

Plaintiff,

vs.

DELANEY K WATT  
87 1/2 8th St  
Fond du Lac, WI 54935  
DOB: 07/09/1987  
Sex/Race: M/B  
Alias:

Defendant.

DA Case No.: 2019FL000140  
Assigned DA/ADA: Eric J. Toney  
Agency Case No.: 18-7746  
18-6712  
Court Case No.:  
ATN:

**CRIMINAL COMPLAINT**

*For Official Use*

The undersigned law enforcement officer of the Fond du Lac Police Department, being first duly sworn, states that:

**Count 1: ATTEMPT FIRST DEGREE INTENTIONAL HOMICIDE, USE OF A DANGEROUS WEAPON, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, attempted to cause the death of [REDACTED], with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.32, 939.63(1)(b), 939.62(1)(c) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

**Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did recklessly endanger the safety of [REDACTED], under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b), 939.62(1)(b) Wis. Stats., a Class F Felony, and upon conviction 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.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

**Count 3: FIRST DEGREE RECKLESS INJURY, REPEATER, USE OF A DANGEROUS WEAPON**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did recklessly cause great bodily harm to [REDACTED], under circumstances which show utter disregard for human life, contrary to sec. 940.23(1)(a), 939.50(3)(d), 939.62(1)(c), 939.63(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 further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

**Count 4: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did recklessly endanger the safety of [REDACTED], under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b), 939.62(1)(b) Wis. Stats., a Class F Felony, and upon conviction 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.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

**Count 5: FIRST DEGREE RECKLESS INJURY, REPEATER, USE OF A DANGEROUS WEAPON**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did recklessly cause great bodily harm to [REDACTED], under circumstances which show utter disregard for human life, contrary to sec. 940.23(1)(a), 939.50(3)(d), 939.62(1)(c), 939.63(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 further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

**Count 6: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did recklessly endanger the safety of [REDACTED], under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b), 939.62(1)(b) Wis. Stats., a Class F Felony, and upon conviction 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.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

**Count 7: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY, USE OF A DANGEROUS WEAPON, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did recklessly endanger the safety of [REDACTED], under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.63(1)(b), 939.62(1)(b) Wis. Stats., a Class F Felony, and upon conviction 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.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while using a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

**Count 8: POSSESSION OF A FIREARM BY A FELON, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(a), 939.50(3)(g), 939.62(1)(b) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

**Count 9: ENDANGER SAFETY BY RECKLESS USE OF FIREARM, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did intentionally discharge a firearm into a building, under circumstances in which he should have realized that there might be a human being present therein, contrary to sec. 941.20(2)(a), 939.50(3)(g), 939.62(1)(b) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

**Count 10: POSSESSION OF THC (Tetrahydrocannabinols) - 2ND AND SUBSEQUENT OFFENSE, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, having previously been convicted of a criminal offense relating to controlled substances, did knowingly possess a controlled substance, Tetrahydrocannabinols (THC) ,, contrary to sec. 961.41(3g)(e), 939.50(3)(i), 939.62(1)(b) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 11: DISCHARGE FIREARM WITHIN 100 YARDS OF A BUILDING, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, while on the lands of another, did intentionally discharge a firearm within 100 yards of a building devoted to human occupancy situated on and attached to the lands of another, without the express permission of the owner or occupant of the building, contrary to sec. 941.20(1)(d), 939.51(3)(a), 939.62(1)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 12: OBSTRUCTING AN OFFICER, REPEATER**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, knowingly gave false statements during a police interview, contrary to sec. 946.41(1), 939.51(3)(a), 939.62(1)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

**Count 13: DISORDERLY CONDUCT, REPEATER, USE OF A DANGEROUS WEAPON**

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, while in a private or public place, did engage in abusive, boisterous, indecent, profane, violent, unreasonably loud or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke a disturbance, contrary to sec. 947.01(1), 939.51(3)(b), 939.62(1)(a), 939.63(1)(a) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

And further, invoking the provisions of sec. 939.62(1)(a) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015

, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

And further, invoking the provisions of sec. 939.63(1)(a) Wis. Stats., because the defendant committed this crime while using a dangerous weapon, the maximum term of imprisonment may be increased by not more than 6 months.

**Count 14: POSSESSION WITH INTENT TO DELIVER COCAINE (> 40G) - PARTY TO A CRIME, SECOND OR SUBSEQUENT OFFENSE, USE OF A DANGEROUS WEAPON, REPEATER, POSSESSION WITH INTENT TO DELIVER/DISTRIBUTE A CONTROLLED SUBSTANCE ON OR NEAR A SCHOOL**

The above-named defendant on or about Thursday, September 13, 2018 at 3:30 PM, at 28 Fountain Circle, Fond du Lac WI 54935, in the City of Fond du Lac, Fond du Lac County, Wisconsin, as a party to a crime, did possess with intent to deliver a controlled substance, to-wit: cocaine , in an amount of more than 40 grams, contrary to sec. 961.41(1m)(cm)4, 939.50(3)(c), 939.05, 961.48(1)(a), 939.63(1)(b), 939.62(1)(c), 961.49(1m)(b)6 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 further, invoking the provisions of sec. 961.48(1)(a) Wis. Stats., because the defendant is a subsequent offender, having been convicted of Possess with Intent THC pursuant to Wis. Stat. 961.41(1m)(h)1 in 14CF606 on or about August 21, 2015 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 6 years.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while possessing a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 961.49(1m)(b)6 Wis. Stats., because the above offense occurred within 1000 feet of a private or public school, Faith Lutheran School, 55 Prairie Road , the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 15: POSSESSION WITH INTENT TO DELIVER THC (Tetrahydrocannabinols) (>200 - 1000G) - PARTY TO A CRIME, REPEATER, USE OF A DANGEROUS WEAPON, SECOND AND SUBSEQUENT OFFENSE, POSSESSION WITH INTENT TO DELIVER/DISTRIBUTE A CONTROLLED SUBSTANCE ON OR NEAR A SCHOOL**

The above-named defendant on or about Thursday, September 13, 2018 at 3:30 PM, at 28 Fountain Circle, Fond du Lac WI 54935, in the City of Fond du Lac, Fond du Lac County, Wisconsin, as a party to a crime, did possess with intent to deliver a controlled substance, to-wit: tetrahydrocannabinols (THC) , in an amount of more than 200 grams but not more than 1,000 grams, or more than 4 plants containing tetrahydrocannabinols but not more than 20 plants containing tetrahydrocannabinols, contrary to sec. 961.41(1m)(h)2, 939.50(3)(h), 939.05, 939.62(1)(b), 939.63(1)(b), 961.48(1)(b), 961.49(1m)(b)6 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 further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying

crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 939.63(1)(b) Wis. Stats., because the defendant committed this offense while possessing a dangerous weapon, the maximum term of imprisonment for the felony may be increased by not more than 5 years.

And further, invoking the provisions of sec. 961.48(1)(b) Wis. Stats., because the defendant is a subsequent offender, having been convicted of Possess with Intent THC pursuant to Wis. Stat. 961.41(1m)(h)1 in 14CF606 on or about August 21, 2015 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 4 years.

And further, invoking the provisions of sec. 961.49(1m)(b)6 Wis. Stats., because the above offense occurred within 1000 feet of a private or public school, Faith Lutheran School, 55 Prairie Road , the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 16: MAINTAINING A DRUG TRAFFICKING PLACE - PARTY TO A CRIME, REPEATER, SECOND OR SUBSEQUENT OFFENSE, USE OF A DANGEROUS WEAPON**

The above-named defendant on or about Thursday, September 13, 2018 at 3:30 PM, at 28 Fountain Circle, Fond du Lac WI 54935, in the City of Fond du Lac, Fond du Lac County, Wisconsin, as a party to a crime, did knowingly keep or maintain a dwelling which is resorted to by persons using controlled substances in violation of chapter 961 Wis. Stats., contrary to sec. 961.42(1), 939.50(3)(i), 939.05, 939.62(1)(b), 961.48(1)(a), 939.63(1)(c) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And further, invoking the provisions of sec. 961.48(1)(a) Wis. Stats., because the defendant is a subsequent offender, having been convicted of Possess with Intent THC pursuant to Wis. Stat. 961.41(1m)(h)1 in 14CF606 on or about August 21, 2015 , which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 6 years.

And further, invoking the provisions of sec. 939.63(1)(c) Wis. Stats., because the defendant committed this offense while possessing a dangerous weapon, the maximum term of imprisonment for the underlying crime may be increased by not more than four (4) years.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 17: POSSESSION OF A FIREARM BY A FELON, REPEATER**

The above-named defendant on or about Thursday, September 13, 2018 at 3:30 PM, at 28 Fountain Circle, Fond du Lac WI 54935, in the City of Fond du Lac, Fond du Lac County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(a), 939.50(3)(g), 939.62(1)(b) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

#### **PROBABLE CAUSE:**

Complainant is a Captain with City of Fond du Lac Police Department and basis this complaint upon the report and investigation of Officer(s) Steve Kaufman, Matthew Bobo, Nicholas Hahn, Lee Mikulec, Medema, Burr, Hardgrove, Pfalzgraf, Gales, Noble, Randall, and other officers of the same agency with whom your complainant has worked with and knows to be competent and reliable.

1. On September 12, 2018, at approximately 22:34 hours, Officer Jared Pfalzgraf began to responding to the area of 130 Forest Ave, in the City and County of Fond du Lac, Wisconsin, for a report of two individuals who had been shot. Upon arrival at the rear of 130 Forest Ave Officer Pfalzgraf observed a female screaming and waiving officers into the back hallway of the building.
2. Officer Pfalzgraf entered the building and observed a male on the floor and both of them were bleeding. Pfalzgraf observed two more females in hallway that were both screaming hysterically. Pfalzgraf observed that these females were not injured. Pfalzgraf then began rendering aid a bleeding female, Victim 1, and located what appeared to be a bullet entrance wound in the middle of her back with no exit wound located. Officer Pfalzgraf supported her body weight and escorted the female outside to medical staff and she was transported to St. Agnes Hospital. A male gunshot wound, Victim 2, was also located near the female victim. Officer Medema noted that the male Victim had significant blood loss and was going in and out of consciousness. Victim 2 escorted out of the building to medical staff and he was transported to St. Agnes Hospital. Officers proceeded to conduct a sweep of the apartment building knocking on every door and ensuring there were nobody else was injured and no additional injured parties were located.
3. Officer Noble responded to the scene and provided security to paramedics as the shooter had not been identified. The female gunshot victim was brought to the ambulance Noble was providing to security to and Victim 1 was identified. Noble rode to the hospital with Victim 1 and she stated that while walking in the common hallway of 130 Forest Ave an unknown person shot her in the back. Noble learned that Victim 1 was flown to Children's Hospital in Milwaukee via Flight for Life due to her condition.
4. Officer Gales arrived at 130 Forest Ave and entered the apartment building to secure the interior perimeter. Officer Gales along with other officers proceeded to Apartment 26 as they had information the shooting suspect may be located there. Officers made contact with two individuals, identified as Adrian Irby and Manuel Sturghill, inside apartment 26 and they were taken into custody. It was later learned that neither were Sturghill or Irby was the shooter.
5. Officer J. Randall arrived at the shooting scene and assisted with a canvass of the scene for evidence and was able to locate a brass 9 mm shell casing and Detective Mikulec collected the casing as evidence. Mikulec also located a second shell casing in the area which was collected as evidence.
6. Detective Matthew Bobo responded to the City of Fond du Lac Police Department and interviewed Manuel Sturghill about the shooting. Sturghill stated that he was walking with Adrian Irby and entering the back door of 130 Forest Ave and once he was 5 to 6 steps inside he heard what sounded firecrackers and then felt something warm on his cheek. Sturghill turned and saw Victim 2 was shot at which point Sturghill ran up the stairs of the apartment building and along with Irby they enter an unlocked door and run into the apartment and see a female looking scared. Sturghill then went into the bathroom and until police arrived at the apartment.
7. On September 12, 2018 Detective Bobo then interviewed Witness 1 regarding the shooting. Witness 1 stated she was in her apartment at 130 Forest Ave and looked her window where she observed the back of the apartment building, including the parking lot. Witness 1 observed a person she believed to be a male wearing all black clothing with his hand extended and pointed toward the back entrance. Witness 1

then observed what she believed to be a black handgun extended in male's left hand and hears a gunshot and saw the flash come from the gun. After the third gunshot she observed the male get into a black vehicle parked in the rear of the parking lot which had the driver's door open with the car running. Witness 1 described the vehicle as a 4 door black vehicle with tinted windows. The vehicle drove south through alley that adjoins the parking lot.

8. Detective Lee Mikulec responded to the scene of the shooting and began processing the scene for evidence during the early morning hours of September 13, 2018. Detective Mikulec noted two bullet strikes to a rear entry door of the apartment building and located a 9 mm casing approximately 7 feet from the door with the bullet strikes. Mikulec continued processing the scene including inside the apartment building in the area where the victims were shot.
9. On September 13, 2018 Detective Steve Kaufman learned that Detectives Hahn and Bobo had located a suspect vehicle matching the description of the vehicle the shooter left the scene of 130 Forest Ave on September 12, 2018. The vehicle located was learned to be driven by Delaney K. Watt and registered to his mother. Kaufman further learned that Watt was on probation at the time and had a Fond du Lac address. Watt's probation agent advised Kaufman that Probation put out an apprehension request. City of Fond du Lac Police Officer Benjamin Hardgrove performed a traffic stop of the vehicle Watt was driving at approximately 12:45 p.m. in the driveway of f292 S. Park Ave. Watt was taken into custody on a probation hold and transported to the City of Fond du Lac Police Department.
10. During a subsequent search of the vehicle driven by Watt Detective Hahn located 15.1 grams of marijuana which field tested positive for THC.
11. Kaufman viewed the vehicle driven by Watt and observed the license plate attached to the grill toward the right side which appeared very distinctive. The vehicle description was consistent with witness statements from the shooting and surveillance footage obtained near the location of the shooting which showed the suspect vehicle leaving the scene.
12. Detective Kaufman observed Watt in the interview room at the Police Department and noted Watt was wearing a dark colored baseball hat, a long white t-shirt with writing on the upper portion, dark pants, and dark shoes. Kaufman noted the surveillance footage from the shooting showed the shooter wearing a similar hat, white t-shirt hanging down, dark pants and dark shoes.
13. Detectives Kaufman and Hahn interview Watt and he acknowledges that he is familiar with 130 Forest Ave and that he knows where 130 Forest Ave is located. Watt acknowledges that he is aware of the configuration of the rear of 130 Forest Ave including the parking lot and play area. Watt also acknowledges being aware of the alley way behind 130 Forest Ave and Kaufman explained to Watt that surveillance footage from the alley was obtained from the night of the shooting. Detective Kaufman then shows Watt a screenshot of the surveillance footage showing a black Chevrolet Malibu in the alley with a very distinctive license plate on the right passenger side of the front grill area of the vehicle.
14. During the interview Watt stated he has no "beef" and was at home the night of the shooting at the not at scene of the shooting. Kaufman noted that Watt hadn't asked what time the shooting occurred at and Detectives hadn't provided Watt with that information. Kaufman told Watt they would show him the video at some point and Watt responded by saying "I frequent that area a lot." Later during the interview Watt states that he believes Kaufman will bring up Watt getting into a fight with Jed. Kaufman knows that Jed is the nickname for Adrian Irby. Watt stated that he got into a fight with Irby a few weeks ago. Watt acknowledged that Irby owed him a few hundred dollars. Watt stated that he didn't think Irby was going to pay to him back.
15. As the interview continued Kaufman explained that shell casing were located at the scene and Watt indicated that unless it was a revolver casings would be located. Throughout the interview Watt is denies be the shooter. The interview circles back to where was night of shooting and Watt changed his statement to say he wasn't at his house the entire night. Watt indicated that he was out looking for some "booty." Earlier in the interview Kaufman had explained to Watt that cell phones can track people's location and Watt acknowledged a general understanding of that concept. Kaufman mentioned the alley to Watt and he responded by stating he was riding around town and said that "I was around that area about that time" but didn't know exactly when.



16. Detective Kaufman mentions the phone ping to Watt and explains that the ping was in "that area." Watt responded "I was around the area at that time" and that he's in that alley all the time. Watt stated he was referring to approximately 9:00. Kaufman observed a time was stamped on the screen shot shown to Watt. Kaufman asked Watt what time he arrived home that night and Watt thought it was round 12:00 that night. Watt then said he doesn't remember driving through the alleyway behind 130 Forest Ave but was driving in that area.
17. Watt went onto say he stopped at someone's house around 11:00-11:30 but didn't provide any names when Kaufman asked if anyone could verify Watt's location that night. Later in the interview, after being shown the surveillance footage Watt states that he was at Lil One's residence but wouldn't provide an address for Lil One and said he only knows him by that name. Watt stated he was Lil One's residence around 9:00 for about an hour and then left was by himself after 10:00. Watt then indicated that he picked Lil One up at Walgreens on S. Main St around 9:00 p.m. on September 12, 2018.
18. Watt stated after leaving Lil One's he was in the area of 130 Forest Ave looking to see if there were any nice looking women outside in that area. Watt denied seeing the group of five walking into 130 Forest Ave that were shot at. Watt stated that he went to Thurman's around 11:00 p.m. for a half our then he went to his residence on 6<sup>th</sup> street. The interview ended after additional discussion about cell phones and Watt was transported to the Fond du Lac County Jail on the Probation hold. Watt's supervision was subsequently revoked and Watt is currently in prison.
19. Detective Kaufman also reviewed surveillance footage from Walgreens, located at 20 W. Pioneer Road in the City of Fond du Lac, on September 12, 2018 in Fond du Lac, Wisconsin. The Walgreens footage shows a newer model four door sedan park near the Walgreens at 8:06 p.m. A black male exits the driver's front door of the vehicle and enters the Walgreens. The male is seen wearing a long white t-shirt, long shorts and dark baseball hat that has a white sticker on the brim of the hat. The male is also observed to wearing dark shoes with white crew socks that are visible. Detective Kaufman noted the clothing worn by the subject in the surveillance footage is the exact same clothing worn by Watt when was arrested on September 13, 2018. Kaufman compared the clothing worn by the individual in the Walgreens footage to that of the surveillance footage of the shooting and both individuals appear to be wearing the same or similar long shorts, white socks, long white t-shirt and hoodie type clothing material and baseball style hat.
20. Detectives Kaufman and Hahn met with Gregory Jones on December 4, 2018 regarding the Walgreen surveillance footage from September 12, 2018 referenced in paragraph 19 of this criminal complaint. Jones stated he was with Delaney Watt at the Walgreens and identified Delaney Watt as the individual that exited the vehicle wearing the clothing referenced in paragraph 19, which is the individual wearing the clothing matching that of the shooter at 130 Forest Ave. Jones stated he last saw Watt at approximately 9:30 p.m. on September 12, 2018.
21. A search warrant was executed at 28 Fountain Circle and an empty case for a 9 millimeter Glock handgun was found. Danella Thurman stated the case was not hers and would be Watt's. Investigators learned that Danella Thurman resided at this location and that Watt was also staying there. Watt denied to Detective Kaufman that he lived at 28 Fountain Circle.
22. Detective Mueller met with Victim 1 at Children's Hospital in Wauwatosa, Wisconsin on September 13, 2018. Detective Mueller learned that Victim 2 suffered an injury from a bullet grazing around Victim's right shoulder along with a second gunshot wound to Victim 2's back. Victim 2 suffered a T/4 fracture as result of the bullet entering her back.
23. Detective Mikulec met with Victim 2 at Theda Hospital in Neenah, Wisconsin on Monday September 17, 2018. Detective Mikulec learned that as a result of the shooting Victim 2 is paralyzed approximately from the nipple area of his chest down and will likely never regain the use of his legs.
24. On Thursday September 13, 2018 a search warrant was executed at 28 Fountain Circle in the City and County of Fond du Lac, Wisconsin. Prior to the execution of the search warrant Detective Scott Krause detected the pungent odor of marijuana emanating throughout the residence. Detective Krause also observed a green leafy substance on the black entertainment table in the living room which he identified

as marijuana through his training and experience. During the execution of the search warrant approximately 796 grams of marijuana, 115 grams of cocaine, 68 grams of crack cocaine were located throughout the residence and approximately \$16,320 in United States currency.

25. A Wisconsin identification card for Delaney K. Watt and a 40 caliber handgun were also located during the search. Field tests of the suspected marijuana, cocaine, and crack cocaine were performed by Officer Denny Vokes which resulted in positive tests for the presence of THC and cocaine in all tests. Below is a summary of the specific locations where the items were located:
26. Approximately 28.7 grams of suspected cocaine. Item was located by Officer Denny Vokes in the southwest closet of the living room inside of a safe.
27. Approximately 21 grams of suspected crack cocaine. Item was located by Officer Denny Vokes in the southwest closet of the living room inside of a safe.
28. Approximately 28.5 grams of suspected crack cocaine. Item was located by Officer Denny Vokes in the southwest closet of the living room inside of a safe.
29. Approximately 28.8 grams of suspected cocaine. Item was located by Officer Denny Vokes in the southwest closet of the living room inside of a safe.
30. Approximately 19.3 grams of suspected crack cocaine. Item was located by Officer Denny Vokes in the southwest closet of the living room inside of a safe.
31. Approximately 28.9 grams of suspected cocaine. Item was located by Officer Denny Vokes in the southwest closet of the living room inside of a safe.
32. Approximately 29.0 grams of suspected cocaine. Item was located by Officer Denny Vokes in the southwest closet of the living room inside of a safe.
33. Approximately 41.6 grams of suspected marijuana, weight to include packaging. Item was located by Officer Denny Vokes in the southwest closet of the living room inside of a safe.
34. Approximately 4.7 grams of suspected marijuana. Item was located in the southeast bedroom on a black end table at the foot of the bed by Officer Denny Vokes.
35. Approximately 0.9 grams of suspected marijuana. Item was in the southeast bedroom on a black end table at the foot of the bed by Officer Denny Vokes.
36. Approximately 409.5 grams of suspected marijuana. Item was in the northwest closet of the living room by Det. Nick Hahn.
37. Approximately 340.1 grams of suspected marijuana. Item was located in the northwest closet in the living room by Det. Nick Hahn.
38. Two Springfield magazines, 40 caliber Smith and Wesson, and one Springfield magazine holster. Item was located in the southwest closet in the living room inside of a safe by Officer Denny Vokes.
39. Springfield magazine, 40 caliber Smith and Wesson. Item was located in the southeast bedroom on a black end table at the foot of the bed.
40. Glock gun case which contains two 9mm 17 round magazines for a Glock, one 40 caliber 15 round magazine for a Glock, and four Glock grips, one loading assist device, and one instructional manual. Item was located on the top right shelf of the entertainment center located on the north side of the living room by Inv. Scott Krause.

41. 40 caliber magazine. Item was located in the northwest closet in the living room by Det. Nick Hahn. This magazine was found fully loaded with seven 40 caliber rounds.
42. A Wisconsin identification card to Delaney K. Watt. Item was located in the southeast bedroom closet inside of a plastic jewelry drawer by AFT Agent Matt Mason.
43. \$3800 USC. Item was located in the southwest bedroom inside a book safe located on the far south wall by AFT Agent Ryan Arnold.
44. \$12,520 USC was located in a locked safe located in the southwest closet in the living room by Officer Denny Vokes.
45. Officer Vokes utilized Google Maps and discovered that Faith Lutheran School, 55 Prairie Rd, City of Fond du Lac, Fond du Lac County, Wisconsin, was within a 1000 feet of 28 Fountain Circle.
46. Complainant is aware invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Theft from Person pursuant to Wis. Stat. 943.20(1)(a) and 939.05 in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed.
47. Complainant is aware that the defendant was convicted of Possess with Intent – THC (<= 200 grams) pursuant to Wis. Stat. 96.41(1m)(h)1 and 939.05 in 14CF606 on or about August 21, 2015, which conviction(s) remain of record and unreversed.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me on 02/21/19

Electronically Signed By:

Eric J. Toney

District Attorney

State Bar #: 1079214

Electronically Signed By:

Capt. McKeough #122

Complainant