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04-14-2021
Clerk of Courts
Fond du Lac County WI
2019CF000131

STATE OF WISCONSIN	CIRCUIT COURT	FOND DU LAC COUNTY
STATE OF WISCONSIN	Plaintiff,	DA Case No.: 2019FL000140 Court Case No.: 2019CF000131
vs.		AMENDED INFORMATION
DELANEY K WATT DOB: 07/09/1987	Defendant.	
		<i>For Official Use</i>

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 4: 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 5: AGGRAVATED BATTERY, REPEATER, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did cause great bodily harm to [REDACTED], by an act done with intent to cause great bodily harm to that person, contrary to sec. 940.19(5), 939.50(3)(e), 939.62(1)(c), 939.63(1)(b) Wis.

Stats., a Class E Felony, and upon conviction may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) 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 8: 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 9: AGGRAVATED BATTERY, REPEATER, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Wednesday, September 12, 2018, Fond du Lac County, Wisconsin, did cause great bodily harm to [REDACTED], by an act done with intent to cause harm to that person, contrary to sec. 940.19(5), 939.50(3)(e), 939.62(1)(c), 939.63(1)(b) Wis. Stats., a Class E Felony, and

upon conviction may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) 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 10: 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 12: 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 13: 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 14: 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 17: POSSESSION OF THC (Tetrahydrocannabinols) - 2ND AND SUBSEQUENT OFFENSE, REPEATER

The above-named defendant on or about Thursday, September 13, 2018 at 3:30 PM, in the City of Fond du Lac, 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 18: 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, 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 used for keeping 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 19: 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, 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 20: 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, 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 21: POSSESSION OF A FIREARM BY A FELON, REPEATER

The above-named defendant on or about Thursday, September 13, 2018 at 3:30 PM, 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.

Count 22: OBSTRUCTING AN OFFICER, REPEATER

The above-named defendant on or about Thursday, September 13, 2018 at 3:30 PM, in the City of Fond du Lac, 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, failed to comply with the commands of law enforcement officers attempting to take the defendant into custody, 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.

Date Signed: 04/14/21

Electronically Signed By:

Eric J. Toney

District Attorney

State Bar #: 1079214