

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2020ML014079
Court Case No.:

vs.

CRIMINAL COMPLAINT

MONTY, TESS GABRIELLA
N96W6677 ASPEN STREET
CEDARBURG, WI 53012
DOB: 02/09/1998

Defendant(s).

For Official Use

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

Count 1: VEHICLE OPERATOR FLEE/ELUDE OFFICER RESULTING IN THE DEATH OF ANOTHER

The above-named defendant on or about Thursday, June 4, 2020, at 600 West Locust Street, in the City of Milwaukee, Milwaukee County, Wisconsin, while operating a motor vehicle on a highway, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, did knowingly flee or attempt to elude an officer by increasing the speed of the vehicle in an attempt to flee, resulting in the death of JEL, contrary to sec. 346.04(3) and 346.17(3)(d), 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)(d)4, upon conviction the department shall revoke the defendant's operating privileges for 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: VEHICLE OPERATOR FLEE/ELUDE OFFICER RESULTING IN GREAT BODILY HARM

The above-named defendant on or about Thursday, June 4, 2020, at 600 West Locust Street, in the City of Milwaukee, Milwaukee County, Wisconsin, while operating a motor vehicle on a highway, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, did knowingly flee or attempt to elude an officer by increasing the speed of the vehicle in an attempt to flee, resulting in great bodily harm to JMG, contrary to sec. 346.04(3) and 346.17(3)(c), 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.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(d)3, upon conviction the department shall revoke the defendant's operating privileges for 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).

Probable Cause:

On the afternoon of June 4, 2020, there was a collision at the intersection of N. 6th St. and W. Locust St., Milwaukee. The collision involved a Honda Pilot and a Mini Cooper. This collision was investigated by members of the Milwaukee Police Department and the information learned during that investigation is set forth below.

On June 4, 2020, Milwaukee Police Detective Michael Slomczewski interviewed Milwaukee Police Officer Gary Cherone regarding the vehicle collision that happened that day at the intersection of N. 6th St. and W. Locust St., Milwaukee. During that interview, Officer Cherone provided the following information:

1. He was on duty on June 4, working from 11 a.m. to 7 p.m. He was partnered with Officer Damon Wilcox and he, Cherone, was driving a marked Milwaukee squad car.
2. He was driving east on W. Center St. and was in the 500 block of W. Center St. when he saw a silver Honda Pilot facing east on Center St. The Pilot was stopped at a red light at the intersection of W. Center St. and N. Martin Luther King Dr.
3. He noticed this vehicle because there was a person hanging out the rear driver's side window, a person was hanging out the passenger's side of the Pilot, and several individuals were hanging out the sunroof of the Pilot. The Pilot then went through the red light at the intersection, going west on Center St.
4. He activated the emergency lights on the squad car, and made a U-turn. Prior to making the U-turn, Officer Wilcox turned on the public address system in the squad car and told the occupant to get back inside the vehicle. The occupants of the Pilot did not get back into the vehicle. (A recording of this event reveals that the squad's siren was turned on after the U-turn was completed.)
5. He was now driving west on Center St and he was going to attempt to stop the Pilot. The driver of the Pilot did not stop. Rather the speed of the Pilot increased, and the Pilot then turned north on N. 6th St.
6. He turned the squad north on N. 6th St. and observed that the Pilot's speed was increasing. He estimates that the Pilot was travelling 50-60 miles per/hour. He saw that when the Pilot turned north on N. 6th St., all of the occupants were back inside the vehicle except for the person in the drivers' side rear seat. That person was still hanging out of the Pilot.
7. He then told Officer Wilcox that this was going to be a "non-pursuit" meaning a traffic stop is attempted but the vehicle does not pull over and there is not sufficient cause to initiate a pursuit. He then turned off the emergency lights. (The recording from the squad car also reveals that the siren was turned off.)
8. He then saw that the Pilot was involved in a collision at the intersection of N. 6th St. and W. Locust St. (The recording from the squad car shows that the Pilot did not stop at the Stop Sign at the intersection of N. 6th St. and W. Locust and that there was a collision between the Pilot and a car travelling east on W. Locust St.)

On June 4, 2020, Milwaukee Police Detective Michael Slomczewski interviewed Milwaukee Police Officer Evan Biller regarding the above-described collision. During that interview, Officer Biller provided the following information:

1. He was working at the District #5 police station when he was instructed to walk with three other officers and check for anything suspicious in various dumpsters and garbage cans in the area.
2. He was walking in the vicinity of N. 5th St. and W. Locust St., Milwaukee, and just prior to the collision he had checked a dumpster that was in the 500 block of W. Locust St.
3. He was looking westbound and was walking westbound on Locust when he observed a silver SUV traveling northbound on N. 6th St. at a high rate of speed.
4. The silver SUV did not stop for the stop sign at the intersection of 6th and Locust and as the silver SUV entered the intersection there was a collision between the silver SUV and another vehicle.
5. The other vehicle went flying northbound on 6th St and the silver SUV came to rest on the northeast corner of 6th and Locust.
6. He and the other officers ran to the scene of the collision.
7. When he arrived at the SUV he saw a male hanging out the open driver's side rear window. This person's knees and lower legs were inside the SUV and his back was flat against the rear driver's side door, with his head hanging down.
8. He and the other officers pulled this person out of the SUV, carried him to the median. The person was not conscious and did not appear to be breathing.
9. One of the officers he was with began to perform CPR and medical personnel arrived to assist all the victims.

On June 4, 2020, at about 4:47 p.m., Milwaukee Police Officer Eduardo Garcia responded to the intersection of N. 6th St. and W. Locust St., in regard to the above-described collision. Upon his arrival at that location he observed Milwaukee Police Officer Robert Lloyd administering chest compressions to a person. This person was subsequently identified as JEL. The Milwaukee Fire Department then arrived at the scene and provided medical help to JEL. JEL was then loaded in the MFD med unit and taken to Froedtert Hospital. Officer Garcia rode in the back of the med unit to Froedtert. JEL was admitted to a trauma room and was subsequently pronounced deceased.

Milwaukee Police Officer Matthew Bongard responded to the intersection of N. 6th St. and W. Locust St. in regard to this collision. He observed that the Honda Pilot had come to rest on the northeast corner of the intersection of N. 6th St. and W. Locust St. The Honda had severe front end damage and the steering wheel, front passenger, and side curtain airbags had deployed. It was determined that at the time of the collision there were seven people in the Pilot. The driver was identified as Tess Monty (defendant). The front seat passenger was identified as VGK. There were four occupants in the rear second row seats: JEL, who seated behind the driver; MLK, who was in the left rear middle seat; MJR, who was in the right rear middle seat; and JTW, who was seat behind the front passenger. In the rear cargo area was WKD. The other vehicle was a 2011 Mini Cooper. That vehicle had severe front end damage and the engine of that vehicle had separated from the body. The driver of the Mini Cooper was identified as JMG. JMG has, as a result of the collision, sustained a compound fracture of his left leg and he was transported for Froedtert Hospital for treatment.

As part of the investigation of this collision, Det. Michael Slomczewski reviewed the body camera recording of Milwaukee Police Officer Ryan Maxcey, who had responded to the scene of this collision. The recording is activated at 4:48 p.m. on June 4, 2020. At 1 min. 20 secs. into the recording, the recording shows Officer Maxcey and other officers removing JEL from the Pilot. The recording then shows Officer Maxcey moving to the front door of the Pilot and helping a person exit the Pilot from the

driver's seat. The person exiting through the driver's door is a white female wearing a black bandanna tied around her neck. The female is taken from the driver's seat and sits on the curb.

On June 5, 2020, Det. Slomczewski met with Tess Monty, defendant. Det. Slomczewski was able, based upon his review of the body camera recording and his meeting Ms. Monty, to determine that she was the person who exited the Pilot from the driver's seat.

On June 4, 2020, Milwaukee Police Det. Phil Simmert interviewed JTW, an adult male, in regard to the above-described collision. During that interview, JTW provided the following information:

1. Prior to the collision he and numerous other friends met at the home of a friend VGK.
2. He had recently met JEL (deceased) at recent protests.
3. Tess (defendant Tess Monty) was driving and he, JTW, was seated behind the front passenger.
4. They were heading to a protest march on 27th and Center. He was unsure what street they were on, but when Det. Simmert mentioned Center St., JTW thought that was correct.
5. While driving on Center he noticed that the police were behind them.
6. He was on the phone but the others in the car were yelling and freaking out.
7. The car he was in accelerated and made a right turn onto the street where the collision happened.
8. He does not know how fast they were going but they were quickly going by the houses.
9. He was freaking out and JEL was hanging out the driver's side rear window.
10. While the car was speeding north, he turned and saw the squad behind them with the red and blue lights on. He does not remember hearing a siren.
11. Just as he turned around, the car he was in impacted with another vehicle.
12. After the accident he was pulled out of the car.

On June 4, 2020, Milwaukee Police Det. Phil Simmert interviewed MJR, an adult male, in regard to the above-described collision. During that interview, MJR provided the following information:

1. He is friends with everyone that was in the vehicle and they know each other from school.
2. About one hour before the collision, they met at VGK's house, on the east side.
3. He was seated in the middle seat, closest to the passenger's side.
4. Tess (defendant Tess Monty) was driving them to a protest on 27th and Center.
5. JEL was hanging out the driver's side (rear) window while they were driving.
6. Everyone in the vehicle knew that the police were behind them. He knew because the vehicle rapidly accelerated.
7. He told Tess to slow down and stop. Everyone was yelling and freaking out.
8. He never saw the vehicle that hit them, he only felt the impact.
9. As a result of the collision, a bike that was in the vehicle was tossed and impaled his leg and arm.
10. After the collision he kept asking the group if they were alright.
11. He got out of the vehicle and saw JEL doubled over at the waist against the driver's side of the vehicle.
12. He did not touch JEL because he thought he had a back injury and he did not want to make it worse.

On June 5, 2020, an autopsy was performed on the body of JEL. The autopsy was performed by Dr. Brian Peterson, chief medical examiner at the Milwaukee County Medical Examiner's Office. During the autopsy, Dr. Peterson observed that JEL sustained the following injuries: (1) left side hinge

fracture, (2) basilar subdural and subarachnoid hemorrhage, (3) interventricular hemorrhage and laceration of corpus callosum, (4) lateral fractures of left ribs 6-8, (5) multifocal contusions, left leg, and (6) transection of vertebral column and spinal cord at L1-L2. Doctor Peterson determined the immediate cause of death to be blunt force injuries of the head and torso caused by unrestrained rear seat passenger in high speed collision.

****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 Paul L. Tiffin.
Subscribed and sworn to before me on 06/08/20
Electronically Signed By:
Paul L. Tiffin
Assistant District Attorney
State Bar #: 1017260

Electronically Signed By:
P.O. Matthew Bongard
Complainant