

STATE OF WISCONSIN CIRCUIT COURT MILWAUKEE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2020ML024516
Court Case No.:

vs.

CRIMINAL COMPLAINT

NASH, ROBERT ANDRE
2121 NORTH 16TH STREET
MILWAUKEE, WI 53205
DOB: 11/01/1968

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 Saturday, September 26, 2020, at from the area of N. 28th and Galena to 1700 North 35th 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 elude, resulting in the death of Mark Buchanan, 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: HIT AND RUN - RESULTING IN DEATH

The above-named defendant on or about Saturday, September 26, 2020, at 1700 North 35th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did operate a vehicle involved in an accident that resulted in death of Mark Buchanan and failed to reasonably investigate what was struck and if the operator knew or had reason to know that the accident resulted in injury or death of a person or in damage to a vehicle that is driven or attended by a person, and failed to stop the vehicle he was operating as close to the scene of the accident as possible and remain at the scene of the accident until he did the all of the following: give his name, address and the registration number of the vehicle he or she was operating to the operator or occupant of or person attending any vehicle collided with and, upon request and if available, exhibit his operator's license to the operator or occupant of or person attending any vehicle collided with and render reasonable assistance to any person injured in the accident, including transporting, or making arrangements to transport the person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that medical or surgical treatment

is necessary or if requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(d), 939.50(3)(d) Wis. Stats.

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

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(j), the Department shall revoke the defendant's operating privilege for five (5) years.

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

Count 3: KNOWINGLY OPERATE MOTOR VEHICLE WHILE SUSPENDED - CAUSE DEATH

The above-named defendant on or about Saturday, September 26, 2020, at 1700 North 35th Street, in the City of Milwaukee, Milwaukee County, Wisconsin, while being a person whose operating privilege had been duly suspended under the laws of the State of Wisconsin, and as a person who knew or had reason to believe his operating privilege had been suspended, did operate a motor vehicle upon a highway in this state during the period of suspension, and in the course of the violation, caused the death of another person, Mark Buchanan, contrary to sec. 343.44(1)(a) and (2)(ag)3, 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a **Class H Felony**, the defendant 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 343.30(1g)(c), the court shall revoke the defendant's operating privileges upon conviction. The revocation shall be for a period of six (6) months, unless the court orders a period of revocation of less than 6 months and places its reasons for ordering the lesser period of revocation on the record.

Probable Cause:

Complainant is a City of Milwaukee Police Officer and bases review of police reports and involvement in this investigation. Those reports and that investigation revealed the following:

On September 26, 2020 City of Milwaukee Police Officers Yang Lee and Jonathan Steinberg were in a marked police vehicle and observed a tan Jeep Liberty traveling a high rate of speed in the area of 30th and Walnut, City and County of Milwaukee, State of Wisconsin. Officer Lee stated that the Jeep then turned north at a high rate of speed away from police.

Officer Lee and Officer Steinberg then made a u-turn to get behind the Jeep, which then immediately increased its speed and disregarded a stop sign at 30th and Lisbon. The Jeep then went on eastbound on W. Lisbon Avenue and right onto Walnut Street.

The Jeep then increased its speed again and then turned south on 28th Street and west onto Galena. At this point, Officer Steinberg activated the vehicles lights and sirens of their marked squad vehicle

Officer Lee states that the Jeep increased its speed and went north on N. 29th Street and then west on Walnut, at a high rate of speed disregarding multiple stop signs. Officer Lee states that they briefly lost track of the Jeep.

When officers approached the intersection of Walnut and 35th Street, located at 1700 N. 35th Street, they observed that the Jeep had disregarded the stop sign according to witnesses and had impacted a Honda Civic, later determined to be driven by Mark Buchanan, which was flipped over. The driver of the Jeep fled from the scene without rendering aid. The victim, Mark Buchanan was trapped inside the Honda, and later died of his injuries.

Complaint is further based upon the statement of Dr. Doug Kelley, an Assistant Medical Examiner of the Milwaukee County Medical Examiner's Office, who is licensed to practice medicine in the State of Wisconsin and is trained and experienced in the field of forensic pathology. Dr. Kelley performed an autopsy on Mr. Buchanan and determined that he suffered multiple blunt force traumatic injuries which caused his death. He further determined that Mr. Buchanan's death and injuries are consistent with being caused by a vehicular crash.

Complaint is further based upon the statement of the Defendant in which the Defendant stated that he was the driver of the tan Jeep Liberty on the date and places described above. He stated that he saw the police trying to pull him over and he did not want to get caught driving without a license. He further stated that while fleeing from the police, he got into a crash with another vehicle around 35th Street. The Defendant admitted to running away from the scene and running home where he later told police a fake story about getting carjacked for his vehicle.

Complaint is further based upon review of the Defendant's certified DOT records which show that the Defendant's Driver License is suspended and that he has 4 previous OWS convictions with the most recent occurring on 9/3/19 in Milwaukee County Circuit Court.

****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 Grant I. Huebner.

Subscribed and sworn to before me on 10/01/20

Electronically Signed By:

Grant I. Huebner

Assistant District Attorney

State Bar #: 1036890

Electronically Signed By:

Officer William Hanney

Complainant