

**STATE OF WISCONSIN                      CIRCUIT COURT      MILWAUKEE COUNTY**

**STATE OF WISCONSIN**  
**Plaintiff,**

**DA Case No.: 2021ML006074**  
**Court Case No.:**

vs.

**CRIMINAL COMPLAINT**

BARNES, CHRISTOPHER D  
736 SOUTH 22ND STREET  
MILWAUKEE, WI 53204  
DOB: 09/30/1985

**Defendant(s).**

*For Official Use*

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

**Count 1: HOMICIDE BY INTOXICATED USE OF A VEHICLE**

The above-named defendant on or about Monday, March 8, 2021, at 3317 West Greenfield Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause the death of PS, by the operation of a vehicle while under the influence of an intoxicant, contrary to sec. 940.09(1)(a), 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)(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)(a), 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: INJURY BY INTOXICATED USE OF A VEHICLE (GREAT BODILY HARM)**

The above-named defendant on or about Monday, March 8, 2021, at 3317 West Greenfield Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, did cause great bodily harm to MMS, another human being, by the operation of a vehicle while under the influence of an intoxicant, contrary to sec. 940.25(1)(a), 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 the Department shall revoke the defendant's operating privilege for two (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).

**Count 3: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Monday, March 8, 2021, at 3317 West Greenfield Avenue, in the City of Milwaukee, Milwaukee 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) Wis. Stats.

Upon conviction for this offense, a Class G Felony, the defendant may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 4: BAIL JUMPING (FELONY)**

The above-named defendant on or about Monday, March 8, 2021, at 3317 West Greenfield Avenue, in the City of Milwaukee, Milwaukee County, Wisconsin, having been charged with a felony and released from custody under Chapter 969 of the Wisconsin Statutes, did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 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.

**Probable Cause:**

PO Richard Schnier reports that on March 8, 2021 at approximately 12:30 PM, the Milwaukee Police Department began receiving numerous calls regarding car accident in the 3300 Block of W. Greenfield Avenue in Milwaukee County Wisconsin. PO Schnier reports that he responded to 3317 W. Greenfield Avenue and reviewed surveillance video from a nearby location that captured the crash, showing a Chevrolet Impala traveling west bound on Greenfield Avenue at a high rate of speed, crossing the East-Bound lanes of traffic and striking a Ford Truck which was parked in the East-Bound side parking lane. PO Schnier reports that he examined the physical scene, noting severe damage to the front of the parked Ford. PO Schnier reports that the Chevrolet Impala had severe damage across the front, numerous airbags deployed and a shattered windshield. PO Schnier noted that the seat back of the front passenger seat was pushed forward, consistent with an unrestrained passenger impacting the rear of the seat.

Det. Scott Lackovic reports that he responded to the above mentioned crash scene and spoke to RG. RG stated that she heard the crash and saw the aftermath, including citizens carrying a limp 4 year old girl from the Impala, whom they brought into RG's home. Complainant notes that this child was later identified as MMS (6/23/16). MMS was taken to Children's Hospital suffering from a broken femur.

RG stated that another citizen brought a four or five month old child into her home, that the child was in a car carrier, but that there were no belts in the car carrier to even hold the child inside it. Det. Lackovic observed and recovered the car carrier, confirming that it had no belts or any way to secure a child inside it. This child was later identified as PS, 11/27/2020.

Complainant notes that the initial investigation report from the Medical Examiner's Office indicates that PS died at Children's Hospital after suffering traumatic injuries in this car accident.

PO Patrick Ray reports that he is a drug recognition expert, trained in identifying individuals who are impaired by controlled substances, and that he responded to the above mentioned accident scene and met the defendant, Christopher Barnes. PO Ray reports that he travelled to the St. Francis Hospital Emergency Room, where he again met the defendant and conducted standardized field sobriety tests.

PO Ray reports that he conducted a Horizontal Gaze Nystagmus test (HGN) on the defendant, observing lack of smooth pursuit in both eyes, resulting in 2 of 6 validated clues for impairment being present. PO Ray notes that Barnes repeatedly appeared to nod off or daydream during the test, and swayed so much PO Ray had to reach out and brace him. Accordingly, PO Ray reports that it is unclear whether the lack of smooth pursuit was a direct result of the intoxicant's impact on the eyes or simply the defendant's inability to remain focused on the stimulus.

PO Ray reports that he conducted the walk and turn test, noting that the defendant was unable to maintain his balance during the instructions and began the test prior to being told to do so, missed heel-to-toe on each step, turned using both feet to make steps, again missed heel-to-toe on each step and stepped off the line to the right. PO Ray documented five of eight verified clues of impairment in this test.

PO Ray reports that he conducted the one leg stand test, in which he noted approximately 3 seconds into the test, the defendant sway to his left and raise his arm using a table for balance before putting his foot down. The defendant then kept his right heel on the ground instead of raising it, continued to sway and stared ahead instead of at his foot as instructed. PO Ray noted four of four validated clues of impairment demonstrated by the defendant during this test.

Based on all his observations of the defendant, as well as his experience and training as a certified Drug Recognition Expert, PO Ray reports that it was his opinion that Barnes was under the influence of a combination of impairing substances including Narcotic Analgesics, Central Nervous System Depressants and Cannabis and was unable to operate a motor vehicle safely.

PO Ray notes that the defendant's blood was taken and is in the possession of law enforcement and chemical testing results are pending.

PO Cristobal Avila reports that he responded to the above mentioned accident scene and observed and recovered a Springfield Armory .45 caliber pistol on the floor of the driver's side of the front passenger compartment of the Impala. The defendant claimed on scene that this pistol did not belong to him. PO Avila reports that the defendant appeared drowsy, swayed back and forth, had slurred speech and was barely able to keep his eyes open as he talked to officers on scene.

Det. Ross Mueller reports that he later conducted a *Mirandized* interview of the defendant, who admitted he had been driving the Impala, and stated that he took 3 10mg Oxycodone pills on his way to meet JS "to feel good", mentioning that he normally takes two but he took 3 to get "a little more chill." The defendant also admitted that at some point he and JS were taking both oxycodone and Xanax with the children present in the vehicle, and that he was out of oxycodone so he got some from JS. Finally the defendant admitted that the above mentioned firearm is his, claiming he carried it for protection despite admitting that he was prohibited from doing so because he is a convicted felon.

Det. Rachel Smith reports that she interviewed JS, the front seat passenger of the Impala. JS stated that her two children, MMS (6/23/16) and PS (11/27/20) were in the back seat of the Impala. JS stated that she had known the defendant for about 3 months. JS originally denied a specific destination for their car trip, but eventually admitted she was lying and provided a statement. JS stated the defendant called her at 10:00 AM to see if she could get some pills, that they had done pills together many times, sometimes obtaining them from her people, sometimes from his people. JS stated she normally waits for her mother to get home, so she can leave the children with her, but her mother wouldn't be home until after 2:00 PM, and the defendant wanted pills right away.

Det. Smith reports that JS admitted that the defendant picked her and her children up at approximately 10:30, and detailed how they went to a gas station to purchase drugs. JS stated that she bought 3

Percocet pills and 1 Xanax, and that the defendant took 2 of the Percocets and ½ of the Xanax while she consumed the rest. JS states that they then drove to another location, bought marijuana and smoked that outside the car in the Mitchell Park Domes parking lot. JS stated that she can't remember much after that because she was nodding off and feeling good.

Complainant notes that a review of the record of the Circuit Court of Wisconsin for Milwaukee County reveals that the defendant was previously convicted of a felony, Hit and Run Resulting in Death in violation of Wis. Stats. Section 346.67(1), in case 2004CF004642, on December 2, 2004. Said conviction remains of record and unreversed.

Said records further reveal that the defendant has an open felony case in 2020CF000966, where he has been charged with Felon in Possession of a Firearm in violation of Wis. Stats. Section 941.29(1m)(a), and was released on a signature bond with conditions of not committing any new crimes and not possessing any firearms. Said bail conditions remain active as of the date of this complaint.

Det. Slomczewski reports that he spoke with an eyewitness, JG, who stated he heard a crash and then saw a man in a white t-shirt outside the car arguing with people. JG states that he overheard a man with a yellow hat telling the white t-shirt man that he didn't seem to care that his kids were injured and that one of them wasn't breathing. JG states that he heard the man in the white t-shirt reply "those aren't my kids."

\*\*\*\*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 Michael C. Schindhelm.

Subscribed and sworn to before me on 03/12/21

Electronically Signed By:

Michael C. Schindhelm

Assistant District Attorney

State Bar #: 1081589

Electronically Signed By:

P.O. Richard Schnier

Complainant