

FILED
04-06-2023
Clerk of Courts
Fond du Lac County WI
2023CF000295

STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

STATE OF WISCONSIN Plaintiff, vs. DARRELL TODD SCOTT 611 S Main St;11 Fond Du Lac, WI 54935 DOB: 05/29/1956 Sex/Race: M/B Alias: Defendant.	DA Case No.: 2023FL000986 Assigned DA/ADA: Barry J. Braatz Agency Case No.: 23-2423 Court Case No.: ATN: 20002304040019 <p style="text-align: center;">CRIMINAL COMPLAINT</p>	For Official Use
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The undersigned law enforcement officer of the Fond du Lac Sheriff's Office, being first duly sworn, states that:

Count 1: TERRORIST THREATS - CREATE RISK OF CAUSING RESULT, USE OF A DANGEROUS WEAPON

The above-named defendant on or about Monday, April 3, 2023, in the Town of Waupun, Fond du Lac County, Wisconsin, as an actor who was aware of and created an unreasonable and substantial risk of causing public panic or fear, did threaten to cause the death of or bodily harm to any person or to damage any person's property, contrary to sec. 947.019(1)(e), 939.50(3)(i), 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. 939.63(1)(c) Wis. Stats., because the defendant committed this offense while threatening to use a dangerous weapon, the maximum term of imprisonment for the underlying crime may be increased by not more than four (4) years.

Count 2: OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE - 3RD OFFENSE

The above-named defendant on or about Monday, April 3, 2023 at 11:15 PM, in the Town of Waupun, Fond du Lac County, Wisconsin, did drive a motor vehicle while under the influence of an intoxicant, contrary to sec. 346.63(1)(a), 346.65(2)(am)3 Wis. Stats., a Misdemeanor, and upon conviction shall, for the third offense counted under s. 343.307(1) since January 1, 1989, be fined not less than Six Hundred Dollars (\$600) nor more than Two Thousand Dollars (\$2,000), and imprisoned for not less than 45 days nor more than one year in the county jail.

And furthermore, invoking the provisions of sec. 343.30(1q)(b)4 and (1q)(c) Wis. Stats., upon conviction, the court shall revoke the defendant's operating privilege for not less than two (2) years nor more than three (3) years, and shall order the defendant to submit to an alcohol and drug abuse assessment and to comply with treatment as a condition of reinstatement.

PROBABLE CAUSE:

On April 4, 2023, at approximately 11:15 p.m., Deputy Vis of the Fond du Lac County Sheriff's Office conducted a traffic stop of a vehicle traveling 94 MPH in a 65 MPH zone on Hwy 151, in the Township of Waupun, County of Fond du Lac, State of Wisconsin.

Deputy Vis approached the vehicle and made contact with driver and lone occupant who he identified as DARRELL SCOTT, hereinafter referred to as the defendant. While speaking with the defendant, Deputy Vis detected a strong odor of intoxicants coming from the defendant's breath and observed the defendant's eyes were bloodshot. The defendant stated that he was coming from Portage and going home to Oshkosh. Deputy Vis asked

the defendant for his driver's license and proof of insurance. While looking for his ID, the defendant handed Deputy Vis a bank card with the defendant's name on it. Deputy Vis asked the defendant for his driver's license. The defendant then handed Deputy Vis his driver's license. When the defendant provided his driver's license, Deputy Vis observed the defendant's address was out of Fond du Lac, not Oshkosh. When asked if he no longer lived in Fond du Lac, the defendant corrected and stated that he did live in Fond du Lac and that is where he was going.

Deputy Vis reports he returned to his squad and ran the defendant's information and observed the defendant had two prior OWI convictions.

Deputy Vis returned to the defendant's vehicle and asked the defendant if he had been drinking that evening. The defendant stated he had one beer around 11:00 p.m.

Deputy Vis reports Deputy Osieczanek arrived on scene. Deputy Osieczanek asked the defendant to exit the vehicle. The defendant got stuck on his seatbelt while attempting to exit the vehicle. The defendant appeared unsteady on his feet as he was walking to the front of Deputy Vis's squad. Deputy Osieczanek detected the odor of intoxicants coming from the defendant's breath. The defendant consent to Deputy Osieczanek conducting a search of his person. In the defendant's right front pants pocket, Deputy Osieczanek located a plastic baggie containing two small leafy buds believed to be marijuana. The suspected marijuana was later weighed and tested, weighing 0.72 grams and testing positive for the presence of THC. Due to it raining, the defendant was transported to the Waupun Police Department to perform Standardized Field Sobriety Tests (SFSTs).

The defendant agreed to perform SFSTs. On the HGN test, Deputy Osieczanek observed 6/6 clues of impairment. On the Walk and Turn Test, Deputy Osieczanek observed 4/8 clues of impairment. On the One Leg Stand Test, Deputy Osieczanek reports the defendant was unable to count past three second without putting his foot down. The defendant almost fell causing Deputy Osieczanek to terminate the test.

The defendant then submitted to a Preliminary Breath Test (PBT) which showed a reported value of 0.105 BrAC.

The defendant was taken into custody for OWI 3rd. Deputy Osieczanek reports he was advised by dispatch the defendant's two prior convictions for OWI were in 1996. A Department of Transportation teletype indicates the following countable prior convictions under Secs. 343.307, 940.09, or 940.25:

Violations: 09/14/1995; 02/04/1996

Convictions: 01/03/1996; 04/25/1996

The defendant was transported to Waupun Hospital where he consented to a legal blood draw.

Deputy Osieczanek reports that while obtaining the defendant's blood sample, the defendant began asking the deputies' opinion of assault weapons. Deputy Osieczanek stated he had no problem with people owning them. The defendant then stated he was going to purchase an assault rifle and "shoot stuff." The defendant further stated that he was not a criminal and that deputies should be finding people who are shooting up schools. Deputy Osieczanek reports that once at the Fond du Lac County Jail, the defendant continued to talk about purchasing an assault weapon and indicated he was going to shoot up a school. The defendant stated there was nothing that deputies could do to stop him. When walking into the jail, the defendant stated something to the effect of:

"When I get out, I'm gonna buy an assault rifle and shoot up a school, there's nothing you can do to stop me."

Deputy Osieczanek reports that once in the booking room, the defendant stated,

"Remember what I said guys."

"Remember what I said, this not a joke."

"I'm serious guys, I've had it with this society."

"You don't want that on you." "Ain't nothing you can do about it."

"You can write all you want."

"You can't stop me from buying it."

"I'm not crazy enough to do it, who knows . . ."

"I think about shooting up a school everyday."

"I'm thinking about buying an assault weapon and shooting up a school."

"I'm thinking about buying a gun tomorrow and shooting up a school."

"I wanna shoot a school up, I'm gonna hurt a school."

Deputy Osieczanek reports the defendant initially began by saying that he could buy an assault rifle and shoot up a school. However, as the defendant continued to speak, he stated he was going to buy an assault rifle the next day and shoot up a school.

Deputy Evans reports he was assisting Deputy Osieczanek during this interaction with the defendant. Deputy Evans reports the defendant stated,

"When I get out I'm gonna buy an assault rifle and shoot up a school."

The defendant stated it would be easy for him to do and deputies would be unable to stop him once he gets out of custody. Deputy Evans reports that while in the book room, the defendant told jail staff that he was going to buy an assault rifle and shoot up a school. The defendant made this statement to law enforcement at least four times while in the booking room. The defendant continued to make statements that deputies would be unable to stop him. The defendant stated he would be buying a gun tomorrow and there would be nothing deputies could do tomorrow, and that his actions would hurt a school.

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

Subscribed and sworn to before me on 04/06/23
Electronically Signed By:
Gordon Leech
Assistant District Attorney
State Bar #: 1039489

Electronically Signed By:
Lt. Chris Randall
Complainant