



**OFFICE OF DISTRICT ATTORNEY**  
**EAU CLAIRE COUNTY, WISCONSIN**  
**PETER J. RINDAL, DISTRICT ATTORNEY**  
**ANGELA L. BERANEK, DEPUTY DISTRICT ATTORNEY**



**FILED**  
**07-25-2022**  
**Clerk of Circuit Court**  
**Eau Claire County, WI**  
**2021CF000162**

July 25, 2022

Honorable Jon M. Theisen  
Circuit Court, Branch IV  
Eau Claire County Circuit Court  
721 Oxford Avenue  
Eau Claire, WI 54703

**Re: State of Wisconsin vs. Selwyn G. Smith**  
Case Nos. 2021CF000162 & 2021CF000882

Dear Judge Theisen:

I am writing in anticipation of the upcoming hearing in these matters on July 27, 2022 at 1:30 PM. The parties have reached a tentative plea agreement, part of which involves the Reckless Homicide charge in 21CF162 being dismissed. The purpose of this letter is to provide an explanation for that expectation, which is based on the Castle Doctrine.

The Castle Doctrine is codified in Wis. Stat. § 939.48(1) and (1m)(ar)1, which together indicate that an actor is privileged to use lethal force against another if the actor reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself. If the actor uses lethal force against another person who is in the process of unlawfully and forcibly entering the actor's dwelling, the court must presume that the actor reasonably believed lethal force was necessary to prevent imminent death or great bodily harm. In such circumstances, the court may not consider whether the actor had an opportunity to flee or retreat before the lethal force was used.

In 21CF162, the facts indicate that the victim, FF, and the defendant had a disagreement by phone before FF traveled to the defendant's residence and attempted to enter. At the door, FF and the defendant struggled in what appeared to be an attempt by the defendant to prevent FF from entering the residence. It was in the context of that struggle that the defendant shot FF, ultimately leading to FF's death. After extensive consideration of the facts in the case and discussion with investigators, I believe the Castle Doctrine applies, thereby providing a complete defense to the charge of Reckless Homicide. That being the case, I have concluded that that charge should be dismissed as part of the plea agreement. I have discussed this matter with the FF's family, so they are aware of my decision.

As noted, the parties have reached a tentative plea agreement relating to the various other counts in these cases. It is anticipated that the particulars of the tentative agreement will be relayed to the court at the July 27, 2022 hearing. But given the unique facts of this case, the purpose of this letter is merely to provide the court with advance notice to avoid confusion or surprise.

Sincerely,

*Peter Rindal*

Peter J. Rindal  
District Attorney  
Eau Claire County, Wisconsin

cc. Attorney Mike Cohen [via eFiling]

**ASSISTANT DISTRICT ATTORNEYS**

Kelly Ronquist | Andrew J. Gunderson | Afton B. Lewis | Robert Stoiber  
Tiffany M. Winter | Monica Fallon | Trenton J. Piltz | Matthew Z. Kirkpatrick | Lorelee Clark

721 Oxford Avenue, Suite 2570

Eau Claire, WI 54703

715-839-4828 | 715-831-5818 Fax