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Vernon County
Clerk of Circuit Court
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For Official Use

STATE OF WISCONSIN CIRCUIT COURT VERNON COUNTY

STATE OF WISCONSIN

Plaintiff,

CRIMINAL COMPLAINT

VS.

Case No.

MITCHELL L MCKITTRICK

[REDACTED]

Westby, WI 54667

Defendant.

DA Case No2024VE000050

DA/ADA Assigned: Angela Palmer-Fisher

Agency Referral:24-0132

Defendant's ATN: 63002000072355

SEX :M RACE: W Height: 5 ft 10 in Weight: 147 lbsHAIR: Brown EYES: Brown OTHER: [Defendant's Marks/Scars]

Scott Stuber, Chief of Police for the City of Westby, being first duly sworn on oath says that on information and belief:

Count 1: FIRST DEGREE RECKLESS INJURY

The above-named defendant on or about Sunday, February 4, 2024, Vernon County, Wisconsin, did recklessly cause great bodily harm to E.R.H., under circumstances which show utter disregard for human life, contrary to sec. 940.23(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.

Count 2: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Sunday, February 4, 2024, Vernon County, Wisconsin, as a party to a crime, did recklessly endanger the safety of E.R.H., under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 939.50(3)(f), 939.05 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.

Count 3: HIT AND RUN - GREAT BODILY HARM

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The above-named defendant on or about Sunday, February 4, 2024, Vernon County, Wisconsin, did operate a vehicle involved in an accident that resulted in injury to a person, E.R.H., and the person suffered great bodily harm 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 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)(c), 939.50(3)(e), 343.31(3)(i) 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, invoking the provisions of sec. 343.31(3)(i) Wis. Stats., furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(i), the Department shall revoke the defendant's operating privilege for two (2) years.

Count 4: OBSTRUCTING AN OFFICER

The above-named defendant on or about Sunday, February 4, 2024, Vernon County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority,, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats.

Upon conviction for this offense, a Class A Misdemeanor, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Your complainant makes this complaint based upon observations and information received in the normal course of investigation and observations of law enforcement whom this complainant believes to be truthful and reliable and prays that the defendant be dealt with according to law. The factual basis for complainant's charge of such offense is as follows:

On Sunday, February 4th, 2024, at approximately 03:23AM, Officer Kahabka, was dispatched to Bekkedal Ave at Second Street for a woman lying in the street that looks beat up.

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Officer Kahabka arrived on scene at approximately 03:27AM. Officer Kahabka saw a white female laying with her stomach on the ground and her head turned toward her right shoulder. Officer Kahabka could see she was only wearing black underwear. Officer Kahabka immediately requested rescue.

As Officer Kahabka got closer, he saw her blue jeans were still part way on her left leg, about up to her knee. There were several pools of blood near where she was lying and a larger pool of blood around her mouth. Officer Kahabka could hear her agonal breathing and moaning a little. Due to her laying so flat against the ground her neck was tightly turned to the right. Officer Kahabka rolled her onto her left side to make it easier for her to breathe. Officer Kahabka asked her if she were ok and if she could hear me. Officer Kahabka got no response back from her. Officer Kahabka noticed a small black purse still around her shoulder. Officer Kahabka informed her Officer Kahabka was going to look inside for her driver's license. Officer Kahabka found her Minnesota Driver's License and informed dispatched he was out with V1.

Officer Kahabka then noticed scrape marks on the road about six feet away. Near the scrape marks were little pieces of chrome plated plastic that looked like they came from a car's headlight. I informed dispatch that a car may have hit her. Officers should look for a car with a damaged front end.

On February 4, 2024 at 4:15am Chief Scott Stuber received a call from Officer Patrick Kahabka informing him that there had been a Hit and Run in the City with substantial bodily harm to a pedestrian. He informed me that the accident occurred on Bekkedal Avenue. Chief Stuber left his residence and went to the scene of the accident. By the time Chief Stuber arrived the female victim had already been transported by ambulance to the hospital. When Chief Stuber arrived he was approached by Sgt. Jake Johnson with the Vernon County Sheriff's Department. He gave Chief Stuber more info regarding the incident and they walked over to look at the scene. Chief Stuber noticed a pool of blood in the south bound lane of the road as well as small glass fragments. There appeared to a spray pattern of glass going south. While looking west toward the another small pool of blood, Chief Stuber noticed drag marks in the gravel. Chief Stuber also noticed UTV tracks leading right up to the point of impact. They were narrow based tracks and had large tread, which is consistent with Utility Terrain Vehicles (UTV). Sgt. Johnson and Chief Stuber spoke and it was determined that they call Wisconsin State Patrol for the accident reconstruction. While they waited the fire department brought their engine over for more light. When they did the officers could see more UTV tracks on the road. They started on Second Street and turned right, headed south on Bekkedal toward where the female was laying. Just past the point of impact there were "burn out" marks caused from a rapid acceleration. The tracks went sideways then forward. Which indicates someone leaving quickly and at a high rate of speed. Chief Stuber knew based off that the UTV could not be a Polaris Ranger type as they are lower geared and do not have the acceleration to make those marks. This knowledge is based on Chief Stuber owning one personally. Chief Stuber estimated that UTV had to have been a Razor type

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machine more meant for speed. Officer Kahabka went door to door at residences south of the scene to see about any cameras that be operational. During this time Chief Stuber learned that victims name was V1

At 9:30am Chief Stuber received a call from off-duty officer Ben Haller. He informed Chief Stuber that he had received a text message from Officer Brandon LaMere of the Viroqua Police Department. Officer LaMere informed Ben that he had receiving an anonymous tip that Mitchell McKittrick was driver of the UTV that struck the V1. Officer Haller stated that he was sent a screen shot of the message. Chief Stuber asked him to send that to him which he did. The message had no names or phone numbers. In the message the sender stated, "Possibly Mitchell Mckittrick". The reply to that was, "How do you know/think that?". The sender stated, "Not 100% but heard some things he might have hit something last night but he didn't know what it was". Chief Stuber went down to the Rod and Gun and asked O1 if he could send me videos from inside the bar from midnight to 2:30am? He told me he would after he finished some things up some things. Chief Stuber asked him about the outside camera and he said that it did not work.

At 9:36am the scene was opened back up and Sgt Sellers and Chief Stuber went to the Westby Police Department. Chief Stuber logged the evidence that he had collected into temporary storage and began making phone calls. Sgt. Sellers left to do more follow-ups at Rod and Gun and with the bartender from last night. Chief Stuber received multiple videos from the night before of inside the Rod and Gun Club. This is where they were told that V1 was prior to being struck. Chief Stuber was told that she was out with friends and when they left at midnight she did not want to go and stayed at the Rod and Gun.

At approximately 11:30am the officers received more information that a W5 and W4 may have knowledge of the incident. At 11:49 am Chief Stuber called W5. He explained to Chief Stuber that he was snapchatting with W4 and she stated that she knew something about the hit and run. She then called W5 and said that Mitchell Mckittrick was the person involved. W5 said that the conversation was short and was not really sure what brought it up.

Chief Stuber then called the bartender from that night, W3 at 12:36pm. I had sent her a screen shot of the inside camera at the Rod and Gun. Chief Stuber asked her if she could identify anyone in that picture? W3 stated that the group closest to the camera had arrived at the same time. She said that she could only assume that they were together, through her experience as a bartender. She did not know any of them but said that the girl in the checkered plaid shirt left around the same time as the male in the orange sweatshirt. She said that the other male went up to the top part of the bar and sat with some other people. He did not leave until later. She told Chief Stuber that W2 was driving a UTV that night and that he had left around that same time as the girl tin the plaid shirt. She thought that was around 15:5-am to 2am. She said that W2 was intoxicated and angry at her for not serving him pizza when he asked. She said that was with another guy and he left angry.

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At 12: Chief Stuber called W2, who he knew from my time working in Westby. Chief Stuber asked W2 if he was at the Rod and Gun last night? W2 said that he was. Chief Stuber asked him if he was driving a UTV and if so, what kind? W2 said that he did take his UTV and he drives a Can Am. Chief Stuber asked him about the Can AM and if it was similar to a Polaris Ranger? He said that was similar. Chief Stuber asked him if it was sluggish like a Ranger and he said yes. Chief Stuber asked him what route he took home? He said that when he left the bar he went up Second Street and took a right onto Bekkedal Avenue. Chief Stuber asked him what time he left the bar? W2 estimated around 2am. Chief Stuber asked him if he remembered seeing anyone walking. W2 said that he did remember seeing someone and had to go around them. He said he remembered asking himself why that person was walking there

On the morning of February 4, 2024, Sgt. Lucas Sellers, checked on duty at 5:00 AM. Shortly after, Sgt. Sellers was told to contact Sgt. Jacob Johnson and Westby Police Chief Scott Stuber regarding an accident they were investigating.

Sgt. Sellers spoke with Sgt. Johnson. He stated he was near Bekkedal Avenue and Second Street in the city of Westby. He said the Westby Fire Department had the road closed off. Sgt. Johnson informed Sgt. Sellers there was an accident involving a pedestrian who was struck. Sgt. Sellers was told Sheriff Roy Torgerson was at Vernon Memorial Hospital with the female victim, who was identified as V1.

Sgt. Sellers arrived on scene and made contact with Sgt. Johnson. He again explained the situation to Sgt. Sellers. Sgt. Johnson walked Sgt. Sellers through the scene. Sgt. Sellers observed some tread impressions in the roadway on Bekkedal Avenue that appeared to have come from Second Street onto Bekkedal Avenue toward the area where there were a couple pools of blood in the lane of travel along with some personal belongings and debris that appeared to be glass. Toward the snowbank on the west side of the road, there were a couple of shoes, a pair of jeans, and a purse.

Sgt. Johnson stated he believed V1 was struck and either crawled or was dragged to the snowbank. Sgt. Sellers was informed the incident was reported by an employee at the Westby Cooperative Creamery at approximately 3:22 AM. Sgt. Sellers was told the status of V1 was serious, and it was unknown if she was going to survive.

Based on the scene evidence, Chief Stuber, Sgt. Johnson, and Sgt. Sellers believed the suspect vehicle was more than likely a UTV based on the tread impressions leading to the area of impact. It appeared the UTV took off at a high rate of speed from the stop sign on Second Street at Bekkedal Avenue and turned south where you could see the tread impressions begin to fishtail prior to the area of impact where it appeared V1 was struck.

Chief Stuber had Westby Police Officer Patrick Kahabka check for any camera footage from businesses or nearby residences. Sgt. Sellers was informed the Wisconsin State Patrol was

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en route to reconstruct the accident. Arrangements were being made for a drone to capture aerial footage.

At approximately 6:29 AM, Trooper Christopher Vandenhoven and Trooper Sukis with the Wisconsin State Patrol arrived on scene to shoot and diagram the scene.

Based on the scene evidence and as daylight came up, law enforcement believed V1 was dragged from the road to the snowbank because the path of travel went around a frozen water puddle. Law enforcement believed based on the injuries she sustained that she wouldn't have had the awareness to travel around the water puddle. Based on the evidence in the gravel and dirt, it did not look like someone crawled. It looked like she was dragged.

After the Wisconsin State Patrol was done shooting the scene, Chief Stuber and Sgt. Sellers collected the evidence on the roadway, and Sgt. Sellers took further photographs. For the evidence that was collected, see Chief Stuber's report. Some of the items collected include the glass that appeared to be from a mirror in the roadway, two earrings in the roadway, a pair of jeans that were removed from V1, and her two shoes. Sgt. Sellers helped bag the evidentiary items and secure them. They were turned over to Chief Stuber. After the evidence was collected, the roadway was opened up.

Sgt. Sellers met Chief Stuber at the Westby Police Department. He received a text message from an anonymous person reporting they believed Mitchell L. McKittrick told someone he struck something in the city of Westby last night or early that morning.

At approximately 11:09 AM, Sgt. Sellers made contact with W1 at her residence. Sgt. Sellers was told she was one of the bartenders at the Westby Rod and Gun. Sgt. Sellers asked W1 if she knew why he was there, and she stated she did. Sgt. Sellers informed her law enforcement was looking for someone who may have been operating a UTV and was in the bar the previous evening. W1 stated there were three UTVs parked on Second Street, and one was lit up with blue lights. She stated the only one she knew who was driving a UTV was W2, who was the CEO of Vernon Electric Cooperative. Amber stated W2 is an older male, and she would find it hard to believe if he was driving the one with the blue lights.

W1 stated she was bartending from approximately 12:00 PM to 7:00 PM and then stayed at the bar until approximately 1:00 AM. She said when she left at 1:00 AM, V1 was still there with her two friends. W1 said W3 came in, took over for her as bartender at 7:00 PM, and worked until close.

Sgt. Sellers asked W1 if she checked IDs, and she stated she did. Sgt. Sellers asked if the name Mitchell McKittrick sounded familiar to her. Sgt. Sellers told her he would show her a Facebook photo of him; however, it was about seven years old. When Sgt. Sellers showed her a photo of Mitchell on his Facebook page, she said he could have been one of them, but she was not sure. She said they all look the same when they come in with coats and hats on.

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W1 said the larger group came in around midnight, which was around the same time V1 arrived. Amber said it seemed like they all came around the same time. She did not have any more information to provide. Sgt. Sellers cleared from her residence.

Sgt. Sellers drove to the Westby Rod and Gun and met W3. Sgt. Sellers introduced himself to W3 and asked if she knew why he was there. W3 said she did and assumed it was in regard to the accident. Sgt. Sellers asked if she had any idea who may have been driving the UTVs that were outside the bar. W3 said there were three UTVs out there. She said a younger group of boys, approximately in their mid-20s, were driving one. She said W2 was driving another one. W3 said she took IDs, but she could not remember any names.

W3 remembered the four boys in the mid-20s were on the raised portion in the bar. She said the female who was hit by the UTV, V1, was with the four males along with another female named V1, who I believe is W4. W3 said she remembered V1 coming in with two other females. She said around 1:00 AM, V1 was still there, but her friends left. She said she remembered one of V1's friends having a panic attack, and she brought some water outside for the friend. W3 said V1 was talking to the other 25-year-old patrons.

According to W3, V1 left with one of the four males and never came back to the bar. Sgt. Sellers confirmed V1 left and never came back. She stated that was correct. W3 said that occurred around 2:00 AM. Sgt. Sellers asked if the male V1 left with ever came back, and she stated he did not. W3 could not remember which one would have left with V1. She said the rest of the crowd left approximately 20 to 30 minutes later when she was cleaning up the bar.

W3 stated she assumed the boys came on one of the UTVs because it wasn't there previously when she was outside. She believed one of them came around 10:00 PM. She said the other one, which I believe was referring to W2's UTV, came at 11:00 PM because he wanted some food. W3 stated she cooked or sold some pizzas to W2.

W3 stated her husband was also in the bar. He was walking down the street when Sgt. Sellers was speaking with W3. She stated he may have some more information.

Sgt. Sellers spoke with W3's husband. He told Sgt. Sellers the Polaris-style UTV was parked right here and one had blue lights. He said they both looked black to him. He had no idea who was driving the UTVs. He did not have much other information for me other than there were two black UTVs parked next to each other on Second Street.

Sgt. Sellers went to [REDACTED] which is Mitchell McKittrick's mother's residence. Sgt. Sellers observed a red car in the driveway and a Ranger-style UTV with a plow blade on the front parked in the driveway. Sgt. Sellers ran the license plate through dispatch Sgt.

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Sellers believe it came back to Mitchell's mother. Sgt. Sellers knocked on the door and could not get anyone to come to the door. Sgt. Sellers cleared from the residence.

Sgt. Sellers drove to the W4nproperty to speak with her. Sgt. Sellers was informed W4 spoke to W5 who spoke with O1's son. The sheriff's office was notified that W4 told W5 that Mitchell McKittrick was the one who struck V1. W4 was not at her residence when Sgt. Sellers went there. Her mother said W4 was at W6 residence.

Sgt. Sellers went to the W6 residence and met with W6and V1. Sgt. Sellers was invited inside. Sgt. Sellers asked if they knew why he was there, and they stated they did. Sgt. Sellers asked W4 if she spoke with W5, and she said she did because she saw some sort of Facebook message.

W4 stated she was at the Westby Rod and Gun with W7 and Mitchell McKittrick. She stated Mitchell left on his own, and a short time later, W7 got a call from Mitchell. W4 said she was standing near W7 when he got the call, and when the call came in, W7 stated, "Mitchell, you hit what?" She said W7 then left the bar very quickly and did not even grab his coat.

W4 said they were all at the ski hill earlier in the day. She said she went to Nordic Lanes and then the Westby Rod and Gun. W4 said she was not with W7 or Mitchell McKittrick, but they ended up at the same places. W4 said she had a designated driver all day named O2, who was driving her around.

Sgt. Sellers confirmed with W4 that Mitchell McKittrick left alone, and she said he did. She had no idea what he was driving. W4 said she got to the Westby Rod and Gun prior to Mitchell and W7 showing up. She thought she got there around 10:30 PM.

W6, who was present while Sgt. Sellers was speaking with W4, said they drove separately and followed each other around. She said W7 met Mitchell McKittrick at the ski hill earlier in the day. W6 stated she was in a relationship with W7. She suspected W7 and Mitchell were operating UTVs. W6 later told Sgt. Sellers the UTV with the blue lights was the one owned by her and W7. She said they put the blue lights on it. W6 said Mitchell has a Polaris GENERAL, and W7 has a Maverick Can-Am.

Sgt. Sellers asked W6 and W4 if they spoke with either Mitchell McKittrick or W7 today, and they stated they had not. They said they had been driving around all morning looking for W7 because he was not answering his phone and they didn't know where he went. W6 said they drove back past the bar around 5:30 AM and saw all of the lights so they knew something bad must have happened. W4 stated they suspected Mitchell struck a utility pole. W6 said a couple of hours later, they drove past the bar again and still saw all of the first responders out there, which was when they knew something really bad must have happened.

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Sgt. Sellers made phone contact with W7 since he was informed he was out of town. Sgt. Sellers asked W7 if he knew why I was calling him, and he stated he suspected it was in regard to the accident.

Sgt. Sellers asked W7 if he could tell him about the phone call he received from Mitchell McKittrick while he was at the Westby Rod and Gun. He said Mitchell called him at 1:49 AM and stated he needed help. He said Mitchell told him he tipped his side by side over. Sgt. Sellers asked W7 if he asked him any questions about how it happened, where he was at, or anything like that. He stated no. Sgt. Sellers told W7 he must have known where Mitchell was at or he couldn't have gone to help him. W7 stated he knew it was just around the corner from the bar.

W7 said he went to the accident scene, hooked the winch from Mitchell McKittrick's UTV to his UTV, and drove forward, bringing the UTV back onto the wheels. W7 said this was right behind the Westby Rod and Gun on a back road, which Sgt. Sellers confirmed with him was Bekkedal Avenue south of the Westby Rod and Gun. W7 said he told Mitchell to call 911 and that was all he did before leaving the scene. Sgt. Sellers asked W7 what else he saw at the scene, and he said nothing. Sgt. Sellers asked W7 what Mitchell hit. He said Mitchell definitely didn't hit anything; he just tipped it over on the side.

Sgt. Sellers told W7 he was giving him one more opportunity to be honest with him because he did not believe he was being truthful. W7 stated he was telling me exactly what happened. Sgt. Sellers asked W7 what time Mitchell left, and he stated he did not know. Sgt. Sellers had him look at his phone, and he stated Mitchell called him at 1:49 AM.

W7 again told Sgt. Sellers after tipping Mitchell McKittrick's UTV back on the wheels, he went home. Sgt. Sellers asked if Mitchell was with anyone else, and he stated he was all by himself.

Sgt. Sellers had W7 tell him a little bit about his day prior to being at the Westby Rod and Gun. W7 said he went from the ski hill to Nordic Lanes to the Westby Rod and Gun.

Sgt. Sellers told W7 there was what appeared to be an active camera that would have captured the incident. Sgt. Sellers asked if his story was what the camera footage would show. W7 said, "It should show what I said."

Sgt. Sellers asked W7 about the person who was lying in the middle of the road and why he failed to tell him about that. W7 stated, "I don't know." He stated, "I remember her laying there. She was just laying there." Sgt. Sellers asked if Mitchell McKittrick said anything to him about the female lying in the middle of the road. He said Mitchell did not say much of anything other than he was freaking out and rambling a bunch of gibberish. W7 said he did not ask any questions, and he did not want to be there. He said he wanted no part of the situation and told Mitchell to call 911, then he left.

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Sgt. Sellers asked W7 where the female was in relation to the UTV. He stated she was pretty close. Sgt. Sellers asked W7 if she was possibly pinned underneath the UTV, and he stated that was possible. He stated all he remembers was they got the UTV back on the wheels first. Sgt. Sellers asked W7 if he checked the female for a pulse or rendered any aid to her, and he stated no. W7 again stated, "I didn't want any part of it." He said he did not want to get in trouble. W7 said, "I don't want to get nailed for something I didn't do." Sgt. Sellers asked W7, "Don't you think it would be appropriate to render aid in this situation?" He stated yes, looking back at it now, he should have done more to check the female's welfare. Sgt. Sellers asked W7 how much alcohol he had to drink throughout the night, and he stated maybe five beers all night from 5:00 PM to 1:45 AM.

Sgt. Sellers asked W7 how the female got moved. He stated Mitchell McKittrick dragged her. He stated he watched Mitchell do that. W7 said he told Mitchell to report this. Sgt. Sellers asked W7 if he had a phone on him at the time, and he said he did. Sgt. Sellers told him he also had the opportunity to contact 911. Sgt. Sellers asked if Mitchell had a phone on him at the time, and he stated Mitchell had a phone on him. Sgt. Sellers told him both of them failed to contact 911, not just Mitchell.

W7 again the female was drug to the snowbank after the UTV was flipped back onto the wheels. Sgt. Sellers confirmed the video footage we may receive won't show him assisting Mitchell McKittrick in moving the female. W7 stated, "I don't think so. It shouldn't." He said, "I don't remember." W7 stated, "I don't think I drug a body." Sgt. Sellers told W7 that he found it very hard to believe he did not remember if he dragged a body.

After a long pause on the phone, Sgt. Sellers asked W7, "Are you sure?" He stated, "I might have helped a bit when she was under the UTV." He stated he helped get her away from it. Sgt. Sellers had W7 describe how he did this. He stated he grabbed her ankles and slid her over. Sgt. Sellers asked W7 if she was possibly pinned underneath the UTV, and he stated, "She might have been pinned under it, if I had to guess. She might have been pinned under the roll cage." W7 stated Mitchell was freaking out and so was he.

Sgt. Sellers asked W7 how much alcohol Mitchell McKittrick had to drink, and he stated he was probably pretty intoxicated. He told Sgt. Sellers Mitchell had been drinking Michelob Ultra beers throughout the day. W7 said he saw Mitchell drink four or five beers at the ski hill, but he could have drunk more because they split up and went separate ways while they were at the ski hill. W7 said Mitchell drank approximately four or five more beers while they were at the bars together.

Sgt. Sellers asked W7 if the female in the road was saying anything or was moving, and he stated no. He said, "I don't know if I drug her the whole way over to the snowbank." He said after the female was dragged to the snowbank, he left and went home. Sgt. Sellers asked W7 if he spoke with Mitchell McKittrick at all since this morning, and he stated he did not.

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Sgt. Sellers asked where his UTV was at, and he said it was behind the shed at his parents' residence where he lives on Three Chimney Road.

Sgt. Sellers asked W7 if anyone was on the UTV with Mitchell at all throughout the evening, and he said Mitchell McKittrick had a rider from Nordic Lanes to the Westby Rod and Gun. Sgt. Sellers asked who the rider was, and Robbie said, "I think it was her," meaning V1.

At approximately 1:39 PM, Sgt. Sellers arrived at Mitchell McKittrick's residence on [REDACTED] Street. Sgt. Sellers knocked on the door, and a male answered. He identified himself as Mitchell. Sgt. Sellers asked if he knew why I was there. Mitchell stated he did, and he was anticipating his visit all day.

Sgt. Sellers had Mitchell McKittrick explain what happened last night regarding the accident. He stated he left the bar, referring to the Westby Rod and Gun, and went home to his mother's residence. Mitchell stated he went the opposite direction of going to the creamery. He said he got to his mother's residence, and he called W7 and told him he tipped his UTV over. He stated it happened right in front of his mother's residence. Sgt. Sellers asked Mitchell what he hit, and he stated he didn't hit anything. He said he tipped it over. He said he was fishtailing, lost control, and tipped it onto the passenger's side. It should be noted that the area in front of his mother's residence was later photographed by Warden Shawna McDowell with the Wisconsin Department of Natural Resources. There was no evidence of tread impressions, glass from the broken mirror, or any sign of the accident in the roadway in front of [REDACTED]

Sgt. Sellers had Mitchell McKittrick confirm again where he went when he left. Mitchell stated he left the bar and took a left, meaning he went from Second Street and took a left onto Bekkedal Avenue. He said he went past the Big Old Red Shed, took another left, which would have been East State Street, and crossed Main Street onto West State Street.

While Sgt. Sellers was speaking with Mitchell McKittrick, he frequently swallowed very hard, kept putting his hands in his pockets, and kept shifting his feet back and forth. A lot of these are non-verbal indicators of nervousness.

Sgt. Sellers asked Mitchell McKittrick for consent to look at his phone, which he gave me consent to do. In looking at his text messages, there weren't many recent ones. The only one Sgt. Sellers saw was with someone named O3, who Mitchell said was his brother. Sgt. Sellers checked his Facebook Messenger messages, and there weren't many on there. Sgt. Sellers asked Mitchell how he normally communicates with others, and he stated usually through Snapchat or making a phone call.

The text message discussion between Mitchell and his brother O3 was photographed and will be uploaded to the case file. O3 sent Mitchell a news link regarding the accident, and Mitchell commented on it.

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Sgt. Sellers asked Mitchell McKittrick if he drove anyone around in his UTV throughout the course of the evening. Mitchell stated he drove a female from Nordic Lanes to the Westby Rod and Gun. Sgt. Sellers asked who she was, and he stated he had no idea. He said she was probably in her late 30s. When Sgt. Sellers asked what she was wearing, he said she had on a white top, he believed she was wearing jeans, and he thought she was in her 30s or 40s.

Mitchell McKittrick stated he was at the ski hill around 12:00 PM. He said he drank a handful there. Sgt. Sellers had him describe a handful, and he stated four or five Michelob Ultra beers. Mitchell said after the DJ was done at the ski hill at approximately 8:00 PM, he went to Nordic Lanes and had one more beer. He said he got to the Westby Rod and Gun around 10:30 PM and had two more beers. Mitchell stated he was not having much fun at the Rod and Gun. Sgt. Sellers asked if he was on any prescription medications, and he stated no. Sgt. Sellers asked if he used any other controlled substances, and he stated no.

Sgt. Sellers asked Mitchell McKittrick if he was alone when he tipped his UTV over. He stated yes. Sgt. Sellers asked where the UTV was currently at, and he stated he parked it in his mother's garage at [REDACTED] Mitchell said the glass on the passenger's side mirror was broken out and there was some damage to the passenger's side of the UTV.

Mitchell McKittrick stated the female he drove to the Westby Rod and Gun, which is believed to be V1, was still in the Westby Rod and Gun when he left at approximately 1:40 AM.

Sgt. Sellers asked Mitchell McKittrick what he was wearing the previous evening. He said he was wearing a salmon-colored sweatshirt and jeans. Sgt. Sellers asked if he was wearing any gloves since he was driving a UTV, and it was fairly cold outside. He stated he was not wearing gloves. Sgt. Sellers asked if he would give him consent to collect the clothing he was wearing, and he stated he would. They went into his basement where he pulled the orange-ish colored Carhartt sweatshirt out of the dryer. His jeans were upstairs in the kitchen still wet from coming out of the washing machine. Mitchell stated he recently washed them because he will be on the road for the week working with his uncle. Mitchell was wearing a pair of muck-style boots that were sitting by the front door. Sgt. Sellers collected them. They had some dirt and what appeared to be blood on them. The clothing was photographed, sealed in evidence bags, and later turned over to Chief Stuber for processing.

Sgt. Sellers asked Mitchell McKittrick how he got the UTV back up on the wheels after he crashed it. He stated he used his winch and hooked it to W7's UTV. He stated he tried to lift the UTV up but was unable to do so.

Sgt. Sellers asked Mitchell McKittrick if he would give law enforcement consent to draw his blood to verify there were no controlled substances or anything like that in his system. Mitchell stated he would agree to a blood draw.

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Sgt. Sellers returned to Mitchell McKittrick's front porch. Sgt. Sellers collected his phone for evidentiary purposes, and the phone was shut off. Mitchell stated his phone carrier is AT&T, and his phone number is 608- XXX-XXXX.

A records search revealed the license plate number on the UTV was 1385VH on a Polaris GENERAL UTV.

Sgt. Sellers informed Mitchell McKittrick he was under arrest for Hit and Run - Causing Injury. He was handcuffed, searched

Information has been obtained of the injuries V1 sustained. They are as follows:

1. V1 arrived at Vernon Memorial Healthcare early Sunday morning in a hypothermic condition. This was treated with external warming in conjunction with intravenous fluids. This condition was treated both at Vernon Memorial Healthcare and later at Gundersen Health System for several hours.
2. All ribs on V1's right side were fractured but are expected to heal without surgery.
3. V1's right lung was punctured.
4. V1 experienced a fractured vertebrae that will require surgery; however, her spinal cord appears intact.
5. Fractured left wrist.
6. Jawbone was fractured in two places. Titanium plates will be utilized, and it does not appear that it will be necessary to wire her jaw closed.
7. A hairline fracture to V1's left shoulder will not require surgery.
8. Facial and nose contusions.
9. Swollen right eye.
10. Trauma to both the liver and spleen but expected to heal without surgery.
11. On Sunday night, and/or early Monday morning, a potential problem was discovered in the carotid artery. Another CT scan is planned.
12. Some broken ribs on the left side were also discovered.

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13.A lack of movement was found in the right leg and/or foot that will require further investigation. V1 was able to wiggle her left toes, but not the right.

Subscribed and sworn to before me on 02/07/24

Electronically Signed By:

Sheriff Roy Torgerson

Electronically Signed By:

Complainant

Angela Palmer-Fisher

District Attorney

State Bar #: 1047072