

**STATE OF WISCONSIN      CIRCUIT COURT      FOND DU LAC COUNTY**

STATE OF WISCONSIN  
Plaintiff,

DA Case No.: 2024FL000106  
Assigned DA/ADA: Catherine Block  
Agency Case No.:

vs.

Court Case No.:  
ATN: 20002401010055

JATZIEL MANUEL PABON  
ENCARNACION

**CRIMINAL COMPLAINT**

[REDACTED]  
West Bend, WI 53090  
DOB: 10/22/2004  
Sex/Race: M/H  
Alias:

Defendant.

*For Official Use*

The undersigned law enforcement officer, of the Fond du Lac Sheriff, being first duly sworn, states that:

**Count 1: HIT AND RUN - GREAT BODILY HARM**

The above-named defendant on or about Sunday, December 31, 2023, in the Town of Auburn, Fond du Lac County, Wisconsin, did operate a vehicle involved in an accident that resulted in injury to a person, VICTIM 2, 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) Wis. Stats., a Class E Felony, and upon conviction 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)(i), the Department shall revoke the defendant's operating privilege for two (2) years.

**PROBABLE CAUSE:**

Complainant bases this complaint upon the report and investigation of multiple deputies, investigators, and detectives of the Fond du Lac County Sheriff's Office and Washington County Sheriff's Office. Complainant and the reporting deputies, investigators, and detectives are presumed reliable as sworn law enforcement officials.

This complaint will make reference to four relevant vehicles that were involved in or at the scene of a fatal traffic incident in the very early morning hours of December 31, 2023. The initial traffic incident occurred on HWY 45 in the Township of Auburn, Fond du Lac County, Wisconsin.

Vehicle 1 is a 2005 Silver Chevy Malibu. Based upon the investigation and witness statements, the occupants of the vehicle are believed to have been:

- Victim 1 (adult female) – driver;
- Victim 2 (juvenile male) – front passenger;
- Witness 1 (juvenile male) – right rear passenger;
- Witness 2 (juvenile female) – center rear passenger; and
- Witness 3 (adult male) – left rear passenger.

Vehicle 2 is a 2014 Black Mazda 3. Based upon the investigation and witness statements, the occupants of the vehicle are believed to have been:

- Witness 4 (adult male) – driver; and
- Witness 5 (adult male) – front passenger.

Vehicle 3 is a 2007 Red Mazda 3. Based upon the investigation and witness statements, the occupant of the vehicle is believed to have been:

- Jatziel Pabon Encarnacion, the defendant – driver.

Vehicle 4 is a White Volkswagen sedan. Based upon the investigation and witness statements, the occupants of the vehicle are believed to have been:

- Witness 6 (adult male) – driver; and
- Witness 7 (juvenile male) – front passenger.

Fond du Lac Deputy Adam Multer responded to the above area at approximately 0110 hours. Upon arrival, Deputy Multer observed Vehicle 1 resting on its wheels in a farm field on the West side of HWY 45. Vehicle 1 was significantly damaged. There was a large debris field on HWY 45 and the adjacent shoulder and grass area. Deputy Multer observed one individual, Victim 2, laying in the middle of the roadway. Victim 2 was unresponsive but was breathing. EMS personnel were attending to Victim 2.

Deputy Multer was informed by a Washington County Deputy that a person, Victim 1, was found deceased in the roadway approximately 3 miles South of the crash location on HWY 45. Deputy Multer observed a pool of blood and blood splatter in the roadway at the HWY 45 crash scene and a trail of blood leading South on HWY 45 away from the scene. It appeared that the blood trail led into Washington County. According to preliminary autopsy findings by the Washington County Medical Examiner, Victim 1 suffered blunt force trauma to her head, neck, torso, and extremities. Injuries to Victim 1, as observed by law enforcement, appeared consistent with being ejected from a vehicle and/or struck and dragged by a vehicle.

Deputy Multer observed Vehicle 4 on scene. He spoke to the two occupants, Witness 6 and Witness 7. Witness 6 stated that he came upon the crash scene and observed a body lying in the roadway along with a sizeable debris field. Witness 6 stated he had to swerve to the left of the body to avoid striking it. Witness 6 stated there was another vehicle, believed to be Vehicle 2, parked on the road with its hazard warning lights on. This vehicle left shortly after Witness 6 pulled over. Witness 6 said that as he parked his car, a male in a red sweatshirt (Witness 1) ran up to Witness 6's vehicle and put a female (Witness 2) in the back seat.

Witness 7 spoke to Detectives Flood and Fink. Witness 7 said that he had been at a party with several other individuals connected to this incident just prior to the crash. Witness 7 said he arrived at the party with Witness 4. While at the party, Witness 7 said he observed alcohol being consumed. Witness 7 says he knows the defendant, Jatziel Pabon Encarnacion, as "Yahtzee" or "Jatzi." Witness 7 said the defendant appeared to be drinking alcohol at the party. At one point, Witness 7 said he observed the defendant go outside and throw up. Witness 7 said this was approximately 20 or 30 minutes before people left the party.

Regarding the crash, Witness 7 said he was riding in a car with Witness 6 driving. He stated that they came upon a lot of missing or damaged car parts in the road. Witness 7 said he screamed, "slow down" at Witness 6. Witness 7 said he believes he saw Victim 1, who he knows to have been at the party, face down in the roadway. Witness 7 said it appeared that Victim 1's back was sticking up a bit, and she was positioned near the yellow line in the road. There was blood all around Victim 1. Witness 7 said he saw Victim 2, who he knows, next to Victim 1. He said that Witness 6 swerved the car around Victim 1, almost going into the ditch. Witness 7 said that when they came to a stop, he observed Witness 4's vehicle parked in the roadway and heard Witness 4 screaming, "this is a murder scene."

Witness 7 said the defendant had been driving Vehicle 3 behind the Witness 6's car, Vehicle 4. Witness 7 said after they swerved, he looked back and saw the defendant's car come through the crash scene. Witness 7 said it looked like the defendant hit Victim 1 and then clipped Victim 2's head with the front of Vehicle 3. **Witness 7 described Vehicle 3 as a red Mazda and said the car was going about 40-50 mph when it hit Victim 1.** Once Vehicle 3 hit Victim 1, Witness 7 said it appeared to slow down a little and then stop. Witness 7 said it looked like Victim 2's body moved after being struck by Vehicle 3. Witness 7 said that once the defendant stopped, he appeared to yell something but his window was not down. The defendant then drove away in Vehicle 3. Once Vehicle 3 left, Victim 1 was no longer on scene.

Deputy Jason Nielson spoke to Witness 1 shortly after he was transported to the hospital. Witness 1 said he was sitting in the back of Vehicle 1 driven by Victim 1. Witness 1 was being treated at the hospital for serious injuries, and was eventually transported by ambulance to a children's hospital for further treatment. Detective Fink later interviewed Witness 1 on January 4, 2024. Witness 1 stated that after Vehicle 1 crashed, he picked up his girlfriend, Witness 2, and tried to get her into Vehicle 2 driven by Witness 4, who Witness 1 knows. He said Witness 4 was screaming about it being a murder scene. Witness 1 said that when he got Witness 2 into Vehicle 2, Witness 4 grabbed Witness 2 and pulled her out of his car. Witness 1 said that he then looked back to the roadway. Witness 1 said he previously saw Victim 2, who was in Vehicle 1 with him prior to the crash, in the middle of the road. Witness 1 said "Yahtzee," who Witness 1 knows as the defendant, came by in Vehicle 3 and hit Victim 1. **Witness 1 said that the defendant then struck Victim 2 as Victim 2 was trying to get up. Witness 1 said that Victim 2 was "starting to get up, he was like, he was like up kind of on his elbow and he just got clipped on his head and didn't get up."** Witness 1 said that Victim 1 and Victim 2 were maybe 3 feet apart on the roadway. He said that after the defendant hit Victim 1, the defendant may have tried to swerve to avoid Victim 2 but "clipped" his head. **Witness 1 said he could hear Victim 2 get hit by the defendant's car. Witness 1 further described that he could see Victim 2's head "flip back" and that "you could literally see the car hit his head." Witness 1 believed it was Vehicle 3's front bumper that hit Victim 1 in the head.** Witness 1 said that after Vehicle 3 hit Victims 1 & 2, it did not stop. He said that Witness 4 then left in Vehicle 2, too.

Detective Muellenbach spoke to Witness 5 on January 1, 2024. Witness 5 stated he was given a ride to the party on December 30, 2023, by Witness 4 in Vehicle 2. The party was near Kewaskum. Witness 5 said he knew several people at the party, including Victim 1. Witness 5 stated he knew the defendant as "Jatzi." Witness 5 stated that he observed Victim 1 drinking throughout the night, but didn't know how much alcohol she had to drink. Witness 5 stated that Jatzi was showing off a red Mazda 3 hatchback with aftermarket rims and exhaust at the party. Witness 5 stated that Jatzi was revving the engine, so Witness 5 took a picture of Jatzi with the car. Witness 5 showed the picture to Det. Muellenbach. Witness 5 described Jatzi as drunk at the party, noting that Jatzi was "swaying back and forth." Witness 5 said that most people brought their own alcohol to the party.

Witness 5 stated that he saw Victim 1 get into the driver's seat of Vehicle 1 to leave the party around 1:00 a.m. He stated there were 4 other people in Vehicle 1. Witness 5 stated he waited around for five minutes or so until Witness 4 was ready to leave the party. He said they left in Vehicle 2 and headed back to Hartford on HWY 45. Witness 5 stated that at one point he was able to see Vehicle 1 ahead of them. Witness 5 saw Vehicle 1 swerve onto the right shoulder, then come back into the roadway. He said the vehicle then traveled onto the right gravel area of the road and then appeared to hit the culvert. Witness 5 could see Vehicle 1 begin rolling over on the roadway. Witness 5 described that there was stuff everywhere on the road as Vehicle 1 rolled. Witness 5 said at that point, Witness 4 drove Vehicle 2 around the crash scene to the left, then back over to the right shoulder of the road.

Witness 5 said that after they stopped, he heard Witness 3 screaming that his back and shoulder hurt. Witness 5 said he told Witness 3 to get in Vehicle 2. Witness 5 said he then turned on his phone's flashlight and started checking the area. Witness 5 said he saw Victim 1 in the road. He described Victim 1 as lying face down in the road partially on her knees with her butt in the air, shoulders on the ground, and her head cocked to the side. He said Victim 1's arms were down at her side and blood was pooling on the ground. Witness 5 could see that Victim 1 had a bleeding head wound and blood coming out of her nose. Witness 5 described Victim 1 as unresponsive with no movement. He said that Victim 1 was not making any noises and did not appear to be breathing. Witness 5 said that Witness 3 told him Victim 1 was checking her phone at the time of the crash.

Witness 5 then said that two vehicles came upon the scene. The first (Vehicle 4) pulled around the crash scene and over to the side of the road in front of Vehicle 2. Witness 5 said that when the second vehicle came, he heard a loud thump or noise as the car came through and pulled up to the side of Vehicle 2. Witness 5 observed that car to be Jatzi's car (Vehicle 3). Witness 5 said he could clearly see Victim 1's white hoodie underneath Jatzi's car. Witness 5 said at this point, everyone was "freaking out." Witness 5 said that Jatzi's car eventually stopped in the road past Vehicle 2. Witness 5 said Jatzi never got out of his car.

Witness 5 said that he and Witness 4 wanted to get Witness 3 to the hospital, so the three of them left in Vehicle 2 with Witness 4 driving around the same time that Jatzi left the scene in his Vehicle 3. Witness 5 stated that at one point, Witness 4 sped up to pass Vehicle 3 and the defendant. As they passed the defendant, Witness 5 stated he could still see Victim 1 pinned underneath the defendant's vehicle.

Deputy Multer spoke to the defendant, Jatziel Pabon Encarnacion, on December 31, 2023, at approximately 1930 hours. The defendant walked into the West Bend Police Department to speak to officers about the crash. The defendant admitted to being at an underage drinking party on December 30, 2023, near Kewaskum. The defendant admitted to drinking at the party but denied purchasing or providing any alcohol. The defendant said he was driving his brother's red Mazda 3. The defendant did not want to provide any more details about the party. The defendant said that he left the party to drive straight home and that he didn't stop on the way home.

Deputy Multer then went to the defendant's address in West Bend. There he observed Vehicle 2, the red Mazda 3. Deputy Multer observed damage to a majority of the exterior of the car on all sides. Deputy Multer noted that the front bumper was cracked and damaged in multiple different places.

Deputy Multer and Deputy Schneider then had contact with the defendant again at his apartment. They were allowed inside while they spoke to the defendant more about the incident. The defendant said that when he arrived at the party and began drinking, there were approximately 15-20 people in the garage. Everyone was drinking, and the defendant said he was drinking vodka and Twisted Tea. The defendant said he consumed less than one can of Twisted Tea mixed with vodka over the span of three hours. The defendant stated that an argument ensued between some people, and everyone began leaving after that. He stated that he was the last person to leave the party.

The defendant admitted that he traveled on HWY 45 and went through the crash site. The defendant said he struck an object in the road at the scene of the crash and described it as like going over a "speed bump" quickly. He stated that he thought the object rolled to the left side of his car. He said he never left the roadway. The defendant admitted that some of the damage to the Mazda was new and occurred that night after leaving the party.

The defendant consented to a search of the vehicle. Deputy Schneider examined the vehicle more closely and found signs of blood, hair, and other biological material on the underside and wheel well of the vehicle.

Deputies explained to the defendant that they would like him to answer more questions with Detectives at the Sheriff's Office. The defendant agreed to be transported to the Fond du Lac County Sheriff's Office. Upon arrival, the defendant invoked his rights and was arrested.

Detective Fink spoke with Physician Assistant Emily Billman of Froedtert Healthcare regarding injuries to Victim 2. Detective Fink learned that Billman was assigned to the care team for Victim 2 and the following injuries were noted for Victim 2:

Skull fracture  
Multiple facial fractures including fractures to his orbital bones  
Cornea abrasion  
Non displaced T9 fracture of the spine  
Right Epidural subdural Hematoma with mid line shift  
Right front IPH (type of brain bleed)  
Left subdural hematoma

According to Detective Fink the injuries suffered by Victim 2 appeared consistent with injuries that would have been suffered during the original crash from Vehicle 1 and/or from Victim 2 being struck by Vehicle 3 based on witness statements that Victim 2 was struck in the head by Vehicle 3 driven by the defendant.

Fond du Lac County Sheriff's Detective Alexander Volm retrieved and viewed video surveillance footage from Addison Station Mobil located in Hartford, Wisconsin, from December 30, 2023. According to the surveillance footage, at approximately 8:46 p.m., Vehicle 1 and Vehicle 2 can be seen pulling up to the gas station. Vehicle 2 pulls up to the gas pumps while Vehicle 1 pulls up to the building entrance. Witness 4 is then seen getting out of Vehicle 2, and Witness 3 and a female are seen getting out of Vehicle 1. The female then entered the store and purchased chips and soda. Witness 3 and Witness 4 are seen talking to each other, and there appears to be a hand-to-hand exchange of something. Both men enter the store together. A few minutes later, Witness 4 returns to his car and pumps gas. At approximately 8:52 p.m., Witness 3 is seen at the checkout corner purchasing items. A receipt from that transaction was provided to Det. Volm. According to that receipt, Witness 3 purchased the following: Crown Apple 750 mL bottle, Fleischmanns Vodka bottle, Bacardi Light, Bud Light 12-pack bottles, and

Twisted Tea variety 12-pack. It should be noted that Witness 3, at the time of the video, was over 21 years of age. Witness 4 and the other occupants in vehicle 1 at the time of the crash were not over 21 years of age.

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

Subscribed and sworn to before me on 01/18/24

Electronically Signed By:

David W. Maas

Assistant District Attorney

State Bar #: 1025522

Electronically Signed By:

Lt. Chris Randall

Complainant