

FILED
01-29-2025
Clerk of Circuit Court
Waukesha County
2025CF000162

STATE OF WISCONSIN CIRCUIT COURT WAUKESHA COUNTY

STATE OF WISCONSIN

Plaintiff,

vs.

Walter A Cunningham
710 Oxford Dr
Hartland, WI 53029
DOB: 12/15/1952
Sex/Race: M/W
Eye Color: Brown
Hair Color: Brown
Height: 6 ft 00 in
Weight: 300 lbs
Alias:

Defendant.

DA Case No.: 2025WK000734
Assigned DA/ADA: Nikole Kane
Agency Case No.: H25000959
Court Case No.:
ATN:

CRIMINAL COMPLAINT

The undersigned, of the Waukesha County District Attorney's Office being first duly sworn on oath, upon information and belief, states that:

Count 1: OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE - 1ST OFFENSE, WITH A MINOR CHILD IN THE VEHICLE

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did operate a motor vehicle while under the influence of an intoxicant, and committed this offense with a minor child under the age of 16 as a passenger in the vehicle, contrary to sec. 346.63(1)(a), 346.65(2)(f)1 Wis. Stats., a Misdemeanor, and upon conviction shall be fined not less than \$350 nor more than \$1,100 and imprisoned for not less than 5 days nor more than 6 months.

And furthermore, invoking the provisions of sec. 343.30(1q)(b)2, (1q)(b)4m and (1q)(c) Wis. Stats., because the defendant committed this offense with a minor child under the age of 16 as a passenger in the vehicle, the court shall revoke the defendant's operating privilege for not less than one (1) year nor more than eighteen (18) months, and shall order the defendant to submit to an alcohol and drug abuse assessment.

Count 2: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim A, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

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Count 3: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim B, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 4: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim C, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 5: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim D, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 6: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim E, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 7: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim F, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 8: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim G, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

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Count 9: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim H, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 10: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim I, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 11: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim J, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 12: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim K, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 13: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim K1, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 14: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim L, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

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Count 15: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim M, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 16: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim N, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 17: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim O, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 18: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim P, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 19: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim Q, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 20: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim R, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

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Count 21: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim S, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 22: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim T, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 23: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim U, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 24: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim V, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 25: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim W, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 26: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim X, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

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Count 27: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim Y, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 28: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim Z, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 29: SECOND DEGREE RECKLESSLY ENDANGERING SAFETY

The above-named defendant on or about Monday, January 27, 2025, at the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin, did recklessly endanger the safety of Victim AA, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

PROBABLE CAUSE:

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon information and belief derived from the complainant's review of the investigative reports of Officers, Detectives, and Lieutenants of the Hartland Police Department, whom your complainant believes to be competent and reliable.

Said reports indicate that on January 27, 2025, Officers, Detectives, and Lieutenants of the Hartland Police Department, responded to a call in the area of Marquette Road and Briarcliff Court, in the Village of Hartland, Waukesha County, Wisconsin. Dispatch advised that they were speaking to a student on a school bus who reported that the bus driver would not let students off the bus and that the bus driver, later identified as Walter A Cunningham, DOB 12/15/1952, hereinafter identified as the defendant, pushed a student. Dispatch advised that there was a lot of chaos and screaming in the background.

Officer Martins was first to arrive on scene and observed a bunch of kids running in the road and on the side of it away from the bus. Officer Martins then observed the bus driving away as Officer Martins got behind it. Officer Martins was then able to stop and conduct a traffic stop on the bus on Marquette Court from Marquette Drive, in in the Village of Hartland, Waukesha County, Wisconsin.

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Contact with the defendant

Officer Martins made contact with the defendant and asked what was going on. The defendant stated he was trying to figure out where he needed to go for the bus route. While doing this a bunch of kids were screaming at him and getting out of their seats all riled up. The defendant stated that he pulled over and upon doing so a guy pulled his car in front of the bus. The defendant then said that the male who pulled in front of him wanted his kids to get off the bus due to his wife receiving a phone call from their daughter about what was going on. The defendant stated that at that point he did not care and that he wanted all of the kids off his bus.

While Officer Martins was speaking to the defendant, he observed the defendant's speech to be slurred at times and thick and heavy. Officer Martins also observed that the defendant's eyes appeared to be very glassy and his balance was not normal. Officer Martins indicated that the defendant was acting strange and not completely with it. When Lieutenant Robert Jewell arrived on scene, the defendant said to him, "Lewie how are you," which was confusing to both Officer Martins and Lieutenant Jewell. When the defendant asked who the other Officer on scene was, and was told, the defendant thought that it was funny and bust out laughing.

The defendant then told Officers what time he picked up the kids and confirmed that he did not stop anywhere to drop any kids off. When asked if he pushed anyone or if he got pushed, he said no. When asked if he had taken any prescription medications, he said that he takes a lot and that he had taken some today. The defendant then stated that he took 40mg of Prozac today which is a CNS Depressant and that he took that at approximately 6 a.m. He stated that it lasts all day in his system. He then stated that he takes Dextroamphetamine for ADD which he had taken this twice today. The defendant stated he takes 20 mg in the morning and 10 mg at noon. The defendant also said he takes another prescription but has no idea what it is for. The defendant denied having anything to drink.

The defendant clarified that he did not kick the kids off the bus, but they flew off the bus. When asked if he notified dispatch about what happened, he stated he was about to when Officers arrived. The defendant mentioned that a parent confronted him demanding that all the kids be let off the bus.

The defendant consented to Standardized Field Sobriety Tests. Prior to beginning, the defendant stated he would not be able to do the test because he has poor balance at times, but would be willing to do the tests. When Officer Martins observed the defendant walking towards the squad car, he observed the defendant was able to walk without pain or balance issues, however, with a slight hobble or limp.

On the horizontal gaze nystagmus test, Officer Martins observed distinct and sustained nystagmus and the onset of nystagmus prior to 45 degrees in both eyes, resulting in a total of four of six clues. During the test, the defendant was observed swaying side to side, and at times drastically. The defendant continuously moved his head side to side and lifted his head up making it difficult for Officer Martins to observe the clues. The defendant did remove his

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glasses for the test, but denied any vision issues, and stated he just uses his glasses for standard day to day seeing. The defendant also disclosed he had a stroke when he was 19 years old, but denied any recent head injuries.

On the Walk and Turn test, the defendant was observed with seven of eight clues, including that he could not keep his balance in the instructional stance, started too soon, missed heel to toe, stepped off the line, used his arms for balance, completed the wrong number of steps, and completed an improper turn. The defendant denied struggling walking on a daily basis. The defendant also denied any lower body injuries or surgeries.

On the One Leg Stand test, the defendant was observed with three of four clues, including swaying while balancing, using his arms for balance, and putting his foot down.

The defendant was asked to complete verbal tests, and asked to recite the alphabet starting at C and ending at W. The defendant proceeded as follows: "C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, W." He then paused briefly and said, "Q, R, S, T, W, X, Y, Z." He then paused for a while and Officer Martins asked him if he wanted to try again and he said, "no". After saying no, he began to say "Q, R, S, T, W, yeah that's it."

The defendant was then asked to complete a counting test, starting at number 66 and counting backwards to 53, which he successfully completed.

The defendant consented to a preliminary breath test, where the results were 0.00.

Officer Martins then asked the defendant to complete the horizontal gaze nystagmus test another time, due to Officer Martins' struggle to see the clues on the test the first time with the defendant not following the Officer's finger very well. The defendant agreed and performed the test another time, which the Officer did not observe the lack of smooth pursuit in either eye. Officer Martins observed distinct and sustained nystagmus at maximum deviation and the onset of nystagmus prior to 45 degrees in both eyes, and observed four out of six validated clues for this test. Once again, Officer Martins had to stop the test numerous times due to the defendant either trying to predict where the stimulus was going to go, looking away from the stimulus or looking at the Officer. The defendant also turned his head multiple times and kept lifting his head up from having his chin tucked. The defendant failed to follow the proper instruction numerous times.

The defendant was asked again what medications he took this day and the times he took them. The defendant stated that he took 20mg of Dextroamphetamine at approximately 6 a.m. and that he took 40mg of Prozac at 6 a.m. as well. He then changed his answer from earlier and was now saying that he did not take anything in the afternoon.

Based on the totality of the circumstances to include the following: the initial reported call, glassy eyes, slurred speech, and the observations made during standardized field sobriety tests, along with other factors listed in the report, Officer Martins determined that the defendant's ability to operate a motor vehicle was impaired and that he could not do so safely.

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The defendant was then placed under arrest for OWI 1st with a minor passenger under the age of 16. When he was informed of this, the defendant laughed out loud.

The defendant was read the Informing the Accused and consented to an evidentiary chemical test of his blood. The hospital phlebotomist collected two vials of the defendant's blood from the defendant's arm at approximately 1823 hours.

The defendant was then read the Alcohol/Drug Influence report and given his pre-interrogation warnings. The defendant declined to answer any further questions at this time.

While at the police department, Officer Martins learned from Lieutenant Jewell that he received video footage from the school bus that the defendant was driving. It should be noted that numerous children on the bus had complaints about how he was driving. It should also be documented that while watching the video from the bus, that when the parent initially pulled in front of the school bus and confronted the defendant that he got up out of the driver's seat without putting the bus in park. The defendant then jumped back into the driver's seat to put the bus in park. It was clear based on the audio of the bus footage that the defendant had a major lack of respect for the kids on the bus and it truly appeared that he did not care.

It was clear to Officer Martins, based on the initial 911 call and phone calls to parents, that the kids on the bus at the time of the incident were scared and feared for their safety with how the defendant was acting and driving. It was seen in bus video footage that the defendant appeared to have stopped the bus abruptly numerous times and had stopped in unsafe and dangerous places, including the middle of the road with the kids on the bus. It should also be noted that it was also approximately 30 degrees outside with overcast and the defendant did not care for the kids and the fact that they all got off the bus. With this, the defendant did not care where the kids went or how they were going to be getting home because he left the scene. As noted previously the defendant also left the bus in drive while getting up to confront a parent and had to jump back in the seat quickly to stop the bus and put it in park.

Officer Martins had time to conduct research on the medications that got brought up with the defendant. Officer Martins looked at drugs.com, which from his training and experience is an accurate and reliable source. When looking into further information regarding Prozac, it is a CNS depressant. With that, a warning for users is that it can impair judgement, thinking, or motor skills and that users should use caution when operating machinery.

Officer Martins also read that other drugs when taken with Prozac can interact negatively. This is to include medications taken for ADHD which are also commonly known and similar to ADD, such as Dextroamphetamine. When looking into the other medication that the defendant said he took as in Dextroamphetamine, it gave the same warning that it may be unsafe and that users should be cautious when operating machinery.

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Further Investigation at the Scene

When Lieutenant Jewell arrived on scene, he noticed the children had left the scene. Lieutenant Jewell was advised that most of the kids walked home and another group also walked across the street and were walked home by one of the parents.

Lieutenant Jewell made contact with bus company, and met with a representative from the bus company who had an opportunity to review some of the defendant's GPS location and the surveillance videos within the bus from that day. The representative stated that situation was more of a misunderstanding. She stated the defendant missed the initial bus stop at Merton Ave and Sunnyslope Dr. The defendant then turned into Hilger Farms subdivision to back track and make the stop. In doing so, a number of children that live in that subdivision thought their stop was being missed while the defendant was trying to get turned around. The defendant then turned onto Merton Ave and again missed the Sunnyslope Dr stop. The defendant pulled over on Marquette Rd and was confronted by a parent who was verbally aggressive towards him for not allowing him on the bus or for his kids to exit the bus. The representative also noted this is not the defendant's normal bus route.

The representative then provided Lieutenant Jewell with 15 minutes of bus footage including the interior and exterior of the bus. The first 5 minute video begins at approximately 4:11 PM, traveling eastbound on E North Shore Dr traveling towards STH 16. There is a group of children that are not seated appropriately facing forward. The defendant ignores it for a bit but eventually does tell the children to get out of the aisle and sit in their seats. The defendant does get confrontational with the students saying he will stop the bus and they can sit there all night because he gets paid by the hour. The defendant yells at one of the riders multiple times to sit in his seat and says, "shut up boy", when the child talks back to him.

The second 5-minute clip begins at 4:16 PM when the defendant is exiting northbound onto Merton Ave from STH 16. As he passes Sunnyslope Dr. (the first bus stop) a few kids begin screaming from the back that he missed the stop. The defendant replies "Yes I did didn't I". The children are now all yelling, and the defendant begins to yell back for them to "Shut up". The defendant turns onto Marquette Rd. going eastbound and slams on the brakes as the kids continue to scream at him. He again yells, "shut up I do not want to hear you people". He repeatedly yells for them to "Shut up". The children say he can't talk to them like that and the defendant replies, "I am god on this bus". The defendant drives through the Hilger Farms neighborhood to back track to the first bus stop, but in doing so, misses a number of stops that would be coming later in the route. This causes more concern in the kids on the bus who are now screaming and standing up on the bus. The defendant starts yelling at them to sit down repeatedly and be quiet. The children continue to scream that they want to get off the bus. The defendant eventually returns to Merton Ave from Sunnyslope Dr but turns northbound and again misses the first stop. The children yell at him asking where he is going. The defendant again says, "Shut up, goddamn it". The defendant turns onto Marquette Rd now heading westbound and pulls over to look at the route. The kids all get up when he stops and he yells

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for them to sit down. When they ask if they can get off he tells them that they can't until they sit down and shut up.

The third 5 minute clip begins at 4:21 PM when they are waiting on Marquette Rd. At this point, a parent identified as Victim K1 arrived at the bus stop. Victim K1 walked up to the bus door and stepped up. Immediately, The defendant yells at Victim K1 to get off the bus, as he is doing this some of the children begin to walk forward and the defendant throws his arms across the aisle to prevent them from leaving. The defendant stands up and as he does so, he realizes that he has not put the bus in park and the bus begins to drive forward. The defendant quickly sits down and places it in park. A verbal altercation begins between the defendant and Victim K1. Victim K1 demands that his kids be let off the bus and tells the defendant that he needs to calm down.

The defendant said he will let the kids off at their stops and Victim K1 replies this is their stop. The defendant begins to look through the route to confirm this. While doing this, Victim K1 tries to calm the defendant down who is clearly worked up at this point. Victim K1 offers to get on the bus to calm the kids down. Victim K1 then tells the defendant he wants to make sure that he wasn't drunk. Victim K1 stated he understands if the defendant is "pissed" but drunk is not ok. The defendant mentions something about having a CDL only having .001. At this point all the kids start filing off the bus and the defendant does not try to stop them at this point. After all the kids exit, the defendant begins to drive away. He grabs the radio presumably to notify his dispatch about what happened. He does not transmit anything and is stopped by Officer Martins shortly after.

Victim K1 met with Lieutenant Jewell and provided a written statement, stating:

My wife, Victim J1, got a call from our 9-year-old daughter, Victim J, at about 4:20 pm and Victim J was panicked, and we could hear kids yelling and crying in the background. Victim J stated that the bus driver was driving crazy and missed a few stops. As Victim J described where the bus driver was going, she eventually said he was pulling into our neighborhood and pulling over. Victims J1 and K1, Victim J's parents, could hear Victim J say "this is our stop, can I please get off the bus?" to which the driver said "No, nobody is getting off the bus". That is when Victim K1 drove down to where the bus was stopped and parked in front of the bus. The driver opened the door and Victim K1 stepped onto the first step of the bus asking that his children be allowed to leave the bus. The driver yelled at Victim K1 to get off the bus, to which he replied that he was not getting off the bus without his kids. The driver then stood up to yell at Victim K1 again but forgot to put the bus in park and it began to roll, he sat down and put the bus in park at which point my 11-year-old, Victim K, exited the bus. Another girl behind Victim K then exited the bus and that is when the driver moved his arm the rest of the way out of the way and all the other kids exited the bus. All of the kids were very upset and most of them were crying.

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Lieutenant Jewell also had phone contact with the defendant's wife, who expressed surprise that the defendant would have been impaired. His wife stated she was with him all day and he could not have been drunk and she does not think he would have been impaired by his medications.

Contact with the Children

When Detective Shea arrived on scene, he observed approximately 10-12 child shivering or huddling in groups with blankets to stay warm, due to the 30 degree weather. As some parents arrived on scene they also informed Officers they were searching for their children or they had unknown children in their vehicles to keep them warm.

Detective Shea made contact with some of these children, Victim B, Victim H, Victim A, Victim F, and Victim G, and asked them what happened. The children advised the bus driver was "driving everywhere" and not letting anyone off at their stops. The bus driver had been "slamming on the brakes," causing everyone to hit their heads, while also just driving through the neighborhood. The Victims stated they were calling their parents/911 as the bus only stopped when someone pulled in front and spoke with the driver. The bus driver was yelling and screaming at them during the route when they were trying to tell him that he had missed their stops. At one point, the Victims said the bus driver said he was "god of the bus" or something similar as he yelled at them.

Another child, who was not identified at that time, but was around the group, shouted that the bus driver also didn't put on/out his stop sign. The children also mentioned the bus driver stopping in the middle of the road, with one of the children pointing towards the intersection of Merton Avenue and Marquette Road.

Detective Shea also made contact with Victim A1, the guardian of Victim A, who stated he also had a child sitting his vehicle to stay warm. This child was identified as Victim C, a 4 year old child, who was ultimately cared for by Hartland EMS.

Detective Shea later learned that many of the children had attempted to walk home, crossing the roadway during rush hour, before staying at friends' or random strangers' houses where they were picked up by the parents.

Victim B indicated she struck her head numerous times when the bus driver slammed on the brakes, stating she had an 8 out of 10 level headache. Due to concerns of a potential concussion for Victim B, Hartland Fire Department evaluated her. Victim B informed EMS that the headache began after the incident on the bus and had progressively gotten worse.

Minimal Facts Interviews of Victims A, B, and

Detective Hoffa conducted a minimal facts interview of three children. Victim A reported she was 13 years old and in 8th grade. Victim A said they had a substitute bus driver today, and she didn't recognize the man who drove her bus today. Victim A said the bus driver got mad at

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the kids on the bus because some of them stood up to tell him that he went past their bus stop. Victim A said the bus driver went in two circles past the first bus stop near Walgreens and then missed several other bus stops. Victim A stated the bus driver also hit the brakes on the bus, so some kids hit their heads on the bus.

Victim A said the kids tried to get off the front of the bus, but the bus driver wouldn't open the door. Victim A said Victim B got pushed at the front of the bus by the driver, but Victim A didn't see the push happen. Victim A said everyone was scared on the bus and crying. She said parents came. Victim A said she had been on the phone with her older sister trying to figure out if they should open the back emergency door. Victim A said they didn't end up opening the back door.

Victim A said she was in the back of the bus with Victim F, Victim B, and another little girl. She said she couldn't hear what the bus driver was saying while he was driving. Victim A said parents came and were trying to get their kids off the bus. Victim A said the driver then opened the front door and the kids all exited the bus. Victim A said she was crying. Victim A denied having any injuries, and did not know if there were any kids on the bus who were hurt but said the kids were scared and crying.

Detective Hoffa then conducted a minimal facts interview of Victim B, a 12 year old in 7th grade. Victim B said the bus driver had almost gotten them home. She said the bus driver had yelled at the kids on the bus to "shut up". Victim B said the driver also "slammed" on the brakes and everyone hit their head on the bus. Victim B said she hit her head on the back of the bus seat behind her. Victim B said she had a pounding headache currently.

Victim B thought the defendant was speeding. She said the bus driver was supposed to stop at her bus stop, but he drove past it without stopping. Victim B said the bus driver had the bus stop paper in his hand, looked at it, and then dropped it on the ground while the bus was stopped.

She said the driver passed her bus stop by the stop sign near Walgreens (Detective Hoffa knows this to be the intersection of Merton Ave and Sunnyslope Drive). Victim B said the bus driver then went in a circle and missed more bus stops. Victim B said kids were yelling that he missed their bus stop. Victim B said the driver picked up the microphone on the bus twice and told everyone on the bus to "shut up". Victim B said after the driver went in a circle, the driver stopped the bus where the police ended up at. Victim B said she thought a parent had blocked the bus because she saw a white car in front of the bus and then the bus driver opened the front door. Victim B said the parent told the driver to let the kids off, but the driver said no.

Victim B said she walked to the front of the bus because the kids were crying. She said she told the driver to let her off the bus, but the driver pushed Victim B with his forearm on her chest. Victim B said the kids then all got off the bus. Victim B stated she still had a headache. Victim B also stated she saw some other kids "fly back in their seats when this incident happened."

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Victim B did have a slight reddening on her chest, however, in reviewing the bus surveillance video it was determined that the area in which the defendant made contact with Victim B to be near her lower body, stomach or abdomen area, not her chest, and therefore it appears the markings were not from the defendant making contact with Victim B's chest.

Detective Hoffa then conducted a minimal facts interview of Victim H, a 13 year old child in 8th grade. Victim H said she thought the bus driver was swerving on the highway because he kept looking back at the kids on the bus while driving and was telling the kids to "shut up and sit down." Victim H said the bus driver missed the first bus stop by Walgreens, so a lot of the kids told the bus driver he missed their stop.

Victim H said the bus driver also missed some other bus stops, and they kept telling the driver to stop the bus because he missed their stops. Victim H said the driver wouldn't stop the bus and told them to "sit down and shut up".

Victim H said the driver kept driving around. Victim H said she called her mom about seven times, but her mom didn't answer her phone.

Victim H said the bus driver then turned into a subdivision and "almost crashed into a car" and didn't put the bus in park when a parent was trying to get their kid off of the bus. Victim H said all of the kids then got off the bus, and she saw the bus driver push Victim B with his forearm on Victim B's chest. Victim H said the bus driver was "driving crazy". Victim H stated she was not injured. Victim H stated this incident scared her because she has never been in situation like this before.

Lieutenant Souther spoke with Victim L1, the parent of Victims L and M. Victim M told Victim L1 that "that was the most terrifying day of my life," and "I thought he was going to kidnap us." Victim L1 confirmed her children were scared and upset from this incident.

In speaking with various parents of the children on the bus, Victim parent F1, the parent of Victims F and G, indicated both of her children were reporting headache from the bus driver slamming his brakes and hitting their heads. Victim parent T1, the parent of Victim T, stated her daughter, Victim T, told her "the bus was going so fast it was going to tip." Victim T1 also stated she watched the bus driving around the subdivision and thought it was moving fast.

Ultimately, Officers were able to determine that 27 children were on the bus that day, later identified as Victims A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, and AA. All of these victims are ages four to fourteen years old, in school grades K4 to 8th grade.

The statements of the Victims are accurate and reliable in that their statements are based on events that they personally witnessed and experienced.

The reports of the Hartland Police Department are accurate and reliable in that their reports are based on an official law enforcement investigation.

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All of this occurred within Waukesha County, Wisconsin.

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

NK/hs/cc
EXT=CODE 3

Subscribed and sworn to before me on
01/29/25
Electronically Signed By:
Andrew Nesheim
Assistant District Attorney
State Bar #: 1117830

Electronically Signed By:
Alyssa Jay
Complainant