

STATE OF WISCONSIN, CIRCUIT COURT, BROWN COUNTY

Daniel J. Summers Jr.

Name of Arrested Person

11-07-84

Date of Birth

Probable Cause Statement

Agency Case No. T24001400

Case No. _____

FILED

FEB 05 2024

Clerk of Courts
Brown County, WI

1. I state as follows: ☒ A. I am the arresting officer in this case **OR**
☐ B. I am a law enforcement officer and make this statement on information and belief.

2. The above-named person was arrested without a warrant on 02-02-24 at 9:30 ☐ a.m. ☒ p.m.
 How identified: ☒ verbally ☐ WI D.L. ☒ Other: (Specify) prior law enforcement contact.

3. I have probable cause to believe that the arrested person committed the following offense(s):

Offense(s)	Statute Number(s)	Offense(s)	Statute Number(s)
1. Strangulation & Suffocation	940.235(1)	2. Battery	940.19(1)
3. Disorderly Conduct	947.01	4. Domestic Abuse Enhancer	968.075

4. Information for following summary provided by: ☐ Alleged Victim: _____
☐ Other: _____

5. I believe the arrested person committed this offense(s) because the alleged victim(s) ☐ did ☒ did not consent to the above listed offense(s): Summarize below and/or ☐ See documentation attached.

On 02-02-24 Maria M. Vannieuwenhoven DOB 08-03-82 stated Daniel hit her thirty times which caused her pain without her consent.

Marla had visible bruising to her face and she told Officer Jose Deras #829 she was also strangled to the point of losing consciousness.

Marla and Daniel have a prior history of residing together for three months at Daniel's parents house 3780 N. County Line Road in 2019.

(Village of Hobart,
Brown County)

State of: Wisconsin

County of: Brown

Subscribed and sworn to before me on: 02/04/24

Notary Public, State of Wisconsin

Print or Type Name

My commission expires: 03/04/2025

Dylan Wheelock
 Person completing Affidavit

Sergeant Dylan Wheelock

Name Printed or Typed

#813/Oneida Police Department

Badge Number/Department

02-04-24

Date

6:26

Time

☒ a.m. ☐ p.m.

- ☐ **Telephone Conference Call Determining Probable Cause**
 The initial probable cause was determined by a telephone conference call. The judge/commissioner instructed me to affix the decision, his/her signature, and date and time in the appropriate location, to be countersigned later by the judge/commissioner.

Officer's Signature

Name Printed or Typed

I have reviewed the probable cause statement dated 2-2-24. Based on the statement: I find probable cause to believe the person arrested committed the offense(s) listed above.

11:39 AM
 Cynthia L. Popel
 Circuit Commissioner
 2/4/24

On 02-02-24 at 19:18 hours I, Sergeant Dylan Wheelock #813 and Officer Jose Deras #829 were dispatched for a disturbance at 108 Riverdale Drive, Village of Hobart, Brown County. Dispatch advised a male, later identified as Daniel J. Summers Jr. DOB 11-07-84, was under the influence and was being physical with parties on scene. The complainant, Jake A. Doxtator DOB 10-21-96 wasn't on scene but going back to the residence and there were no weapons involved. Dispatch advised Daniel was the only person who shouldn't be on scene and Rhea C. Doxtator DOB 05-28-87 and Marla was also on scene. Marla was later identified as Marla M. Vannieuwenhoven DOB 08-03-82. Upon arrival, Marla and Jake were outside of the residence by the front door. Officer Deras identified ourselves as law enforcement. As we got near the front of the residence, I asked what was going on. Jake said, "There's a guy here, he's beating...he beat her up." as he pointed to Marla. Marla was sitting on the porch and was hold her right hand to her face. I asked Jake where he and Daniel was upstairs. I asked Jake how many people were inside the house and Jake replied, "two." I asked who was inside with Daniel and Jake and Marla replied, "Rhea."

Marla said, "She didn't do anything, he...he just....he just kept punching me." I asked if Daniel resided at the residence and Jake replied Daniel was his cousin and Marla replied Daniel was her boyfriend. I asked Marla if she ever lived with Daniel. Marla said, "No." I asked Marla if she ever lived with Daniel and she replied, "Yeah." I asked Marla how long ago and she replied she use to live with him four years prior. Marla said Daniel was kind of stalking her and forcing her into a relationship for a long time. Marla said she never had any proof or evidence. I stepped towards Marla and examined her face while utilizing my flash light and I observed a bruise on her right eyelid. I asked Marla if she was hurt anywhere else and said her face is swollen. I asked if he had any weapons. Jake said, "No." Marla said, "He's a weapon himself, it's Daniel Summers." Marla said, "You guys might want back up." I was familiar with Daniel having a prior history of resisting and carrying weapons and I requested a K9 unit. Hobart-Lawrence Police Officer Casey Breitzman #515 arrived on scene and I briefed him. I asked Officer Breitzman to have HLPD Sergeant R. Radloff #505 respond with less lethal. Officers, Jake, and Marla moved away from the front door for our safety. I asked where Rhea was and Marla told me she was upstairs with Daniel. I asked if she was with Daniel willingly and she didn't know. Marla said Rhea is just as scared of Daniel as she is. I asked if Daniel took any drugs or if he was drunk. Marla said Daniel was "he's on alcohol." I asked about drugs and Marla wasn't sure. Jake resided at the residence and he gave us consent to enter the residence. While waiting for the K9 unit to respond, I spoke with Marla. I confirmed with Marla, Daniel was the person who assaulted her. I asked if she was caused pain and she replied, "So bad." I asked Marla if she gave Daniel permission to cause her pain and she said, "No." I asked again if she was hurt anywhere besides her eye. Marla said, "My whole face hurts." I asked Marla how long she and Daniel resided together. Marla said it was off an on for three months. I asked if there were ever on a lease together anywhere and she said, "No." I asked Marla where she stayed with Daniel and she replied it was at Daniels. parent's house. I was familiar with Daniel's parent's residence on North County Line Road in the Village of Hobart, Brown County.

Shortly after, Rhea exited the residence through the front door. I identified ourselves as law enforcement and directed Rhea towards us and she complied. I asked Rhea where Daniel was in the

residence and she said he was upstairs. I asked Rhea if she had any weapons on her person and she allowed me to conduct a pat down. No weapons were located on her person and she informed me there were knives where Daniel was located in the residence. Rhea was directed by Jake and Marla who were by a tree near the driveway. I asked if there was a phone in the residence so I could attempt to contact Daniel. I was informed there was no phone and only a tablet. Sgt. Radloff arrived on scene and I briefed him. I asked Jake, Rhea and Marla if Daniel had history involving mental health. I was informed he was schizophrenic and undiagnosed psychopath. K9 Deputy G. Roush #283 from the Brown County Sheriff's Office arrived on scene and I briefed him. Deputy Rousch, Sergeant Radloff, Officer Deras and I approached the front of the residence. I opened the front door and said, "DANIEL, IT'S THE ONEIDA POLICE DEPARTMENT. COME OUT WITH YOUR HANDS UP." several times. I observed a chair at the bottom of the steps. I continued to give commands for Daniel to surrender with no response. As I continued to give commands, I observed objects being thrown onto the stairs as Daniel was attempting to barricade himself upstairs. After repeatedly giving commands with no response, officers moved back to large tree to utilize as cover. Marla went to stay at a nearby residence. Officer Deras stayed with her and placed her in his squad and brought her to the Oneida One Stop. Jake and Rhea also went to a relative's residence on County Road U.

With Daniel barricading himself in the residence along with his history of weapons along while also having access to weapons upstairs, the Bearcat (armored vehicle) from the Brown County Sheriff's Office was requested. County Rescue was staged at the Oneida One Stop, W180 State Highway 54, Town of Oneida, Outagamie County and traffic was shut down at Riverdale Drive and W. Service Road, Riverdale Drive & Shenandoah Drive, and County Road U and Shenandoah Drive with the assistance of the Outagamie County Sheriff's Office and Wisconsin State Patrol. I asked dispatch to check Daniel's criminal history to see if there would be domestic repeater charges. Dispatch advised Daniel had one prior conviction in the last ten years. Additional officers and an additional K9 unit from the Green Bay Police Department responded to assist. The homeowner, Bruce C. Doxtator DOB 09-21-68 returned home and I informed him of what was going on. Bruce waited at a nearby relative's house. Consent was later obtained from Bruce by dispatch to enter the residence. The Bearcat arrived on scene and parked in the driveway of the residence. Officers got into the back of the bearcat and announcements were made by the PA system for Daniel to surrender and come outside. An additional County Rescue squad was requested as the first County Rescue squad transported Marla to St. Mary's Hospital in the City of Green Bay.

Daniel eventually came to a upstairs window and announced he would come outside. Shortly after, Daniel went to another upstairs window which was above the main entrance and announced he would come out but didn't want the K9 present or he would break the K9's jaw. Shortly after that, Daniel came downstairs and out the front door and was being compliant as I maintained lethal cover on the front door. Daniel requested the K9 be placed in the Bearcat. Deputy Roush removed his K9 and Daniel got onto his knees near the front of the residence. Officers approached Daniel and he was taken into custody without further issue. Officers moved back to the Bearcat and the residence wasn't cleared since the information provided indicated there was no one else in the residence. I returned to my squad and brought it to the front of the residence. Daniel was searched and secured in my squad. All who assisted

cleared from the call and the roads were re opened. I re initiated contact with Daniel to switch handcuffs so a Brown County Deputy could have his back. When I made contact with Daniel, he moved his handcuffs in front of him. Daniel was removed from the squad and the deputies handcuffs were removed and I placed my handcuffs on Daniel. I checked the handcuffs for fit and safety locked them. Daniel was wearing several sets of gloves which I removed and placed in the trunk of my squad. Daniel had a seat in my squad and I could smell the odor of an intoxicating beverage coming from him. I informed Daniel why we were there. Without being prompted, Daniel said, "No touching of anybody. No physical altercation. That is incorrect." I informed Daniel I wanted to talk to him about Marla's black eye. Daniel said, "She has a black eye? That has nothing to do with me." I read Daniel his Constitutional Rights. Daniel understood his rights and agreed to answer questions. I informed Daniel it appeared Marla was assaulted. Daniel asked if Marla claimed to have a black eye. I informed Daniel she did have a black eye. I informed Daniel, Marla said he was the person who assaulted her.

Daniel said he would never assault a female like that. I asked Daniel what happened. Daniel said he had no idea. Daniel said everyone was claiming to call the cops on him. Daniel said he knew Marla and her physicality, her way of caring for herself along with medications that she takes extra, besides her appointed medications that she is suppose to take, Marla falls on her own and hits a lot of herself. Daniel said he's tried to help catch her but he didn't believe that he would cause any harm to her...to hit her in the eye, to give her a black eye. I asked Daniel what his relationship was with Marla. Daniel said she is supposed to be his girlfriend. Daniel said he would never hurt anyone that was in a relationship with him. I asked Daniel how long they've dating. Daniel said at least two months. I asked Daniel if they lived together and he said, "No." I informed Daniel, Marla said they lived together off and on at his parents house on N. County Line Road. Daniel replied, "Years ago." Daniel said it was like seven, eight years ago. I asked how long they lived together for. Daniel said Marla never really lived with him. Daniel said she would come over and spend the night. I asked if Marla received mail at the residence. Daniel said, "No." I asked if she paid any bills and Daniel said, "No." I asked Daniel if Marla had cloths or a tooth brush there and Daniel said, "No." I asked Daniel again what happened tonight.

Daniel said he had no idea. Daniel said he knew they were worried about him getting inebriated. Daniel said they picked him up and wanted to get him inebriated. Daniel said he refused to and he was mad they were trying to get him involved. Daniel said he told them he was on probation and he just got out of jail two days prior. Daniel said he didn't want to participate in whatever it was they were going to do. Daniel said he told them to leave him alone and they continued to pester, argue and attack him with verbal "things." Daniel said he progressed to say things back and warned them. Daniel said that is as far as it went and they all ran downstairs and said they were calling the cops. Daniel said he didn't believe them and laughed. Daniel said he understood that he barricaded himself in because his paranoia kicked in. Daniel said he has a lot of mental disorders. Daniel said that is the best he can explain it. Daniel said if Marla had a black eye, he had no idea who the hell hit her or how she obtained it. Daniel said he did not touch her. Daniel said I could look at his fingerprints. Daniel said the gloves were only put on after we (police) came. Daniel said, "So, I mean, there should be no blood or evidence or me even doing such a heinous..." I asked Daniel if he put his hands on anyone. Daniel said, "I would not." Daniel mentioned

something about "them" trying to grab him and break his "open space" but it was difficult to understand of the entirety of what he said.

Daniel said he was trying to get a ride to go back to his own house and go to sleep. I asked what time Daniel arrived at the residence. He wasn't sure but said he imagined it was around 6:00 pm. I asked Daniel how much he had to drink. Daniel said an eighth of a 1.75 liter. I asked Daniel what it was and Daniel said it was vodka. I asked Daniel if there was anything else that I should know. Daniel said, "Not that I believe." Daniel said as far as the black eye, it was new news to him. Daniel said he wouldn't hurt her like that and he didn't believe in men hitting women like that. Daniel said anything Marla did could be a repercussion of anybody else or another female maybe altercating with her or whatever she did on her own means. I asked dispatch to contact Bruce and advise them they can return to the residence. I repositioned my squad into the driveway and I confirmed Daniels name, date of birth, and address. I spoke with Rhea in the driveway. I informed Rhea I wanted to ask her what happened. Rhea said Daniel's mother dropped him off and Rhea said they weren't allowed to have people over. I asked what happened in the house. Rhea said "they" were fighting. I asked who "they" was. I asked if it was Marla and Daniel and Rhea said, "Yeah." I asked Rhea if she could describe how they were fighting and Rhea said she wasn't making any statements.

I made contact with Jake at the front door of the residence. I asked him if he could tell me what happened. Jake said he got dropped off by his mom. Jake said he wasn't there when he started beating Marla up. Jake said Daniel hit him on the side. I asked if being hit caused him pain. Jake said when he struck it kind of did. Jake left the residence, went to his grandmother's house and called the cops. I asked Jake what was his relationship to Daniel and Jake replied he was his cousin. Jake hasn't resided with Daniel. I asked Jake if he wanted to press charges for being hit and he declined. I asked Jake if he observed anything between Daniel and Marla. Jake said, "No." I asked Jake if he heard anything and he replied, "No." I asked Jake how he knew Marla was assaulted and Jake said she told him. I asked Jake what he told her. Marla told Jake, "He beat me up." Jake said, "And I, I noticed her eye was kind of black. Swollen, her face was swollen." I asked Jake if I could enter the residence because I wanted to look at the stairs where Daniel was throwing objects. Bruce was in the residence and I asked him if anything on the stairs was normally there. Bruce said, "None of it was. it was, it all came from upstairs." Bruce told me apparently Daniel broke a bulb upstairs too. I asked Bruce if he wanted to press charges and he declined. On the stairs was a chair, clothes, a blanket and other miscellaneous items.

I ended contact at the residence and I stepped outside. I opened a window for Daniel at his request. I contacted Officer Deras and he informed me Marla said Daniel struck her thirty times and she was also strangled to the point she lost consciousness. Daniel was trying to get my attention while I was trying to speak with Officer Deras. I went by Daniel and he wanted to speak with Rhea. Daniel said he could get Rhea to "comply" with a statement he she talked to him. I informed to let me finish my phone call and I see if she would say bye to him. I continued speaking to Officer Deras and learned Marla and Daniel resided together on N. County Line Road in the Village of Hobart, Brown County for three months in 2019. Daniel's address is 3780 N. County Line Road which is also his parent's address. After I ended

contact with Officer Deras, I went back to the residence and I made contact with Rhea and I informed her, Daniel wanted to speak with her. Rhea went to my squad and spoke to Daniel through the window. While Rhea was speaking to Daniel, I heard Rhea say, "That happened." and "That was you." I heard Daniel reply, "Don't say that was me." I also heard Rhea tell Daniel she "seen it" and she had to "drag" him off. After Rhea stopped speaking to Daniel, I spoke to Daniel and informed him of his charges. Daniel wanted to know if he could press charges back because Marla strangled him too and Daniel said he could have Rhea confirm that. Daniel asked if I could have Rhea come back and as I was telling him no, Daniel said Marla strangled him first and he remembered that part earlier in the day. I asked Daniel why he didn't tell me that earlier. Daniel said, "Why would I tell you that? I don't want to get anybody in trouble." I informed Daniel it sound like he was trying to retaliate. Daniel said he didn't strangle Marla at all.

Daniel told me I have to get Rhea to come back. I told Daniel, Rhea didn't want to make a statement. Daniel said he will make Rhea make a statement. I contact the Wisconsin Department of Corrections and Daniel was placed on a Probation Hold 973.10. While in the back of my squad. Daniel said Marla grabbed him by the throat three to four times before he asked her to stop. Daniel also said Marla put him in two choke holds. Daniel said Marla also threatened his life and told him she was going to kill him several times today. Daniel said they would confirm that she said that. I informed Daniel I tried speak with them (Jake and Rhea). Daniel asked if I would try one more time. I told Daniel no. Daniel told me to shoot him. Daniel said he wanted Rhea to write a statement. I told Daniel he could ask her that. I told Daniel, Rhea said she didn't want to make a statement. Daniel asked if I could ask Rhea one more time. Daniel said, "And I will tell her she can." I began transporting Daniel to the Brown County Jail. Daniel said Marla sent a younger girl after him to stab him in the throat. Daniel told me he didn't have to do anything and Marla could wind up dead just from saying that shit. Daniel said the last time someone wrote a statement against him, five people wound up dead. Daniel said, "Fentanyl, that's what they claimed. Fentanyl." Daniel said, "Man you guys know that I would fucking take you all out." Daniel talked about being barricaded and told me none of us would've got in and I should be happy that I'm alive. I transported Daniel to the Brown County Crisis Center prior to the jail since he told me to shoot him.

The crisis counselor attempted to speak with Daniel and he told her to go to hell. The counselor said she would call the jail and I transported Daniel to the Brown County Jail where he was booked in for Domestic Battery 940.19(1)/968.075, Domestic Disorderly Conduct 947.01/968.075, and Domestic Strangulation & Suffocation 940.235(1)/968.075. Daniel slipped his handcuffs in front of him again at the jail and he was counting money that was on his person. Daniel's gloves were turned over to the jail staff. I explained the 72 hour and five day no contact order to Daniel. I read Daniel the 72 hour Domestic Abuse No Contact Prohibition Arrest Notice and Daniel refused to sign it. The form was witnessed by a correctional officer and a copy was left for Daniel's property and the jail. See Officer Deras' supplement for further details regarding his contact with Marla at the hospital. On 02-03-24, I went to 108 Riverdale Drive to attempt follow up with Marla and no contact was made at the residence. Additional follow up with be attempted with Marla. The incident was recorded on my Axon Body Camera.

Sergeant Dylan Wheelock #813