

STATE OF WISCONSIN CIRCUIT COURT IOWA COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case Nos. 22-CF-176
22-CF-177

ARIC L. WAY,
DOB: 03/15/1971,
Sex/Race: M/W

PHILIP G. SCHMIDT-WAY,
DOB: 05/16/1994,
Sex/Race: M/W

Defendants.

Circuit Court, Iowa County, WI
FILED

NOV 03 2022

LIAN LEAHY, CLERK

CRIMINAL COMPLAINT

The undersigned complaining witness, being first duly sworn on oath states upon information and belief:

COUNT 1: FIRST-DEGREE HOMICIDE, AS PARTY TO A CRIME (as to Aric L. Way)

The above-named Defendant, Aric L. Way, as party to a crime pursuant to Wis. Stat. § 939.05, did on or about July 19, 2021, in the town of Dodgeville, county of Iowa, state of Wisconsin, cause the death of another human being with intent to kill that person, to wit, Victim, in violation of Wis. Stat. § 940.01(1)(a), a Class A felony punishable by life imprisonment pursuant to Wis. Stat. § 939.50.

COUNT 2: FIRST-DEGREE HOMICIDE, AS PARTY TO A CRIME (as to Philip G. Schmidt-Way)

The above-named Defendant Philip G. Schmidt-Way, as party to a crime pursuant to Wis. Stat. § 939.05, did on or about July 19, 2021, in the town of Dodgeville, county of Iowa, state of Wisconsin, cause the death of another human being with intent to kill that person, to wit, Victim, in violation of Wis. Stat. § 940.01(1)(a), a Class A felony punishable by life imprisonment pursuant to Wis. Stat. § 939.50.

STATEMENT OF PROBABLE CAUSE

Complainant is a Special Agent with Wisconsin Department of Justice, Division of Criminal Investigation. This Complaint is based upon Complainant's own investigation and reports from the Wisconsin Department of Justice, the Iowa County Sheriff's Department, and the Wisconsin State Crime Laboratory. Complainant is familiar with these types of records and knows they are prepared in the ordinary course of business.

The above-named Defendant, Aric Way, is Victim's son and the above-named Defendant, Philip Schmidt-Way, is Victim's grandson (Aric Way's son). Victim lived alone in a residence at 3488 Hunter Hollow Road, in the town of Dodgeville, Iowa County, Wisconsin, which was part of a 72-acre farmstead. Victim intended to sell the farm to a married couple who had been friends with Victim for many years. A residential offer to purchase the farmstead was signed on June 9, 2021. The closing date was set for July 30, 2021.

Aric Way was aware Victim intended to sell the farm, and he did not approve of the sale. Facebook messages sent from Aric Way's Facebook account were obtained by search warrant, which included the following message sent to a Facebook friend on May 31, 2021, explaining Aric Way wanted to get "legal guardianship of [his] mother before she sells the

family farm for a handful of beans." Aric Way filed a Petition for Permanent Guardianship Due to Incompetency on June 2, 2021.

Aric Way's Facebook messages included conversations with Defendant Philip Schmidt-Way discussing plans to prevent Victim from selling the farm. Aric Way and Philip Schmidt-Way strategized about the guardianship proceedings, with Philip offering to "throw money" for a new attorney to get a better chance at a favorable outcome. When discussing likely failure of Aric Way's guardianship petition, Defendants had the following exchange over Facebook Messenger on June 11, 2021:

Philip Schmidt-Way: I guess more than switching I was wondering if there are other avenues to explore. Idk I'm sure we will know more after they get back to you I just feel that sooner will be better for us then later.

Aric Way: I don't know either. I'll ask.

Philip Schmidt-Way: Ok Do what u have to, to take care of ur self. I love u a lot man and I'll make sure that we are ok, ur not going to be on the streets. I know this is getting really fucking tough and we need to make sure we hold it together.

Philip Schmidt-Way: I really feel like we dont have much footing and to give in now is sure defeat. I think the only hope is to keep pushing and if it falls apart then we can walk away. I guess most of what I'm asking is to try to pull through till the end. And know that I got u man and would never do some shit like that to any of you.

Aric Way: I'll not give up, yet.

Philip Schmidt-Way: There are lots of ways this could still go ik we are both super worked up and it's hard to sit and wait for even a second. We will come through this and figure something out man

A hearing was held on the guardianship petition on June 16, 2021, at which time Aric Way's petition was dismissed. Aric Way sent the following Facebook messages to Philip Schmidt-Way later the same day:

Aric Way: today was a complete failure

...

Aric Way: thanks for calling me today. I'm sorry if I was out of it or overdramatic. I took more than my usual dose of antidepressants, not more than is safe, and sent myself to bed... ...I do think you are handling the [Victim] situation well. I sorry that I wasn't more successful

Following the guardianship proceedings, Victim decided to make changes to her will, which was prepared in 2009. Victim's 2009 will provided for Aric Way to inherit a life estate in the farmstead upon her death, with the remainder interest going to Philip Schmidt-Way. The will further provided that if Philip Schmidt-Way died before Victim, then Victim gave "all right, title and interest in" the farm to Aric Way. Finally, the 2009 will left "all of [Victim's] tangible business, farm and personal property, including, but not limited to furniture, tools, equipment, furnishings, and motor vehicles, and all insurance policies insuring the foregoing against loss or insuring the owner against liability" to Aric Way. If Aric died before Victim, those items would be given to Philip Schmidt-Way.

Victim met with her attorney on June 30, 2021 to make changes to her estate plan with a new will, which was ultimately tendered and signed by Victim and witnesses on July 13, 2021. In the 2021 will, Aric Way was removed as the personal representative. The new will gave "all the rest and residue of [Victim's] estate of whatever character, real and personal, legal and equitable, wheresoever located and including any property" to Philip Schmidt-Way. The 2021 will clarified that Victim was "intentionally not leaving any gift or distribution to" Aric Way.

A. THE SUSPICIOUS CIRCUMSTANCES OF VICTIM'S DEATH

On July 19, 2021, a man who arranged to purchase a book collection from Victim found Victim unresponsive in her bedroom at the residence located at 3488 Hunter Hollow Road, town of Dodgeville, Iowa County, Wisconsin. An EMS crew arrived at the scene and

tended to Victim. While assessing Victim's condition, a crew member's carbon monoxide monitor alarmed. The house was evacuated, and the fire department was called to assist.

Members of the fire department arrived at Victim's residence and measured the carbon monoxide levels throughout the house. The reported carbon monoxide levels were 60+ parts per million (ppm) inside Victim's bedroom, 30-40 ppm range outside Victim's bedroom, and 18 ppm in the basement.

A search of the residence revealed no apparent source for the elevated levels of carbon monoxide. There was no natural gas service to the residence. All appliances and major mechanical systems in the residence operated on electricity. No internal combustion engines were in the area to exhaust into the residence.

Victim was pronounced dead at 11:33 a.m. on July 19, 2021. A witness had reported seeing Victim alive at the residence the day prior, on the afternoon of July 18, 2021.

The EMS Chief was among those who responded to the call. The EMS Chief was familiar with the residence from previous calls. The EMS Chief said he immediately saw a stain on the carpeted floor near the foot of Victim's bed. He described the stain as "L." shaped and approximately 6" long on one leg and 2" long on the other leg.

A caretaker, who was later interviewed, said the unusual stain was not present when she vacuumed the carpet on July 16, 2021. A section of this carpet was cut from the floor by Iowa County Sheriff's Office Detective Lana Bowers and a firefighter. The firefighter observed the floor under the carpet was wet, but there was no noticeable odor.

Dr. Robert Corliss performed an autopsy of Victim on July 21, 2021. Dr. Corliss found Victim had carbon monoxide poisoning, which included an initial elevated postmortem blood carbon monoxide level of 17.4%. Additionally, Dr. Corliss found indications of recent trauma, including apparent acute/recent contusion(s) to Victim's left eye/face. Dr. Corliss clearly

observed swelling across Victim's left cheek and of her left periorbital region, as well as scattered apparent petechial hemorrhages along Victim's lower left eyelid. An incision into Victim's chest revealed dense, confluent subcutaneous hemorrhage to the left shoulder and upper chest, above and below the clavicle. Dr. Corliss also noted Victim had apparent vascular access/puncture sites on her dorsal right hand and ulnar right wrist.

Dr. Corliss noted Victim suffered from various health conditions, which included morbid obesity, diabetes, depression, kidney disease, hypertensive and dilated heart disease, and mild atherosclerotic cardiovascular disease.

B. SUSPICIOUS TRUCK CAPTURED BY TRAIL CAMERA

Law enforcement observed a trail camera on Victim's property that was positioned to capture images of vehicles coming and going along Victim's driveway. The trail camera was found to have captured two images of a suspicious truck during the early morning hours of July 19, 2021, just hours before Victim was found dead. The first image, captured at 2:57 a.m., showed a truck heading up the driveway toward the residence with its headlights extinguished. The second image, captured at 5:24 a.m., showed the same truck appearing to leave Victim's residence. While the license plates could not be deciphered, the truck had distinct features. The truck had special rims with circles in them, truck bed handrails, decals on the rear window, and a double arm mirror.

C. DEFENDANTS ARE CONNECTED TO THE SUSPICIOUS TRUCK

Aric Way agreed to speak with law enforcement at the Iowa County Sheriff's Office on July 20, 2021. Aric Way was observed by Deputy Travis Cliff being dropped off at the sheriff's office by someone driving a truck. Deputy Cliff recognized the truck Aric Way exited to be a Ford F-250 that appeared to match the unique features of the truck captured in the trail

camera images referenced above. The truck left the area of the sheriff's office after Aric Way went inside to be interviewed.

Aric Way lied about being with Philip Schmidt-Way during interview

Detective Lana Bowers interviewed Aric Way at the Iowa County Sheriff's Office on July 20, 2021. During the interview, Aric Way said he no longer drove a vehicle due to a multiple sclerosis diagnosis. Aric Way said it was not illegal for him to drive, but with muscle imbalance issues he preferred not to drive. Aric Way discussed being upset about the sale of Victim's house and farmstead to Victim's friends. Aric Way said he was upset because he felt Victim was being swindled, not because it was his inheritance. Aric Way pointed out that the farm was not his inheritance, as it was intended to be his son's inheritance.

Detective Bowers asked if Philip Schmidt-Way had been back to Wisconsin, and Aric Way explained he was still waiting for Philip Schmidt-Way. Aric Way previously explained that Philip Schmidt-Way lived in Colorado. Aric Way said he was hoping Philip Schmidt-Way would come and take him in for a couple of weeks. Detective Bowers said she heard that Philip Schmidt-Way was back in Wisconsin over the weekend. Aric Way said that if Philip was back in Wisconsin, then he had not seen Philip.

Detective Bowers asked Aric Way who dropped him off at the Sheriff's Office for the interview, and Aric Way gave the name of one of his friends. Detective Bowers asked if there was any reason this friend's vehicle would have been at Victim's residence, and Aric replied that his friend did not know Victim and there was no reason his friend's vehicle would have been at Victim's residence.

Detective Bowers asked if Aric Way would call his friend so law enforcement could speak with him. Aric Way asked why, and Detective Bowers said that she believed the friend's vehicle had been at Victim's residence. Aric Way refused to call his friend for Detective Bowers without talking to him first.

A subsequent review of Facebook records showed Aric Way communicated with Philip Schmidt-Way during the time he was being interviewed at the Sheriff's Office. At 4:08 p.m., consistent with a break in the interview, Aric Way messaged Philip Schmidt-Way: "Ok so far." At 4:21 p.m., Aric Way messaged Philip Schmidt-Way: "Stay away." The interview of Aric Way by law enforcement began at 3:12 p.m. and ended at 4:14 p.m., with the discussion about the vehicle at Victim's residence occurring after the break in the interview.

Philip Schmidt-Way drove the truck

Law enforcement followed the F-250 that dropped off Aric Way at the Sheriff's Office. The truck had Colorado license plates and was registered to Philip Schmidt-Way. Eventually, the truck parked in the parking lot at the Dodgeville Farm and Fleet. Investigator Richard Severson of the Iowa County Sheriff's Office contacted the driver of the truck, who was identified as Defendant Philip Schmidt-Way. The truck was an early 2000s Ford, model F-250, with a two-tone paint scheme, prominent wheel features, bed rails, and large decals including the words "PANTY DROPPER" spanning the top of the front windshield and two mirrored silhouettes of what appear to be exotic dancers on the back window.

Philip Schmidt-Way's truck appeared consistent with the truck captured by the trail camera during the early morning hours of July 19, 2021. The truck was towed to the Sheriff's Office and was secured in the garage. An initial search of the truck, conducted pursuant to a search warrant, resulted in the discovery of a "canister style" half-face respirator, as well as point-of-sale receipts, including one that documented Philip Schmidt-Way's purchase of a carbon monoxide alarm with digital display from a Colorado Home Depot store on July 12, 2021.

City of Madison surveillance footage

On July 19, 2021, Aric Way still lived at a home on East Washington Avenue in the city of Madison, Wisconsin. DCI Agents reviewed footage from the city's street surveillance system, which captured Philip Schmidt-Way's distinctive truck driving from the area of Aric Way's home on East Washington Avenue, getting onto the Madison Beltline, and exiting toward Dodgeville on U.S. Hwy 18 during the early morning hours of July 19, 2021. Specifically, the truck was observed exiting onto U.S. Hwy 18 toward Dodgeville at 1:50 a.m. The truck was observed returning by the same route hours later. Specifically, the truck was observed exiting the Madison Beltline onto John Nolen Drive at 6:27 a.m. The departure and return observations of the truck in Madison were consistent with a trip to and from Victim's farm outside of Dodgeville at the times when the suspicious truck was captured by the trail camera.

D. PLAUSIBLE SOURCE OF CARBON MONOXIDE

Your Complainant knows from discussions with laboratory analysts that carbon monoxide can be produced by combining sulfuric acid with formic acid. When combined, sulfuric acid consumes the formic acid in a chemical reaction that releases carbon monoxide gas and leaves behind water.

Complainant knows that sulfuric acid is a strong and potentially dangerous acid that is not commonly found in high concentrations in consumer goods, except it can be found in high concentrations in some specialized drain cleaning products.

Complainant knows that formic acid is not commonly found in high concentrations in consumer goods, except it can be found in high concentration in products associated with beekeeping, primarily as a treatment for mite infestations in beehives, which products are available for beekeeping hobbyists to buy. Aric Way's Facebook account included

conversation threads and pictures that showed he was friends with people who engaged in a beekeeping hobby, and that he joined them in some of the beekeeping activities.

E. EVIDENCE ARIC WAY PROCURED NECESSARY CHEMICALS

Law enforcement obtained records from Aric Way's Google account through a search warrant. The Google Search History revealed that just days before Victim's death, Aric Way's account was used to conduct Google searches for a beekeeping supply store and drain cleaners with high concentrations of sulfuric acid. Portions of the search history are included below:

7/1/2021 9:55:58 PM	Searched for	Can RICO be invoked in a State case?
7/16/2021 2:06:08 PM	Searched for	columbus wi
7/16/2021 2:30:16 PM	Searched for	columbus wi
7/16/2021 2:30:26 PM	Searched for	columbus wi bees
7/16/2021 2:30:26 PM	Viewed	Capital Bee Supply, LLC
7/16/2021 3:32:46 PM	Searched for	sulphuric acid home depot
7/16/2021 3:34:10 PM	Visited	How to Use Sulfuric Acid for Drain Cleaning Hunker

7/16/2021 3:36:22 PM	Searched for	what drain cleaner has the most sulfuric acid
7/16/2021 7:33:59 PM	Searched for	sulphuric acid drain cleaner
7/16/2021 7:34:53 PM	Searched for	sulphuric acid drain cleaner
7/16/2021 7:36:41 PM	Searched for	sulphuric acid drain cleaner
7/16/2021 7:37:02 PM	Searched for	sulfuric acid drain cleaner near me
7/16/2021 7:37:14 PM	Searched for	sulfuric acid drain cleaner near me
7/16/2021 7:37:56 PM	Searched for	sulfuric acid drain cleaner home depot
7/16/2021 7:44:44 PM	Searched for	Sodium hydroxide
7/16/2021 7:45:16 PM	Searched for	Sulfuric acid
7/16/2021 7:45:48 PM	Searched for	sulfuric acid ace hardware
7/16/2021 7:47:26 PM	Searched for	Amazing Liquid Fire Liquid Drain Opener
7/16/2021 7:48:18 PM	Searched for	Amazing Liquid Fire Liquid Drain Opener sds
7/17/2021 3:10:12 PM	Searched for	liquid fire drain cleaner

7/22/2021 10:40:40 PM	Searched for	does carbon monoxide make you hallucinate
-----------------------	--------------	---

Location records from Aric Way's Google Dashboard were reviewed, which included GPS coordinates associated with an Android phone. Law enforcement reviewed artifacts from

Aric Way's cell phone¹ and learned that it was signed in to and associated with Aric Way's Google account, thefatkidsphone@gmail.com. Relevant portions of the Google Dashboard records include the following:

- On July 16, 2021, from approximately 2:35PM CDT to 2:47PM CDT, the Android phone was in the vicinity of Capital Bee Supply, LLC, located at 200 Commercial Dr., Columbus, WI 53925.
- On July 17, 2021, from approximately 3:40PM CDT to 3:50PM CDT, the Android phone was in the vicinity of Wolff Kubly ACE Hardware, located at 6305 University Ave., Middleton, WI.
- On July 19, 2021, from approximately 2:41AM CDT to 5:27AM CDT, the Android phone was in the vicinity of Aric Way's residence, located at 2225 Washington Ave., Madison, WI 53704.

Owners of Capital Bee Supply, LLC were interviewed, and it was learned that a new customer purchased a full case of formic acid strips on July 16, 2021. The owners indicated it was unusual for a hobbyist beekeeper to purchase more than a few strips of the formic acid treatment at any one time. The case of formic acid strips sold to the new customer was the only case sold at the store that month. The owners were shown photographs of Aric Way, and said they believed he was the person who bought the case of formic acid strips.

An interview with the owner of Wolff Kubly ACE Hardware in Madison confirmed one gallon of Liquid Fire drain cleaner was purchased on July 17, 2021, at 3:43 p.m., and the customer paid in cash. This sale occurred while Aric Way's phone was geolocated in the vicinity of Wolff Kubly ACE Hardware, and shortly after Aric Way's Google account searched "liquid fire drain cleaner."

¹ Aric Way was arrested on July 20, 2021, for obstruction. A black Samsung Galaxy cell phone was recovered from Aric Way at that time. The contents of that phone were forensically extracted on July 23, 2021, pursuant to a search warrant.

F. ARIC WAY AND PHILIP SCHMIDT-WAY MADE PLANS IN THE DAYS BEFORE VICTIM'S DEATH

As noted above, Aric Way lied to Detective Bowers about Philip being in Wisconsin the weekend preceding July 19, 2021. Aric Way and Philip Schmidt-Way were in contact prior to Victim's death and discussed Philip coming to Wisconsin. On July 13, 2021, Aric Way sent a Facebook message to Philip Schmidt-Way and asked if he was still "planning on coming to town Thursday". On July 16, 2021, Aric Way texted Philip Schmidt-Way, "There's an extra key in the mailbox when you get h." On July 16, 2021, Aric Way texted Philip Schmidt-Way, "I got the wrong things at the hardware store today but I think I know what I want now." On July 18, 2021, at 7:52 p.m., Aric Way Facebook messaged Philip Schmidt-Way, "I'm going to lie down for a bit. wake me up when you come down."

G. FORENSIC EVIDENCE FROM PHILIP SCHMIDT-WAY'S TRUCK LINKED TO DEATH SCENE AND A CHEMICAL SOURCE OF CARBON MONOXIDE

On October 26, 2021, Philip Schmidt-Way's truck was searched by the Wisconsin State Crime Lab – Crime Scene Response Team pursuant to a search warrant. Pieces of the front-right passenger carpet were cut from the floorboard. There was a noted white/brown residue. The plastic trim piece from the front passenger floor was also collected.

Wisconsin State Crime Laboratory Analyst Ruth Henk conducted an analysis of evidence recovered from Victim's bedroom and Schmidt-Way's truck. Analyzed items from Victim's bedroom included sections of stained carpet and bedding recovered from Victim's bedroom. Analyst Henk also analyzed the cuttings and trim board recovered from Philip Schmidt-Way's truck. Analyst Henk used visual examination, pH determination, chemical spot tests, electron microscopy with energy dispersive x-ray analysis and infrared spectroscopy.

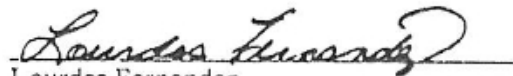
Analyst Henk determined that white powdery substances found in Victim's bedroom on her carpet and bedding, as well as a white powdery substance found on Philip Schmidt-Way's truck's trim board, were sodium bicarbonate and sodium sulfate.

Complainant is aware that sodium bicarbonate, commonly known as baking soda, is a substance used to clean-up or neutralize acid spills, including spills of sulfuric acid. Complainant is aware that sodium sulfate is itself a byproduct of the reaction of sulfuric acid with sodium bicarbonate.

This Criminal Complaint contains a summary of facts necessary to establish probable cause. It does not contain all facts known to Complainant that may be relevant to this investigation.

Dated this 1st day of November, 2022.

COMPLAINANT:



Lourdes Fernandez
Special Agent
Wisconsin Department of Justice,
Division of Criminal Investigation

Subscribed and sworn to before me,
and approved for filing,
this 1st day of November, 2022.

s/ Edward J. Minser
EDWARD J. MINSER
Assistant Attorney General
State Bar No. 1088043

Wisconsin Department of Justice
Post Office Box 7857
Madison, WI 53707-7857