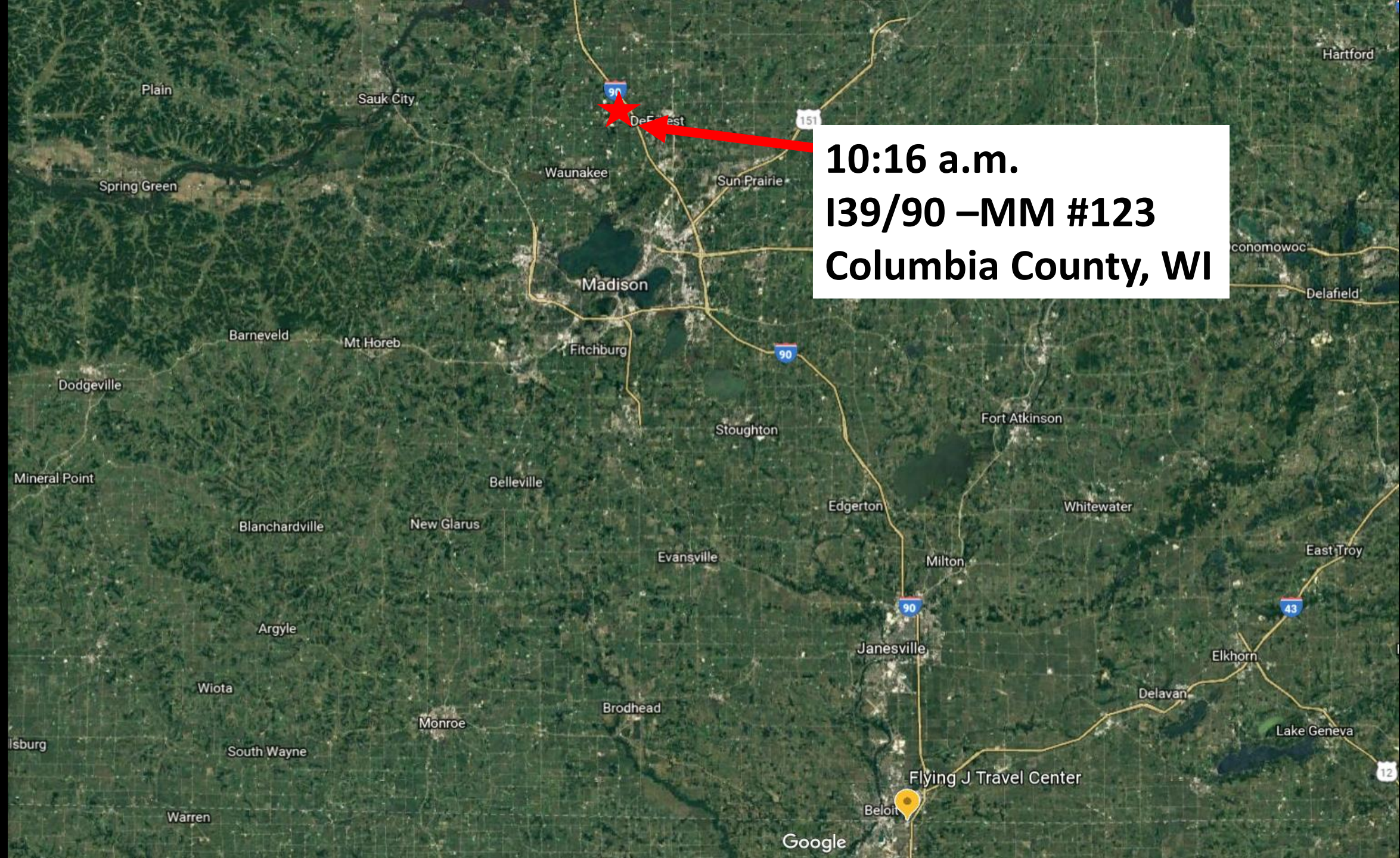
An aerial photograph showing a yellow school bus that has crashed on a paved road. The bus is heavily damaged, particularly at the front, and is partially off the road onto a grassy area. Debris is scattered around the bus. In the background, a utility vehicle and a person in a high-visibility vest are visible on the road. The scene is dimly lit, suggesting dusk or dawn.

A Field Trip To Remember  
May 23, 2018

# State of Wisconsin vs. Wayne Murphy





**10:16 a.m.**  
**I39/90 -MM #123**  
**Columbia County, WI**



The image shows the logo for Pilot Flying J, which consists of the word "Pilot." in a bold, white, sans-serif font with a red outline, and "FLYING J" in a stylized, white, sans-serif font with a red outline, set against a red background. The logo is partially cut off on the left side.

Pilot.

FLYING J

## State vs. Wayne Murphy

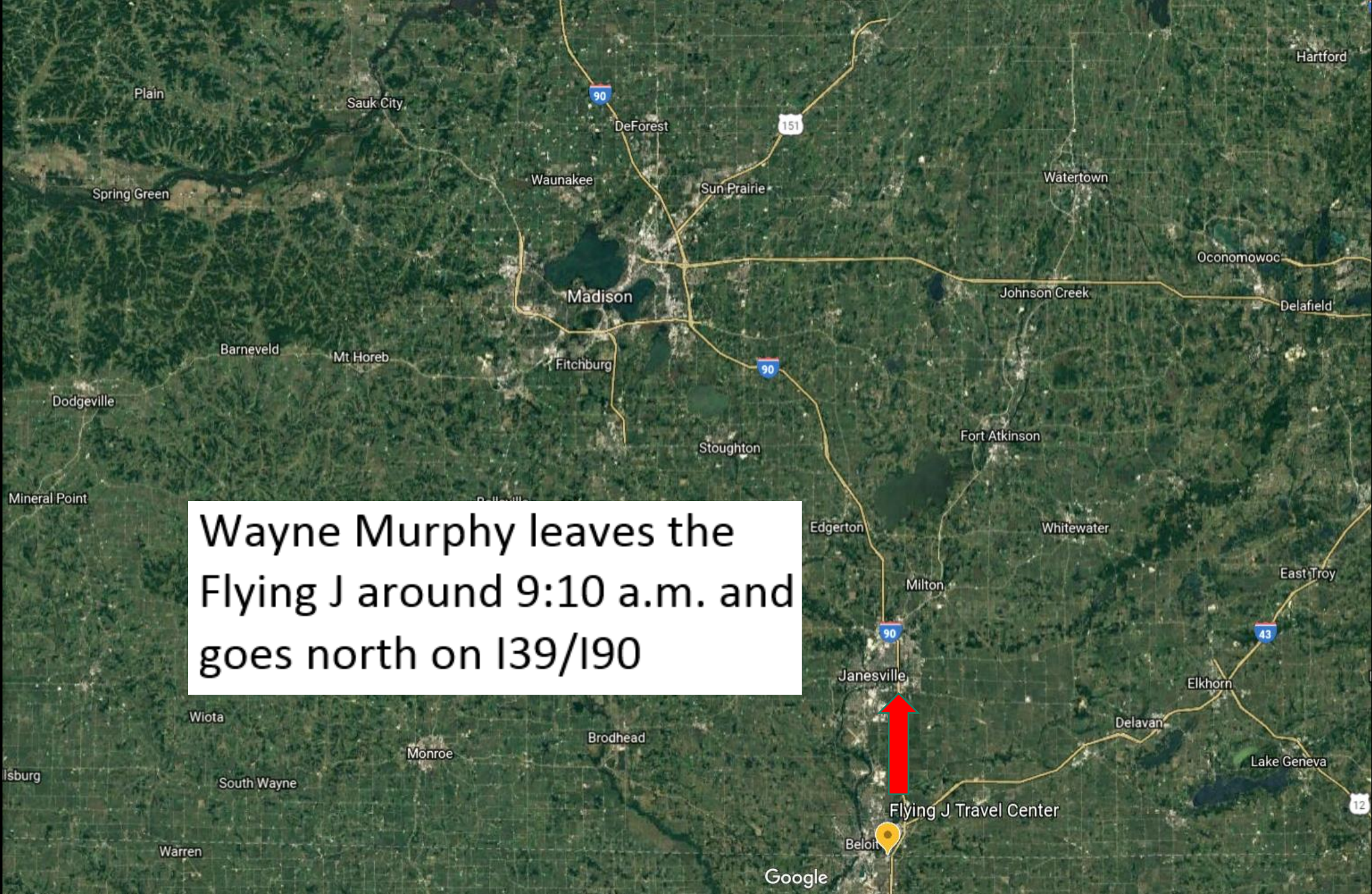
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- 5/22/18, 10pm: Wayne Murphy arrives at Flying J in South Beloit, IL and goes off duty at 10pm.
- 5/23/18 8:00 am: WM does not begin driving at normal time
- Dahl Trucking notices WM not on the road and uses GPS to confirm WM's location

- Dahl Trucking calls Flying J for a check welfare on WM after several unsuccessful attempts to reach him
- Flying J employee finds WM and wakes him up
- WM calls dispatch at Dahl and advises he's getting on the road



Wayne Murphy leaves the Flying J around 9:10 a.m. and goes north on I39/I90





AUTO-RV'S  
ENTRY EXIT  
WELCOME

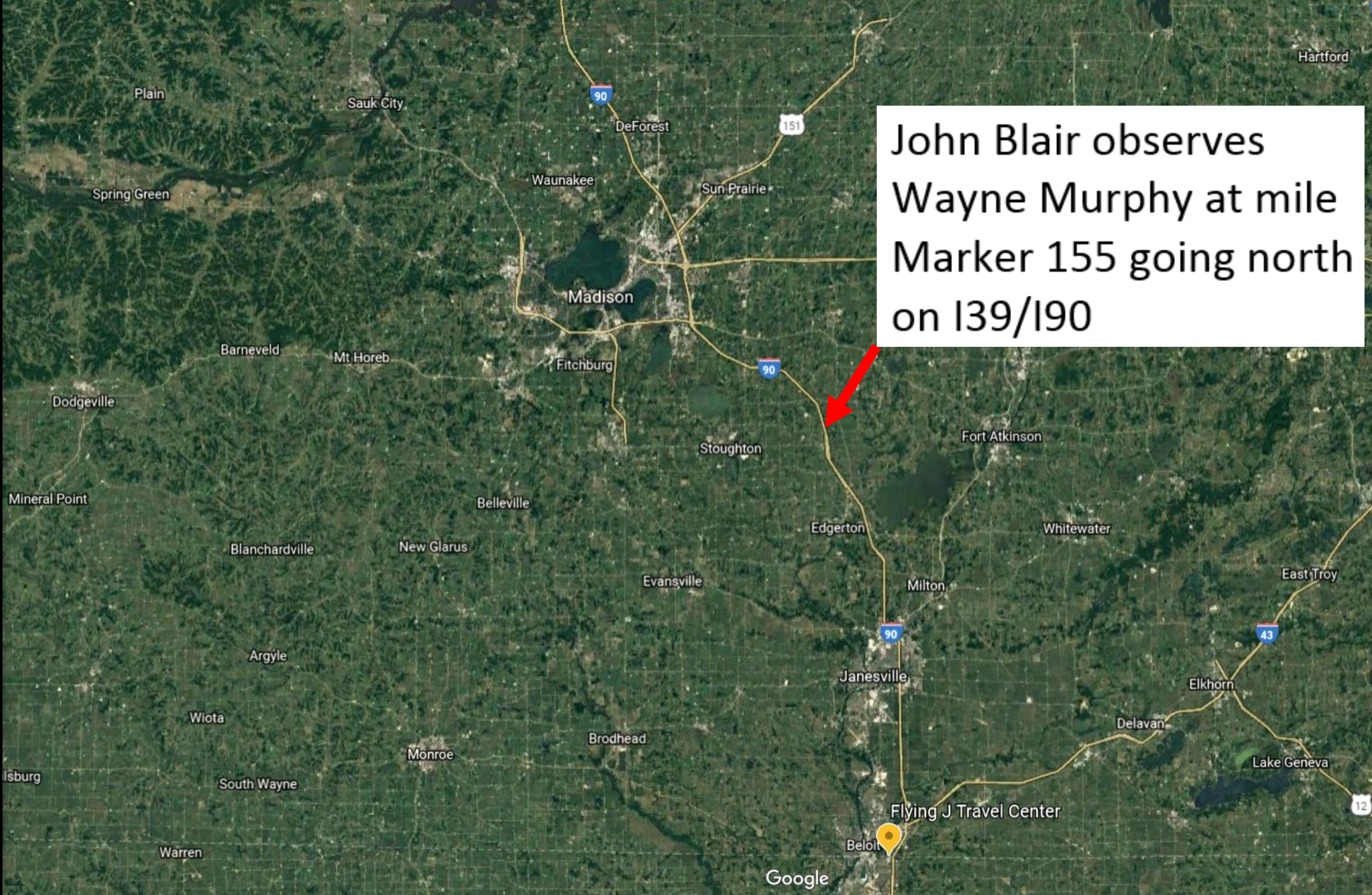
FLYING J

FLYING J





John Blair observes  
Wayne Murphy at mile  
Marker 155 going north  
on I39/I90



- John Blair:
- Swift driver calls Dahl Trucking to report truck “all over the road”
- Calls 2-3 times
- Followed WM for about 30 miles prior to crash
- Saw him hit mud on shoulder and swerve several times
- Clipped mile marker sign
- Other vehicles had to switch lanes





EXHIBIT 5



EXHIBIT 7



EXHIBIT 6

# State of Wisconsin vs. Wayne Murphy

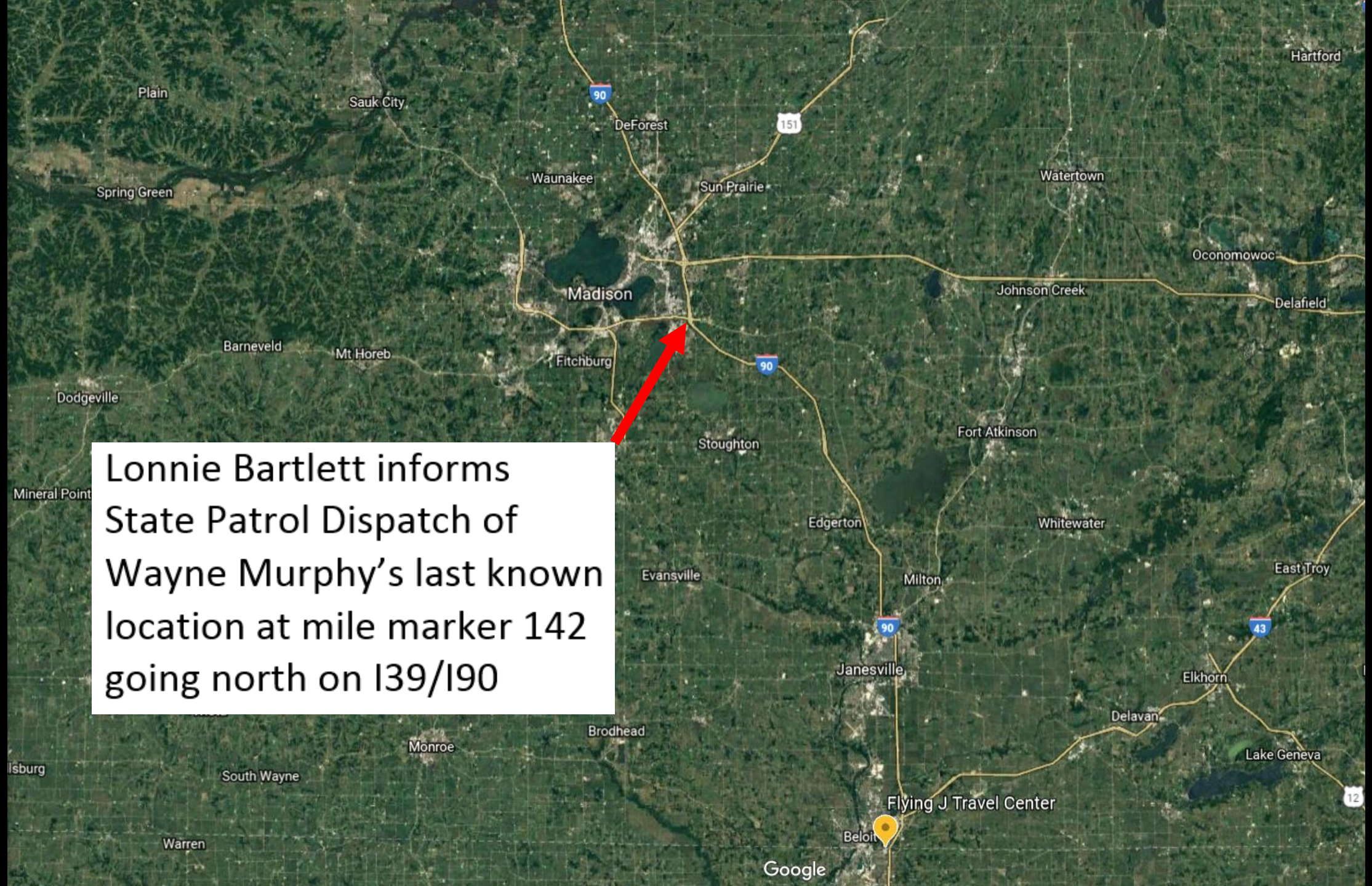
- May 23, 2018, 10:06 a.m.
- Wisconsin State Patrol receives check welfare request from Dahl Trucking Co.
- Provided plate information, driver ID,
- and location



# Bartlett call to State Patrol



Lonnie Bartlett informs  
State Patrol Dispatch of  
Wayne Murphy's last known  
location at mile marker 142  
going north on I39/I90








# Meanwhile...

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- School bus of middle school-aged kids from Milwaukee on their way to amusement park for an end of the year field trip
- 32 occupants, including kids, parent chaperones, and driver



A black and white photograph showing the interior of a school bus. The bus is filled with students sitting at their desks. The perspective is from the front of the bus looking towards the back. A driver is visible at the front. The bus has large windows on both sides and a central aisle.

Driver ID:

CH 01 H: 0MPH

05/23/2018 10:48:50

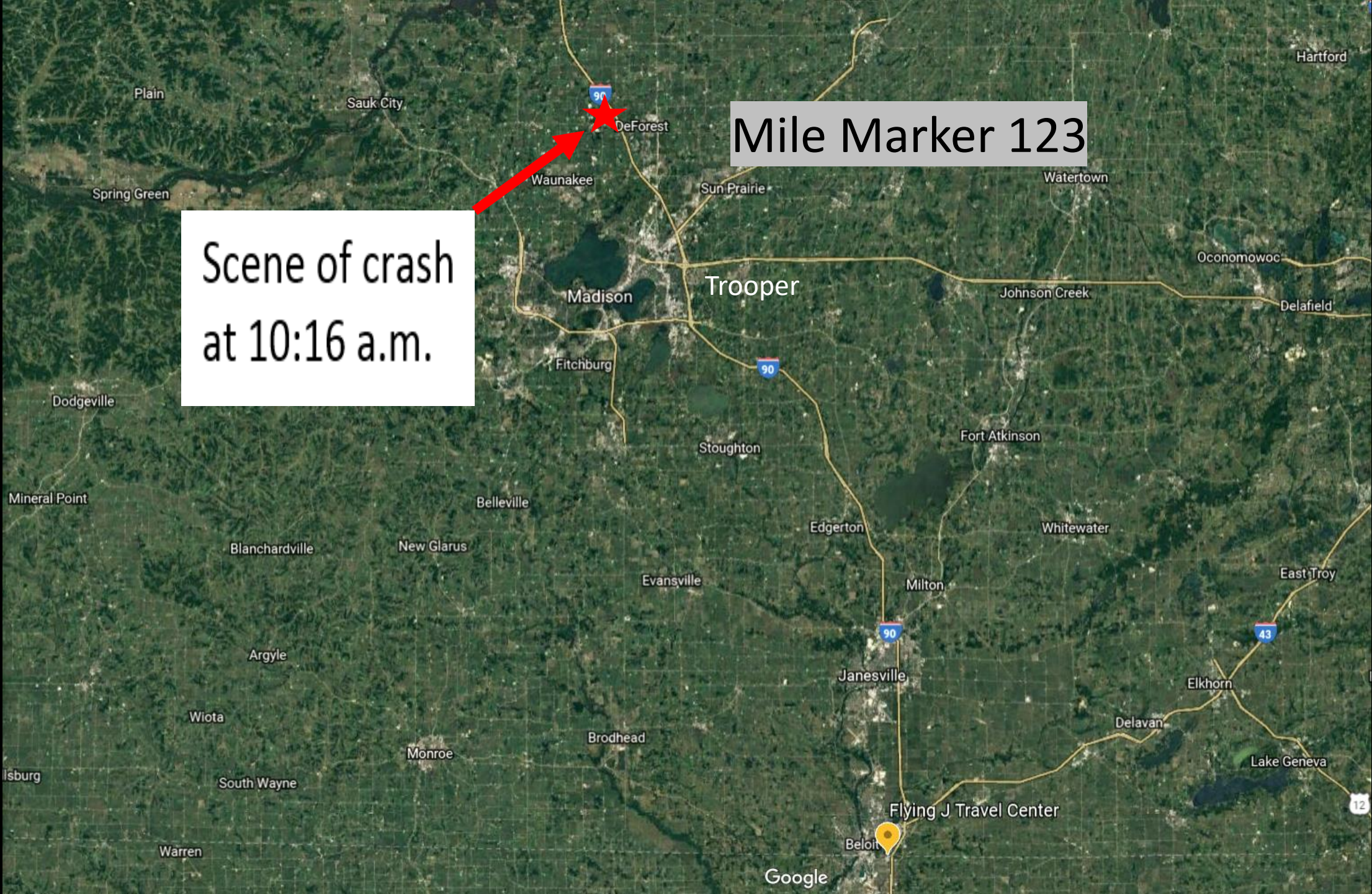
BR LT RT

Mile Marker 123

Scene of crash  
at 10:16 a.m.



Trooper





# The Scene





SCHOOL BUS  
EMERGENCY DOOR

LAKESIDE



SCHOOL BUS  
EMERGENCY DOOR

JUN  
MICHIGAN  
40558

0958







STOP

0958

EMERGENCY EXIT

SCHOOL BUS





DO NOT BLOCK  
EMERGENCY DOOR

TRIPPED WITH  
KICKER TO  
CLOSE DOOR TO  
POSITION.

↑ OPEN  
PULL UP HANDLE  
PUSH OUT DOOR



**DART**  
TRUCKING, LLC  
LANGDON, ND

ATTENTION  
DRIVER USING  
ELECTRONIC LOGS



USDOT 168173  
MC 188473  
VIN GSHB5015  
GW 80,000

# Investigation of Semi Driver

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- Identified by Indiana DL  
→ Wayne E. Murphy
- Initial Statements:
- “Suddenly” noticed a bus on shoulder and tried to move over but truck “veered” or “pushed” to the right
- Said he stopped immediately



# Alcohol/drugs/medication

- **What WM said:**

- No medications (Doeden)
- Sertraline but not according to prescription (Trooper Splinter)
- Alprazolam (no one)

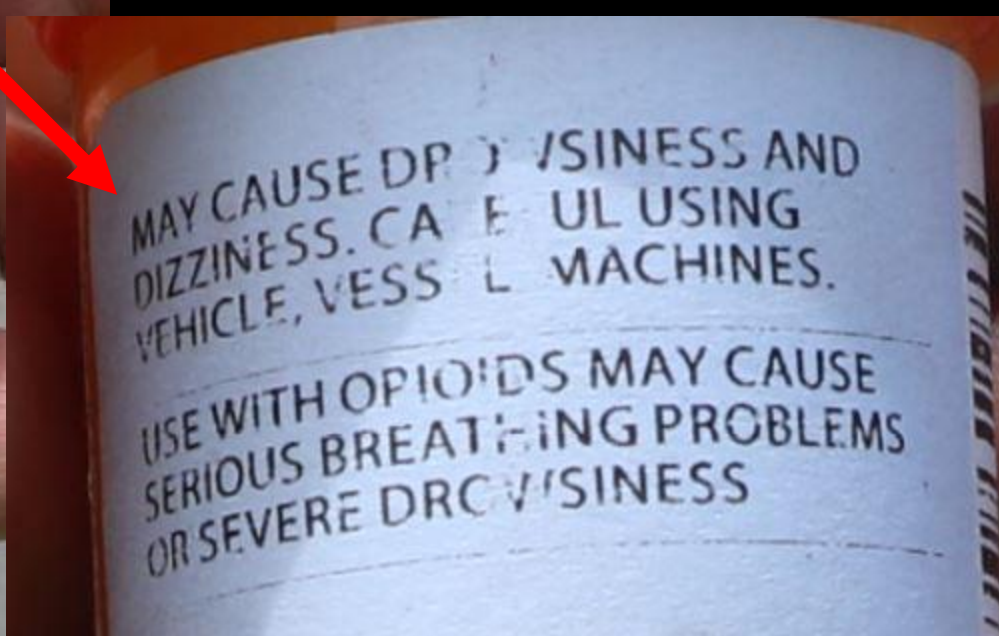
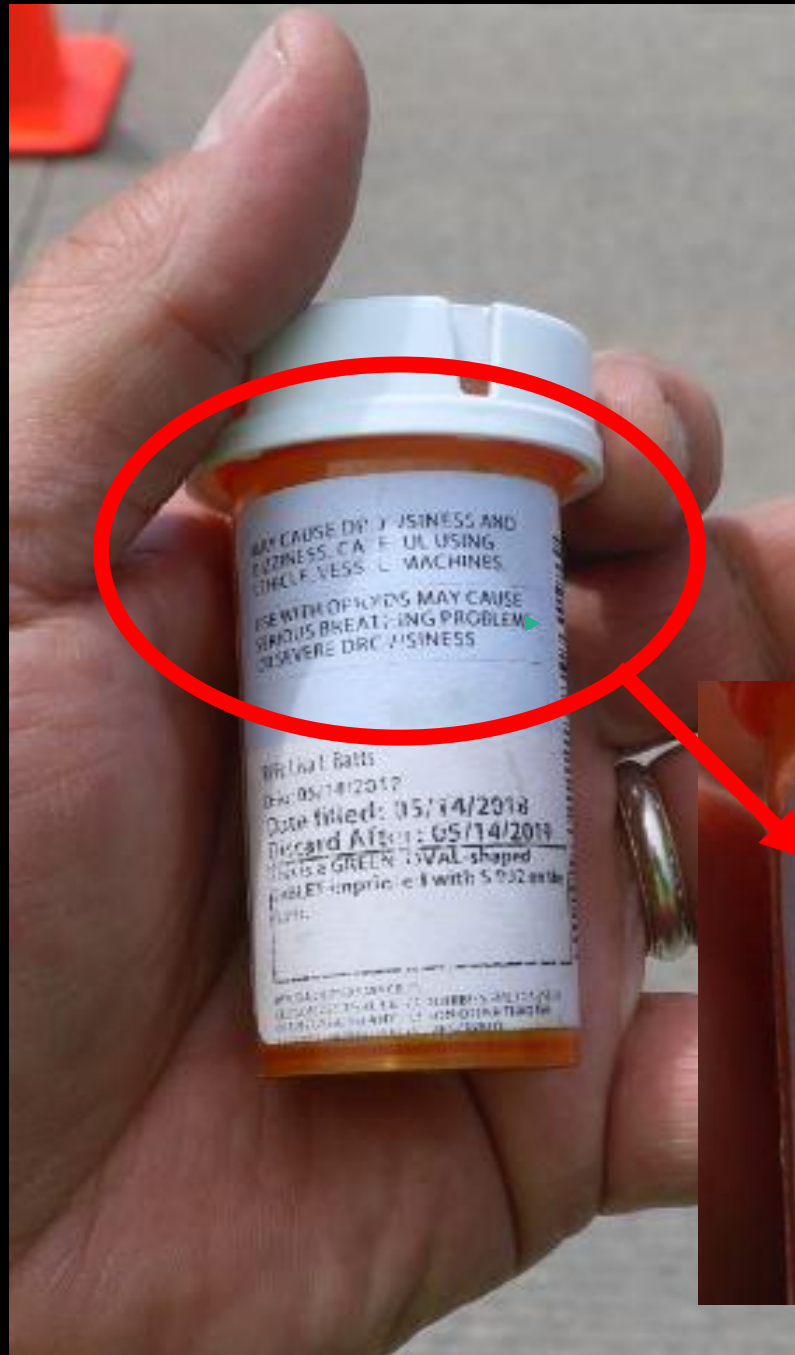
- **What was found:**

- 1 Empty bottle of Sertraline
- 3 Empty bottles of Alprazolam
- 1 Partially full bottle of Alprazolam



# Alprazolam (Xanax)

- All 3 bottles indicated prescribed to WM by doctor in Indianapolis
- All 3 bottles said Rx was for 120 1mg pills
- Partially full bottle was last filled on 5/14/18
- Empty bottles filled 2/6/18 and 4/10/18
- Label said “take 1 pill as needed up to 4 times per day for anxiety”
- 5/14/18 bottle had 51 of 120 pills left, which meant that the defendant had taken 69 pills since the Rx was filled 8.5 days prior to crash.
- Not the “typical” drugs – stimulant, cannabis



# On Scene Behavior – According to witnesses

## Antonio Holder

- “Zombie-fied”
- “No reaction”
- “Dazed”
- “Looked like he was on something”

## Lynn Topel

- “Incoherent”
- “Like he was in a daze”
- “No remorse”
- Trooper Splinter
- “Overly calm for the situation”
- “Flat mood”





# Toxicology

	Result	Units
Sertraline	130	ng/mL
Norsertaline	190	ng/mL
	Result	Units
Alprazolam	65	ng/mL

Toxicologist Michael Knutsen: Sertraline and Alprazolam CNS depressants  
Sertraline + Alprazolam = Additive Effect

## Potential Impairing Effects of Alprazolam

- Lane deviation
- Poor balance
- Impaired judgement

# Investigation/Inspection Truck





- Detailed Level 1 Post-Crash Inspection

- Minor pre-crash equipment violations, but nothing egregious

- Equipment issues NOT a factor in the crash event



- Load was required to be refrigerated

- Commercial grade baked goods

- Ran the reefer out of diesel after having been at a truck stop for 11 hours



# Actual Road Testing the Semi Unit to Refute Concerns of a Steering or Braking Issue



Semi was equipped with On-Guard Crash Mitigation System



# The Victims

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5 kids suffered “Great Bodily Harm” –  
Felony level

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GBH injuries – broken leg, ankle, knee; TBI;  
concussions, lacerations requiring stitches,

---

18 kids/adults suffered “simple” injuries –  
Misdemeanor level

---

Soft tissue injuries/bruises, cuts, scrapes,  
soreness, pain

# Alexis Jenkins

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- Most severely injured
- Hospitalized in critical condition; unconscious, on ventilator
- Suffered traumatic brain injury and other significant injuries
- “She’s just not herself”



*One by one,  
students from  
the bus and  
their families  
outlined both  
the physical  
and emotional  
toll of the  
incident.” (Portage  
Daily Register, 8/5/19)*

## Beyond the Physical Injuries

All victims reported experiencing mental and emotional trauma

Nightmares

Frightened by loud noises

Terrified to get on a bus again

Depression, anxiety

Not able to do “normal kid things”



# The Charges

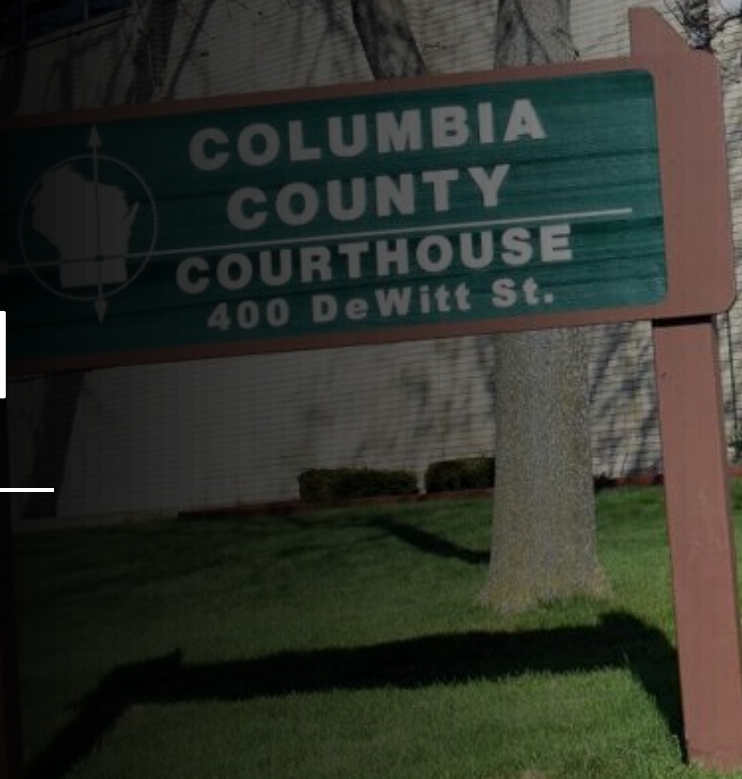
- 5 counts OWI Causing Great Bodily Harm (Felony)
- 5 counts 2<sup>nd</sup> Degree Reckless Injury
- 18 counts OWI Causing Injury (misdemeanor)
- 18 counts Reckless Driving Causing Injury
- 23/32 occupants injured to a degree to support charges



## Attempts at Resolution

- Despite repeated attempts to resolve case, WM refused to enter a plea unless State would recommend NO prison.
- Against his attorney's advice, WM insisted on a trial





# Headed to Trial

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Lack of Victim  
Contact

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**CHALLENGES  
AHEAD**

# Victim Contact - Obstacles

- Sheer number – 23 charged out victims
- Age – most were minors
- Location – from inner-city Milwaukee (100 miles away)
- Staff turnover in DA's office & Victim Services



**NO CONTACT  
WITH ANY  
VICTIM/FAMILY**

# Establishing Victim Contact

- TEAM EFFORT – all hands on deck
- Used provided contact information, and any other means to track people down, including school.
- Tried to make it as convenient as we could for them by bringing going to them for meetings, rather than expecting them to come to us
- Set up “drop-in” meetings at location close to the school (and where students lived)
  - Wide window – 16 hours over 2 days; no set meeting times

# Encouraging Victim Cooperation

- Parents hesitant to let kids testify and relive trauma
- Many just wanted to “move on”
- Intimidating for all victims, but especially kids
  
- Emphasized importance of holding WM accountable
- Encouraged classmates to do it together; lean on each other

# Logistical Challenges - Victims

- Getting victims to court
  - Victims couldn't drive
  - Many families didn't have transportation
- What we did:
- Rented car service to pick kids up and bring them to court – 2 departure times (allowed each child to have one person accompany)
- Large assembly room in courthouse with video feed into courtroom so they could watch the trial, but not be in court
- Provided games, activities, and snacks for kids while they waited

# Victims at Trial



- Charging: 23/32 occupants injured to a degree to support charges
- By trial we had 15 remaining victims -10 felony counts; 20 misdemeanor counts



Victim (& Witness Challenge)  
not unique to this case

- In vehicular cases, especially those occurring on interstates & involving CMV operators
- Often nobody is local/people passing through - victims, defendant & witnesses from other cities/states
  - Victims – Milwaukee
  - Defendant – Indiana
  - Witnesses – Illinois, Missouri, North Dakota
- This presents a hurdle as trial approaches





# Trial Highlights

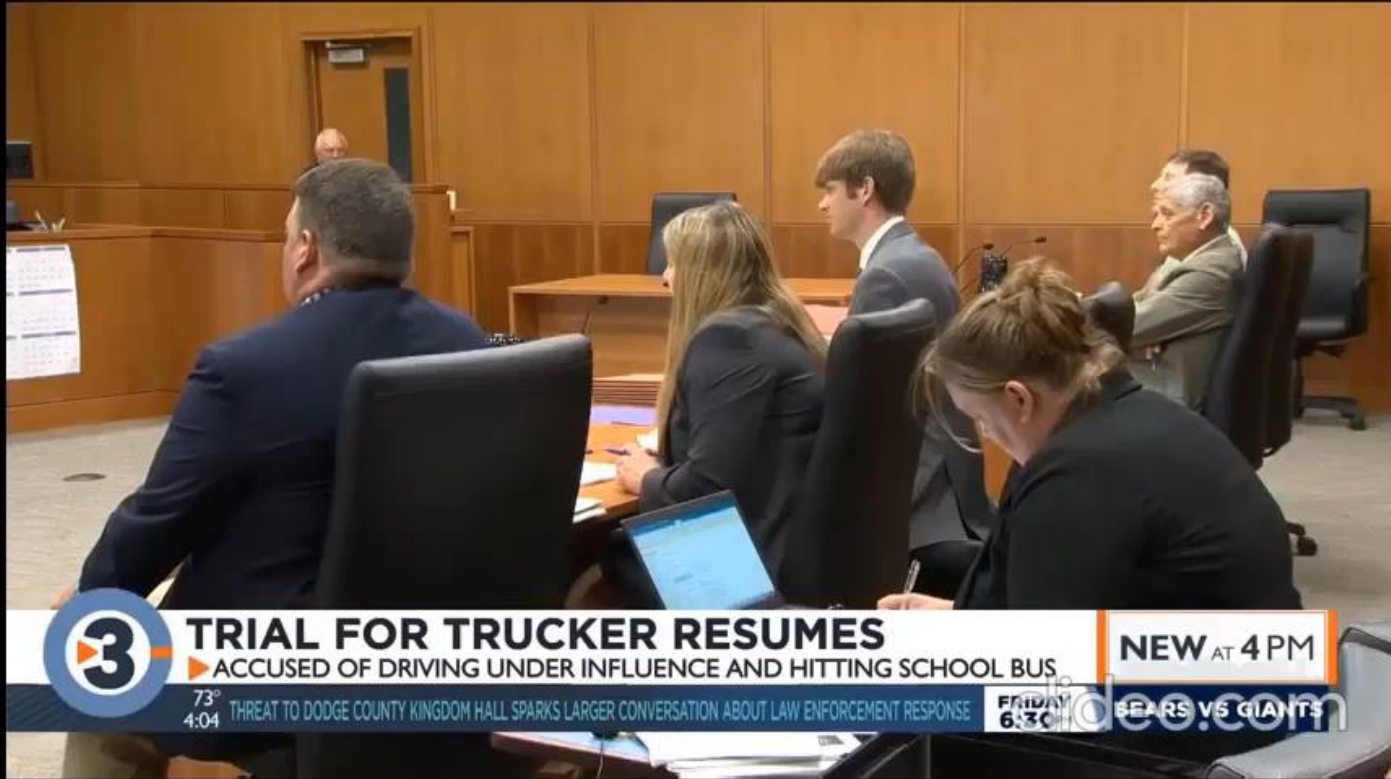
The witnesses, especially the kids who testified



# TRIAL BEGINS FOR TRUCKER

75°  
5:07 STRAY BULLET ENTERS OPEN PATIO DOOR, NEARLY HITS SLEEPING TEENS

 [tctvideo.com](http://tctvideo.com) 



### TRIAL FOR TRUCKER RESUMES

ACCUSED OF DRIVING UNDER INFLUENCE AND HITTING SCHOOL BUS

NEW AT 4 PM

73°  
4:04 THREAT TO DODGE COUNTY KINGDOM HALL SPARKS LARGER CONVERSATION ABOUT LAW ENFORCEMENT RESPONSE

FRIDAY  
6:30

SEARS VS GIANTS



## Trial Highlights – WM’s Testimony

- Many different “variables” that caused this crash
- Truly believed he wasn’t at fault
- Going to “set things straight”

# Murphy's Defense



Meds had NO effect on me – taking it as prescribed



Truck's fault – load shifted, truck veered



Equipment issue



School/bus company/bus driver/parent's fault – kids should've never been on the bus



Other drivers – didn't move out of the way and give him time to pass

N

# GUILTY

**OPERATING WHILE  
INTOXICATED**

TRANSPORTATIONNATION.COM





Jury out for 96 minutes  
Guilty on all 30 counts

# Sentencing

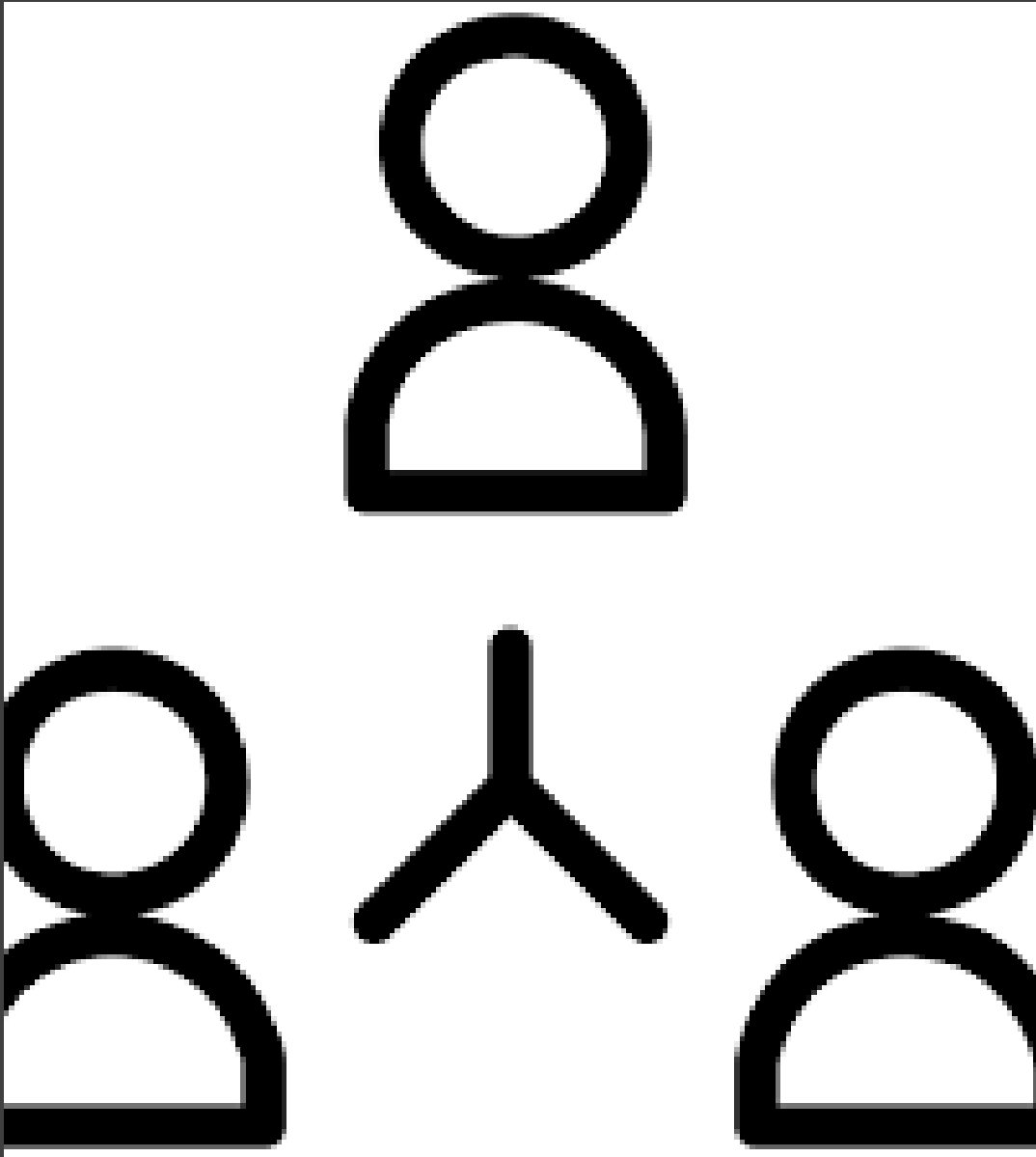






## Broader Issues/Questions

- How does a commercial driver get a Rx for that many Xanax? How does he even have the opportunity to argue he was taking it as prescribed?
- Rx information/medical review not central to case, but we (& public) wanted to know



## Broader Issues/Questions –

- Interplay between prosecution, defense, and trucking company
- Competing interests?
- Civil Liability for Co.
- Can be odd dynamic
  - i.e., Trucking Company wanted truck back before trial and attorneys brought multiple motions
- Did Co. bear any responsibility?

# Take-Aways

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- Other truckers don't tolerate bad drivers –
  - John Blair called the company until they did something to report WM's driving. He also took off of work at the last minute and came from Missouri to testify at trial.
  - Lyn Topel – retired driver who called 911 and remained on scene; came from Illinois to testify at trial.



# Take-Aways

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- This would have been a much more difficult case had the impairment not been so obvious, as it often is with CMV drivers
- Need to make sure a DRE is called





Judgement of Conviction did not initially reflect that Murphy was operating a CMV at time of offense

# Questions?

- Sgt. Michael Marquardt
- WSP ,Technical Reconstruction Unit
- michael.marquardt@dot.wi.gov

- Tara Jenswold
- TSRP/AAG, Wisconsin DOJ
- tsrp@doj.state.wi.us