

FILED
02-01-2019
Clerk of Circuit Court
Manitowoc County, WI
2019CF000076

STATE OF WISCONSIN CIRCUIT COURT MANITOWOC COUNTY

STATE OF WISCONSIN

Plaintiff,

vs.

TINA M MCKEEVER-HAUSCHULTZ

3711 Clover Road
 Manitowoc, WI 54220

DOB: 02/16/1983

Sex/Race: F/W

Eye Color: Hazel

Hair Color: Brown

Height: 5 ft 8 in

Weight: 165 lbs

Alias: Tina Marie Meissner

Tina Marie McKeever

Tina Marie Echlin

Tina Marie McKeever-Hauschultz

Defendant.

DA Case No.: 2019MN000143
 Assigned DA/ADA: Jacalyn C. LaBre
 Agency Case No.: 2018-00003016
 Court Case No.: 2019CF000076
 ATN:

CRIMINAL COMPLAINT

For Official Use

The undersigned complainant, being duly sworn, states that the following complaint is true and correct.

Count 1: INTENT. CONTRIBUTE TO THE DELINQUENCY OF A CHILD - DEATH - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Friday, April 20, 2018, in the Town of Newton, Manitowoc County, Wisconsin, as a party to a crime, did intentionally encourage or contribute to the delinquency of a child resulting in the death of a child, contrary to sec. 948.40(1)&(4)(a), 939.50(3)(d), 939.05 Wis. Stats., a Class D Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

Count 2: FAILURE TO ACT TO PREVENT BODILY HARM TO A CHILD - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Friday, April 20, 2018, in the Town of Newton, Manitowoc County, Wisconsin, as a party to a crime, as a person responsible for the welfare of EJH (DOB: 09/13/2010), having knowledge that another person; specifically, Damian Hauschultz and Timothy Hauschultz, is causing bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring, did fail to take that action and the failure to act exposed the child to an unreasonable risk of bodily harm by the other person, contrary to sec. 948.03(4)(b), 939.50(3)(h), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 3: INTENT. CONTRIBUTE TO THE DELINQUENCY OF A CHILD - FELONY - PTAC, AS A PARTY TO A CRIME

The above-named defendant between April 19, 2018 and April 20, 2018, in the Town of Newton, Manitowoc County, Wisconsin, as a party to a crime, did intentionally encourage or contribute to the delinquency of a child such that the child's act that was contributed to is punishable as a felony, contrary to sec. 948.40(1)&(4)(b), 939.50(3)(h), 939.05 Wis. Stats., a Class H Felony, and upon

conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

Count 4: FAILURE TO ACT TO PREVENT BODILY HARM TO A CHILD - PTAC, AS A PARTY TO A CRIME

The above-named defendant between April 19, 2018 and April 20, 2018, in the Town of Newton, Manitowoc County, Wisconsin, as a party to a crime, as a person responsible for the welfare of CHILD 1 (DOB: 09/13/2010), having knowledge that another person; specifically, Damian Hauschultz and Timothy Hauschultz, is causing bodily harm to the child and is physically and emotionally capable of taking action which will prevent the bodily harm from occurring, did fail to take that action and the failure to act exposed the child to an unreasonable risk of bodily harm by the other person, contrary to sec. 948.03(4)(b), 939.50(3)(h), 939.05 Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

PROBABLE CAUSE:

The complainant is informed by Chris Bessler, Jason Jost, Dave Remiker, Mike Herrmann, and Kevin Haese, known to complainant to be law enforcement officers with the Manitowoc County Sheriff's Office, of the following:

1. April 20, 2018, Det. Bessler responded to Holy Family Memorial Medical Center (HFMMC) reference a seven year male old child, EJH (DOB: 09/13/10), who had been brought to the emergency room by his court-appointed guardians TIMOTHY HAUSCULTZ and TINA MCKEEVER HAUSCHULTZ. EJH was unresponsive, had an extremely low body temperature and had multiple bruises and injuries on his body. Medical staff performed life-saving measures. EJH was pronounced dead at 9:22 p.m. Medical staff advised that child abuse was suspected.
2. Through investigation, law enforcement determined that earlier in the day EJH had been performing a punishment ordered by TIMOTHY which required EJH to carry a heavy wooden log, weighing approximately two-thirds his body weight, for two hours around a pre-determined path in a wet and snowy area outside the residence, while being monitored by TIMOTHY's son, DAMIAN HAUSCULTZ (DOB: 11/19/03). TIMOTHY had instructed DAMIAN to ensure the punishment was completed. EJH apparently struggled at times to carry his log. In response, over the course of 1-1.5 hours, DAMIAN – weighing approximately 100 pounds more than EJH -- did hit, kick, strike and poke EJH approximately 100 times, sometimes using a belt or a stick, and rolled the heavy log across EJH's chest with his foot, before repeatedly shoving EJH to the ground, standing on EJH's body and head while EJH was face-down in a puddle, and burying EJH completely in approximately 80 pounds of packed snow. DAMIAN left EJH underneath the snow for approximately 20-30 minutes, without EJH's coat and boots on.
3. In addition to abusing EJH, DAMIAN also repeatedly struck, punched and kicked EJH's sibling, CHILD 1 (DOB: 09/13/10), who also was ordered by TIMOTHY to carry a heavy log as punishment that afternoon.
4. An investigator's report from the Milwaukee County Medical Examiner's Office noted that EJH had died following strenuous physical punishment outdoors and prolonged environmental exposure while covered/buried in snow. Dr. Wieslawa Tlornak did perform an autopsy of EJH and determined that the cause of death was hypothermia due to environmental cold exposure and other significant conditions being blunt force injuries of the head, chest and abdomen. Dr. Wieslawa did list the injuries to EJH, including blunt force injuries of the head and neck (acute subdural hemorrhage, and abrasions to the neck, abrasions and contusions to the head), blunt force injuries of the chest and abdomen (fracture of the 11th rib, soft tissue hemorrhage, right perinephric hemorrhage, abrasions to the chest, abdomen and back); and blunt force injuries of the extremities (abrasions and contusions of the upper

and lower extremities). Det. Bessler further advised that infrared imaging taken of the area of EJH's back by his 11th rib showed a print consistent with a boot type footwear.

5. It was learned that EJH, CHILD 1 and CHILD 2 (DOB: 11/18/09) were siblings and had been placed with TIMOTHY and TINA in approximately September 2017, and that TIMOTHY and TINA were later awarded guardianship of the children. Their two children, DAMIAN, and CHILD 3 (DOB: 12/24/06), also reside with them. They reside at 3711 Clover Road, Township of Newton, Manitowoc County.

6. During interviews with TIMOTHY, DAMIAN, CHILD 1, CHILD 2 and CHILD 3, Det. Bessler learned that TIMOTHY utilizes carrying logs in the backyard as a recurring form of punishment, to which TIMOTHY and the children refer to as "carrying wood." TIMOTHY picks out the specific log that each child will carry. TIMOTHY determines the size and weight of the log, and the duration each child will walk. The child is to carry the log around a set path in the backyard without dropping it. According to DAMIAN, the child is allowed to drop the log and take a five second break after each lap is completed. After the five second break, the child must pick the log back up and complete another lap. TIMOTHY is outside to monitor the children to make sure they do the punishment. Other times, DAMIAN is given the responsibility to monitor the children and make sure they complete the punishment. TINA is aware that TIMOTHY utilizes this form of discipline. TIMOTHY and TINA are aware that DAMIAN has been physically abusive to CHILD 1 and EJH in the past while the children carry wood. TIMOTHY informed Det. Herrmann that he believed carrying wood was an appropriate form of punishment as he got in trouble in the past for striking a child.

Interview of Child 1

7. Det. Bessler was present for an interview of CHILD 1 on April 20, 2018. Det. Bessler observed that CHILD 1 had a scratch near his eye, a mark or slight bruise on his forehead, and bruising to his legs and abdomen. CHILD 1 said they were a result of DAMIAN throwing him to the ground, kicking him in the "behind" and slapping him with wood. Det. Herrmann entered the room to photograph the injuries and observed a mark on CHILD 1's left ear. CHILD 1 reported that TIMOTHY used to grab at their ears and pull on them if they did not carry wood. CHILD 1 did not describe the injury as coming from today's discipline.

8. CHILD 1 stated that he feels he has to carry wood a lot, including today, and that he had been carrying wood all week long in the snow. CHILD 1 stated that starting on Saturday, April 14, 2018, he was told he had to "carry wood" every day of the week for two hours. DAMIAN was also outside carrying wood during this time. CHILD 1 was not allowed to stop for any reason. He was not allowed go inside or take a break until the punishment was completed. He said that if he stopped or dropped the wood, DAMIAN would kick him in the "behind", "whack" him with wood, punch him in the nose, give him "face washes" and throw him in mud puddles. He had to get up and continue carrying wood while wearing wet clothing. CHILD 1 further stated that on April 20, 2018, DAMIAN "whacked" him with a piece of wood that resulted in pain to his ankle which caused him to limp and have a bruise. CHILD 1 further stated that on April 20, 2018, if he dropped his log, DAMIAN kicked him repeatedly in the buttocks causing him to fall to the ground.

9. CHILD 1 stated that yesterday (04/19/18) he did not carry wood as expected and he dropped his wood; therefore, he received additional punishment and was grounded to his room. He said additional punishment is to eat porridge while standing at the table during mealtime while the remainder of the family can sit and eat better food. He said that yesterday when he was carrying wood, he dropped his wood, and DAMIAN continuously threw him into a big puddle and gave him a bloody nose by shoving snow and ice chunks in his face. CHILD 1 was not allowed to go inside to remedy his bloody nose. DAMIAN took CHILD 1's hat off and wiped his nose, telling him he did not care.

10. CHILD 1 stated that on today's date they had the day off from school. They had to carry wood as punishment for two hours and DAMIAN was to be watching them. DAMIAN also had to carry wood

as a punishment for not knowing his Bible verses. DAMIAN did not have to carry wood as heavy as EJH and CHILD 1. CHILD 1 stated that DAMIAN kicked EJH a lot.

11. CHILD 1 remembered that EJH dropped his wood more than one time and at one point, EJH fell backward with the log on his chest. DAMIAN saw that EJH was attempting to remove the log from his chest. DAMIAN put the log back on EJH's chest and rolled it up and down before he allowed it to be put to the side. EJH cried but did get up and resumed carrying the log.

12. CHILD 1 also recalls DAMIAN telling EJH to lie down and then immediately shoved him to the ground and into the big water puddle. While EJH was lying on the ground with his face in the puddle, DAMIAN was standing on EJH's back. EJH began to cry and had already agreed to carry wood again. DAMIAN told him to "shut up" and began to cover him with snow. EJH tried to get out of the snow and tried to move his arms, but DAMIAN restricted that. At about this time, CHILD 1 completed his punishment and went inside to shower. EJH was on the ground and partially covered with snow at the time. CHILD 1 stated DAMIAN used a shovel to cover EJH in snow where he remained for approximately 30 minutes.

13. CHILD 1 stated that TIMOTHY is home at times when he is carrying wood and DAMIAN hurts them. CHILD 1 described DAMIAN as a "bully". CHILD 1 stated that EJH told TIMOTHY that DAMIAN hurts them. TIMOTHY responded by saying, "Maybe you shouldn't drop wood." CHILD 1 stated he does not feel safe at home because DAMIAN hurts him and EJH. CHILD 1 confirmed that TIMOTHY is aware of these activities and what DAMIAN does repeatedly to him and EJH.

Interviews of Child 2

14. On April 21, 2018, CHILD 2 was interviewed. CHILD 2 did not have to carry wood on April 20, 2018 but was outside playing. CHILD 2 confirmed that DAMIAN hit CHILD 1 and EJH with sticks on their "behinds" and backs because they were dropping the wood. CHILD 2 believed they were dropping the wood because it was heavy. CHILD 2 believed EJH and CHILD 1 were afraid of DAMIAN and what he would do when he came up behind them carrying wood. CHILD 2 stated she was not sure why DAMIAN was so angry today.

15. CHILD 2 stated that EJH was buried in the snow. She said DAMIAN took EJH's boots off and buried him in the snow using a shovel and using the bottom of the shovel to pack the snow. CHILD 2 stated initially when the snow was going on top of EJH, everyone put a little bit of snow on top of him and at that time EJH was complaining about being on the ground and having snow put on him. At the beginning, EJH asked DAMIAN if he could get up and he agreed to carry wood like he was supposed to do. However, DAMIAN told him to get back on the ground. When he did not immediately comply, DAMIAN shoved EJH to the ground. EJH was lying on his stomach with his face in the water. EJH tried to get up but DAMIAN was holding EJH to the ground by standing on him. When EJH was face down in the puddle, DAMIAN stepped on EJH's head prior to EJH being covered in snow.

16. CHILD 2 stated that while EJH was covered in snow, she could not see any of his body exposed including his face. CHILD 2 could not estimate how long EJH was in the snow but said DAMIAN was the one to ultimately take him out of the snow. At that time, CHILD 2 said EJH looked like he looked "when he went to the hospital." EJH was making noises.

17. CHILD 2 stated she believed TIMOTHY and TINA are aware of how hard DAMIAN is on CHILD 2 and EJH because sometimes when TIMOTHY is told, he does nothing, but sometimes he tells DAMIAN he should keep his hands off CHILD 1 and EJH.

18. On May 7, 2018, CHILD 2 was interviewed at the Willow Tree Cornerstone Child Advocacy Center. CHILD 2 disclosed much of the information she previously disclosed. CHILD 2 added that EJH's belt was continually being adjusted while he carried the log on April 20. Ultimately, DAMIAN told

EJH to take the belt off so EJH put the belt in his pocket. DAMIAN took the belt away and hit EJH and CHILD 1 with it in the legs, buttocks and backs. EJH cried but continued to carry wood. DAMIAN hit the boys so much that a metal piece of the belt broke off. Once the belt was broken, DAMIAN found a stick to hit the boys with but the stick broke. DAMIAN then found a stick with "prickles" to hit the boys with.

19. CHILD 2 also described DAMIAN standing on EJH in the mud puddle with one foot on his back and one foot on his head. DAMIAN was telling EJH "don't move". At one point, EJH stopped to take a break and said he was cold. DAMIAN told EJH to keep carrying wood. EJH again stated his objection and DAMIAN slapped him in the face until it resulted in a bloody nose. EJH dropped to his knees with continued slapping by DAMIAN. In an additional mud puddle, DAMIAN told EJH to lie down "on his belly" and if EJH moved, DAMIAN would push him back down using his foot.

20. CHILD 2 stated she was concerned for EJH and asked DAMIAN if he could breathe and if she could take him out of the snow. She and CHILD 3 thought DAMIAN had gone too far. DAMIAN removed a small amount of snow where he thought EJH's mouth was. CHILD 2 described the process of getting EJH out of the snow. She said EJH was unresponsive. She said DAMIAN told CHILD 3 to get a bucket of hot water and said that "if he's faking it, this will hurt."

Interviews of Child 3

21. On April 20, 2018, CHILD 3 was interviewed. CHILD 3 said that DAMIAN gets "really mad" if EJH or CHILD 1 do not listen, and he will use a piece of wood to strike their backs and legs.

22. CHILD 3 did see DAMIAN shove EJH's face in a mud puddle because he was not listening to DAMIAN. She said DAMIAN put his foot on the back of EJH's head to make sure he was in the puddle. CHILD 3 said she knew DAMIAN called TIMOTHY about EJH not carrying wood as she knows that DAMIAN decided to bury EJH in the snow. Once EJH was buried she heard him make noises. She told CHILD 2 that she thought DAMIAN was being too rough on EJH. DAMIAN got increasingly angry because EJH would not carry wood and decided to bury him more in the snow. He used a shovel. CHILD 3 could not see any part of EJH's body. After a little bit of time, she asked if she could take EJH out because she could hear him whining and she and CHILD 2 were worried.

23. DAMIAN unburied EJH using his hands and the shovel. CHILD 3 asked if EJH was okay. DAMIAN thought that EJH was faking and told CHILD 3 to go get him water. When she returned with the water, DAMIAN dumped it on him.

24. CHILD 3 stated that when TIMOTHY returned home and found EJH unresponsive, he asked CHILD 3 if DAMIAN did something he usually does not do. CHILD 3 describes DAMIAN's usual behaviors as face-washes, pushing and kicking. She confirmed that today DAMIAN used a long stick to hit the backs of the boys' bodies.

25. On May 7, 2018, CHILD 3 was interviewed at the Willow Tree Cornerstone Child Advocacy Center. CHILD 3 recalled when EJH dropped his wood once, DAMIAN forced him to lie down in a mud puddle and keep his arms at his sides. EJH tried to get up but DAMIAN shoved him back down. At one point, CHILD 3 recalled that DAMIAN grabbed EJH's arm, pulling on it and said to EJH "do you want me to break your arm?"

26. CHILD 3 also recalled DAMIAN hitting EJH with EJH's belt to the point of breaking the metal piece off the belt. She recalls hearing EJH cry when he was being struck with the belt.

27. CHILD 3 explained that after DAMIAN buried EJH in the snow, and packed the snow on him, she could not see any part of EJH's body. She said she and CHILD 2 asked DAMIAN to uncover EJH but he refused. EJH tried to move up out of the snow but DAMIAN told him to "stay down" and shoved him back down. She and CHILD 2 continued to worry about EJH and his ability to breathe. DAMIAN

then did dig a small hole around EJH's face. But when EJH was taken out of the snow his eyes looked like he had a stroke or seizure.

28. CHILD 3 described DAMIAN as "being mad" that afternoon. She recalled this was not the first time DAMIAN had struck EJH or CHILD 1 for not carrying wood. CHILD 3 was confident that TIMOTHY was aware of the physical punishments and injures to CHILD 1 and EJH as she had heard TIMOTHY tell DAMIAN more than once he needs to keep his hands off the boys. She has seen the boys crying and believes TIMOTHY has been told by EJH and CHILD 1 that DAMIAN is hitting them.

29. CHILD 3 stated that when EJH or CHILD 1 will not listen to TINA, that TINA has had CHILD 1 go outside without shoes on and stand on the gravel. She said it was cold outside and CHILD 1's hands became very cold. He was allowed back in the residence to put his hands under hot water. CHILD 3 said she knows this hurt CHILD 1 because it was so cold. CHILD 3 estimates this punishment was used two more times between fall and spring. She said CHILD 1 was outside, standing or kneeling on the gravel, and holding ice cubes in his hands. She recalls the weather being cold. TINA was the one to enforce kneeling on the gravel.

30. CHILD 3 confirmed she has seen EJH and CHILD 1 being pulled by the ears by TIMOTHY and given a "pep talk" to motivate them to carry wood.

Interviews of Damian Hauschultz

31. On April 20, 2018, Lt. Remiker had contact with DAMIAN at HFMMC. Lt. Remiker spoke with DAMIAN about the bruises and marks on EJH. DAMIAN started by saying "I know we mess around, gave him face washes occasionally." DAMIAN then stated that he "didn't do anything that would have hurt" EJH. DAMIAN explained that he was just "poking" and "prodding" EJH to get him moving. DAMIAN stated that EJH fell a lot and that one time the log fell on EJH and rolled on him. DAMIAN stated EJH carries the log "some stupid, weird way" and sometimes stumbles backwards. DAMIAN stated he found EJH laying over a log, and denied he saw him fall.

32. Lt. Remiker continued to speak with DAMIAN. Lt. Remiker asked what took place that could have caused EJH's condition and DAMIAN responded, "I don't know if he just passed out from exhaustion." DAMIAN admitted to throwing snow on EJH with the other kids, except CHILD 1, and that he advised the kids not to pack the snow because it was hard and icy. DAMIAN stated, "we may have made him a bit cold."

33. DAMIAN told Lt. Remiker that they were trying to get EJH "really cold so he wouldn't stay there." DAMIAN admitted to taking EJH's boots off. DAMIAN stated he covered EJH in snow around his head but not his face "because we knew he had to breathe, like I'm not that stupid." DAMIAN then stated he took a shovel out of the garage in order to shovel snow off the lawn. Lt. Remiker asked how much snow was covering DAMIAN and DAMIAN responded that EJH "was in his own little coffin of snow". When DAMIAN made this statement, he had a laugh in the conversation towards the end.

34. On April 20, 2018, Det. Bessler interviewed DAMIAN at MTSO. DAMIAN confirmed that TIMOTHY has the children carry wood for a set period of time in the backyard as punishment. DAMIAN said the discipline is not only the weight of the wood which gets heavier if you refuse or do not get the job done, but the duration gets longer as well.

35. DAMIAN described TIMOTHY as the punisher but if TINA is consulted, she often times will tell the children they need to go and see what TIMOTHY says. DAMIAN said that TIMOTHY had to get severe with EJH and CHILD 1 because they just weren't getting it, and "they still haven't broke and do whatever they want." DAMIAN said it is his responsibility to monitor the children who are carrying wood when TIMOTHY is gone. He said if you are expected to carry wood, you stay outside regardless of any excuses – it does not matter if you are wet and tired – you are expected to complete your punishment.

DAMIAN said TIMOTHY is very hard on them (meaning EJH, CHILD 1 and CHILD 2), and if they say no to carrying wood their time will get extended by “a lot”. DAMIAN explained he doesn’t say no to TIMOTHY as it is not worth arguing with TIMOTHY.

36. DAMIAN advised that as discipline, he, EJH and CHILD 1 were to go outside today and carry wood for two hours. DAMIAN explained that he had to carry wood during the recent snowstorm (Snowstorm Evelyn) for not knowing 13 Bible Verses to TIMOTHY’s satisfaction. The punishment was to begin on Saturday, April 14, 2018 and be completed on Friday, April 20, 2018 – one week of carrying wood for two hours a day.

37. DAMIAN confirmed that TIMOTHY had selected the logs each child was to carry that day. DAMIAN acknowledged that EJH and CHILD 1 were carrying logs much heavier than his. DAMIAN stated TIMOTHY gave EJH a heavier log because EJH “acts all powerful and hates to work” so TIMOTHY gave him heavier wood to show him how strong he really was. DAMIAN estimated EJH’s log weighed 35-40 pounds and CHILD 1’s log weighed 25-30 pounds. DAMIAN’s log was estimated to be 10-12 pounds but more like a stick than a log. DAMIAN indicated that his wood was not that heavy and that he completed approximately 50 laps.

38. It should be noted that DAMIAN, at the time, was approximately 5’11” and 168 pounds while EJH and CHILD 1 were approximately 4’8” and 60 pounds.

39. DAMIAN stated that TINA and TIMOTHY were not home and that DAMIAN was left in charge of the children and to supervise the punishment. DAMIAN said he cannot start or finish before the others and he has to remain outside as long as they do to make sure they get their work done.

40. DAMIAN confirmed that at 1300 hours, they went outside to begin the punishment. DAMIAN had to drag the boys outside. DAMIAN described the ground as a slushy, muddy, wet mess. DAMIAN admitted that every time EJH or CHILD 1 would drop their log, DAMIAN would go up behind them and poke them with a stick at “half force.” DAMIAN admitted to poking the boys’ backs, stomachs and buttocks. DAMIAN estimated he struck EJH nearly 100 times. He did this because EJH would not carry wood. He said EJH would respond to the poking with “oww”. DAMIAN said he was annoyed with the boys because he had to be outside carrying wood and they were making it harder by dropping the wood every 5 minutes.

41. DAMIAN also stated that at one point EJH had dropped his log multiple times and had fallen backward and forward multiple times, potentially being “smooshed” by the log as it laid on his chest and stomach. DAMIAN also gave EJH face-washes prior to him becoming unresponsive. After some time passed, DAMIAN said he saw blood on EJH’s nose and thought maybe he “smashed” his face on a log.

42. DAMIAN stated they had been outside for 1-1/2 hours when DAMIAN saw EJH lying over his log with his legs straight out. DAMIAN said he punched, pinched and slapped EJH to get a response but EJH did not respond. DAMIAN said he moved EJH from the log to his side and laying him in a mud puddle. DAMIAN decided to cover him with snow because if EJH wanted to “play dead” then he should be in a “snow coffin.”

43. DAMIAN said the children took part in throwing snow on top of EJH and ultimately EJH was covered with only his face sticking out so he could breath. DAMIAN decided to leave EJH there for approximately 20-30 minutes. He estimated that 80 pounds of wet, heavy snow was covering EJH. He also mentioned water on top of the snow that might “ice-ify or solidify”. DAMIAN guessed it was pretty cold for EJH but allowed him to stay there. When EJH was buried in the snow he was not saying words. DAMIAN described noises like slight moans or whines. DAMIAN described EJH’s eyes as being “hazy”.

44. DAMIAN said while EJH was being buried in the snow, EJH was “twitching”. EJH’s arm popped up and DAMIAN put his arm down to bury him again. After a certain amount of time, EJH stopped

moving. DAMIAN stated he did start to worry about being cold and hypothermia. He went back to where EJH was lying and stated the whole point of this was to get EJH to give up his "I'm not moving thing." At that point, he did not realize EJH lost consciousness.

45. DAMIAN unburied EJH and placed him face down on the log. He said EJH was stiff, statue-like and unresponsive. DAMIAN described EJH as having a nose full of boogers with blood, and a tight jaw. He said he realized something might be wrong and called TIMOTHY. DAMIAN told TIMOTHY that EJH was "playing or acting like he's dead."

46. DAMIAN said TIMOTHY later came home and was angry with DAMIAN and asked "What did you do? Leave him out here?" DAMIAN thought about how he may have seriously hurt EJH but shoving him in the cold but reported that EJH was stiff and statue-like before he was buried in the snow. DAMIAN indicated he was following TIMOTHY's directions to make sure EJH carried out his punishment. DAMIAN subsequently described EJH as being "fragile and scrawny".

47. Det. Bessler spoke with DAMIAN on April 21, 2018 at MTSO. DAMIAN told interviewers that this was "becoming too much of a big thing" and that he was confused because he wanted to talk, but he knew TIMOTHY did not want him to. DAMIAN became emotional when talking about how things had changed when EJH, CHILD 1 and CHILD 2 came to live at his house. He reported that home had become a "boring, prison-like setting" and that having them in the home had taken all the "fun" out of his life. DAMIAN described himself as "always being angry" and having a "burning anger inside" that he sometimes deals with by hitting inanimate objects.

48. In a subsequent interview on December 17, 2018, DAMIAN also advised of a conversation he had with TIMOTHY on April 20, 2018 when they were in route to the hospital with EJH. TIMOTHY told DAMIAN that they would need to get an attorney and "get this straightened out." TIMOTHY apparently told DAMIAN to say that EJH fell out of a tree or that "nothing happened for now." He told DAMIAN to "make sure you don't get anyone else in trouble." However, later on April 20 when law enforcement requested to interview DAMIAN, TIMOTHY told DAMIAN to "tell the truth". This was confusing to DAMIAN and he said he was not sure how to answer some of the questions.

49. It should be noted that upon arrival at HFMMC, Lt. Remiker had contact with emergency room medical staff and was advised that they had received information from a family member that EJH may have sustained some of his injuries as a result of falling out of a tree. The three individuals who brought EJH to the ER were TIMOTHY, TINA and DAMIAN.

Contacts with Timothy and Tina Hauschultz

50. On April 20, 2018 at 1606 hours, Deputy Haese made contact with TIMOTHY and TINA at HFMMC. TIMOTHY told Dep. Haese that as a consequence for doing wrong, the children were out carrying wood today while he and TINA were not home. TIMOTHY stated that, from what he was told, DAMIAN looked back, he started to laugh a bit, and DAMIAN thought EJH was joking around by lying over a log. TIMOTHY said DAMIAN walked over to him and told him to get up. DAMIAN thought EJH was joking because EJH "likes to screw around a lot." The kids threw snow on him not knowing that something was actually wrong with EJH. TIMOTHY said once they realized something was wrong they called him. TIMOTHY stated he was gone from the residence for about "an hour and fifteen" and once he got home he was "a little peed off" and asked DAMIAN what happened. DAMIAN said he didn't know and that EJH slipped and fell on the ice and "fell on the log and hit his head or something." DAMIAN also said they buried him in the snow a bit.

51. TIMOTHY confirmed that DAMIAN had called twice him and once said that EJH was laying over a piece of wood and not moving and that DAMIAN did not know if he was playing possum. TIMOTHY told DAMIAN they would come home. TIMOTHY arrived home and observed EJH in the yard laying over a log, face-down. TIMOTHY said DAMIAN said he didn't know if EJH fell and hit his head.

TIMOTHY took EJH inside to dry him off and warm him up. He thought they were home for maybe 10 minutes before taking EJH to the hospital. Deputy Haese asked TIMOTHY if he observed any injuries to EJH's body when he was drying him off which would be consistent with fighting or the children not telling the truth, like blood. TIMOTHY stated, "No...no..." then began to speak quicker and say that he was not home and had just gotten home.

3711 Clover Road

52. On April 20, 2018, law enforcement did arrive at 3711 Clover Road, with TIMOTHY, and observe the property. Det. Herrmann did observe the yard to be approximately 60% covered with snow, and lower-lying areas had water in them.

53. TIMOTHY explained that the children walk around the wood pile. He said they walk 15' drop the wood, rest, pick it back up, walk another 15', drop the wood, rest, pick it back up and continue. He acknowledged that he uses this as a form of discipline, commenting that, "if the children want to talk back, they can go and carry wood." TIMOTHY commented that the backyard is wet and EJH may have slipped and hit his head on something and he could understand that. TIMOTHY commented that EJH was clumsy.

54. Law enforcement entered the yard and went to the block of wood near the snow pile where EJH was located. The block of wood, later identified as the log carried by EJH, was observed to be a section of a tree trunk which had the bark removed. It was not a split piece of wood but rather a full section of the tree trunk. To the east of the block, bodily fluids were observed in the snow, including blood. The snow, at this point, was piled with a void in the center. The void suggested the outlay of a person, in this case EJH. The void had an obvious accumulation of water. Det. Herrmann did observe a very distinctive trail in the area. The path consisted of foot travel and led from the snow to the west fence line, along the west of the property, and turned south to the area of a large pile of firewood, and then hooked back to the area of the snow pile. Its total shape could be described as either a teardrop or triangular formation. Law enforcement later obtained measurements. Lt. Jost estimates one lap of the foot path to be approximately 350 feet.

55. The logs carried by EJH and CHILD 1 were collected as evidence and weighed. EJH's log weighed 44.4 pounds. CHILD 1's log weighed 35.6 pounds. It should be noted that both EJH and CHILD 1 weighed approximately 60-62 pounds.

The information provided by Chris Bessler, Jason Jost, Dave Remiker, Mike Herrmann, and Kevin Haese is believed because they have provided true and reliable information in the past as law enforcement officers. The information provided by Dr. Wieslawa Tlomnak is believed because she has provided true and reliable information in the past as a medical examiner and the information is provided in her professional capacity. The information provided by Timothy Hauschultz, Child 1, Child 2 and Child 3 is believed because it is based on their observations and experiences. The information provided by Damian Hauschultz is believed because it is provided against his penal interest.

The complainant is informed by the records of the Wisconsin circuit courts (CCAP), Crime Information Bureau (CIB), National Crime Information Center (NCIC), the Wisconsin Department of Corrections (DOC) and/or the Wisconsin Department of Transportation (DOT), known to complainant to be reliable

as they are records maintained by circuit courts and/or government agencies which have provided true and reliable information in the past, that the defendant has been convicted of the following offense(s)/crime(s), which remain of record and unreversed:

09/21/2009 Theft-Movable Property <=\$2500 09 CM 344 (Manitowoc)

Approved by complainant for filing:

Subscribed and sworn to before me on 02/01/19

Electronically Signed By:

Jill L. Vendetti

Assistant District Attorney

State Bar #: 1051876

Electronically Signed By:

Jacalyn LaBre

Complainant