

State of Wisconsin

Circuit Court

Kewaunee
~~Manitowish~~ County

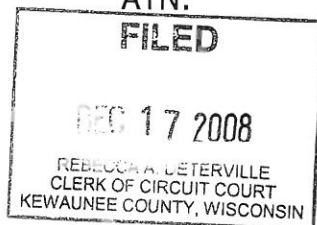
STATE OF WISCONSIN

-VS-

Jamie A. Tlachac
631 Hickory Street
Luxemburg, WI 54217
DOB: 10/16/1975
Sex/Race: M/W

Alias:

Plaintiff, DA Case No.: 2008MN002341
Assigned DA/ADA: Mark R. Rohrer
Agency Case No.: S08-06215
Court Case No.: 2008CF000090
ATN:



Defendant,

Criminal Complaint

The undersigned complainant, being first duly sworn, states that:

Count 1: SECOND DEGREE RECKLESS ENDANGERMENT

The above-named defendant on or about Tuesday, August 19, 2008, Kewaunee County, Wisconsin, did recklessly endanger the safety of Citizens of the City of Luxemburg, contrary to sec. 941.30(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

Count 2: POSSESSION OF A FIREARM WHILE INTOXICATED

The above-named defendant on or about Tuesday, August 19, 2008, Kewaunee County, Wisconsin, did go armed with a firearm while under the influence of an intoxicant, contrary to sec. 941.20(1)(b), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 3: DISORDERLY CONDUCT

The above-named defendant on or about Tuesday, August 19, 2008, Kewaunee County, Wisconsin, while in a public or private place, did engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct, under circumstances in which the conduct tended to cause or provoke a disturbance, contrary to sec. 947.01, 939.51(3)(b) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

PROBABLE CAUSE:

The complainant alleges he is informed by the reports of Dan Weyker, known to the complainant to be a detective with the Manitowoc County Sheriff's Department that on August 19, 2008 Lt. Chris Gullbrand from the Kewaunee County Sheriff's Department contacted Deputy Inspector Greg Schetter of the Manitowoc County Sheriff's Department requesting assistance in investigating an incident involving two Kewaunee County officers due to a conflict of interest.

The complainant further alleges he/she is informed by the reports of Det. Weyker that on August 19, 2008 he along with Det. Dennis Jacobs met with Chief Ken LeFevre and Investigator Steen Haen from the Kewaunee County Sheriff's Department. They were advised there was an incident involving gun shots fired at the residence of Jamie Tlachac in the City of Luxemburg, Kewaunee County, Wisconsin. Chief LeFevre advised Tlachac was given a preliminary breath test and the result was .16% BAC at approximately at 12:00 PM on August 19, 2008.

The complainant further alleges he/she is informed by the reports of Det. Weyker that on August 19, 2008 Det. Weyker and Det. Jacobs interviewed Jamie Tlachac. Jamie stated on 8/18/08 he had been drinking beer at a golf outing throughout the day. He then went to Bump N' Uglies tavern in the Village of Luxemburg where he continued drinking. Jamie stated at some point he lost all memory of what happened. He did not remember how he got home. Jamie stated he remembers waking up and firing two shots from his assault rifle. Jamie did not remember what he was shooting at. He stated he was shooting towards his rear patio door on the south side of his residence. He was not sure if there was a person there. He then found several broken windows on his house. He has no memory of how the damage occurred. Jamie indicated during his interviews with law enforcement that he had nothing to drink from the time he woke up on August 19, 2008 until the time he reported the incident to police. There were also no indications in the Tlachac residence that Tlachac had been drinking after he arrived home on August 19, 2008. In addition, a bullet hole was found in the patio door frame. There was no evidence that the 2nd bullet struck the Tlachac residence in the direction that Tlachac said he fired the weapon. Jamie lives in the Village of Luxemburg and there are several occupied houses and a church located to the south of his residence.

The complainant further alleges he/she is informed by the reports of Det. Weyker that Scott Walczyk stated on August 19, 2008 at approximately 5:20 AM he heard two shots from Jamie's house. He then called on-duty Officer Eric Zellner who is a mutual friend and he told him about the shots being fired; Zellner then responded to Jamie's residence in his squad car. Scott made contact with Jamie. Jamie still seemed to be very much out of it. Jamie had no memory of discharging a firearm. Scott then entered the residence with Jamie and saw two empty spent rounds of ammunition lying on the kitchen floor. He also observed approximately six live rounds of ammunition on the floor. Jamie then picked up the ammunition. Officer Eric Zellner cleared and cased the rifle and two handguns belonging to Jamie. Scott then took possession of the three fire arms and took them to his residence. That on August 19, 2008, Lt. James Lenk seized 2 spent rifle shell casing from Tlachac's dresser drawer in his bedroom.

Also during the course of the interview Scott Walczyk informed Detective Weyker during SCOTT'S first description of the incident, Detective Weyker noted he made no mention of ERIC ZELLNER being contacted or responding to the residence. As he went back over the details, SCOTT indicated he did call ERIC ZELLNER within a few minutes after he heard the shots from JAMIE'S residence. SCOTT checked his cell phone log and verified that he called ERIC at 0523 hours. SCOTT stated he told ERIC that he heard shots fired. SCOTT stated ERIC did respond to JAMIE'S residence. ERIC spoke with JAMIE outside of the residence. ERIC encouraged JAMIE to file a police report about what

happened. JAMIE told ERIC that he did not wish to file a police report. SCOTT stated ERIC then left. He stated ERIC never at any time entered JAMIE'S residence.

Detective Weyker pointed out that this information was different than the information which was provided by ERIC ZELLNER. SCOTT then acknowledged that ERIC did enter JAMIE'S residence. He stated ERIC stayed in the living room area. SCOTT indicated he retrieved the firearms from JAMIE'S bedroom while ERIC waited in the living room. SCOTT later changed his story again and acknowledged that ERIC did enter the bedroom and ERIC unloaded and cased the firearms for him (SCOTT). SCOTT stated he did not want to get ERIC involved in this.

The complainant further alleges he/she is informed by the reports of Det. Weyker that he interviewed Scott Walczyk. During the course of the interview Detective Weyker asked Scott if he informed Eric he told Eric about shots being fired. Scott replied no. SCOTT now stated he was pretty sure that he did not. He indicated that he just told ERIC to stop over and he did not mention hearing any shots.

The complainant further alleges he/she is informed by the reports of Det. Dennis Jacobs that he conducted a phone interview with Rachel Wollitz on August 19, 2008. That RACHAEL stated, at bar close which she believed to be 0200 hours, she gave JAMIE TLACHAC a ride home. She knew JAMIE was drunk. During the evening, he kept saying to her, "RACHAEL, I'm so drunk." RACHAEL has known JAMIE for approx. 2 years, and she never saw him this intoxicated. She asked him if he needed a ride home. He replied yes, that would be nice.

They went to his house. JAMIE stated, "Stop, reverse." She backed up to the front of his residence. JAMIE could not get out of her car. She gave him a shove. JAMIE then got out of the car and began to roll around in the front yard on the grass, giggling and making noises. RACHAEL then drove off.

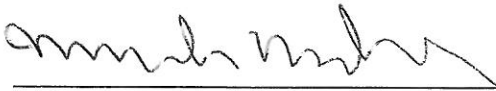
The complainant further alleges he/she is informed by the reports of Det. Weyker that he interviewed Lori Tebon on August 19, 2008. LORI stated she is a light sleeper and at approx. 0230 hours, on August 19, 2008, she heard some loud people and thought JAMIE was having a party. She went back to sleep. She heard more noise again a short time later. Just before 0400 hours, LORI heard glass breaking. She looked out the window and saw a person trying to break in the front door of JAMIE'S residence. She observed this same individual smashing a glass window over the mailbox. LORI yelled out the window. At that time, KEVIN'S alarm went off. LORI told KEVIN about what she saw and heard. She told KEVIN to call SCOTT and go over to JAMIE'S house as she believed he could have been injured. LORI stated this person then went around to the back of JAMIE'S house. She heard glass breaking. The light went on in JAMIE'S residence in the kitchen area at this time. The person LORI saw was wearing dark clothes and, she believed, long pants. She described the person as having a normal build and not being real tall. At about that time, KEVIN and SCOTT arrived at JAMIE'S residence. She did not see anyone else. LORI stated KEVIN and SCOTT had a conversation with JAMIE, during which she does not know what was said.

LORI laid back down and was just about asleep when she heard what she believed was the noise of someone picking up glass. She also heard a voice at that time. The voice said, "I'm going to get somebody. I'll show you I can shoot." LORI then heard 2 gunshots. She believes this occurred at approx. 0520 hours. Her alarm is set for 0530 hours, and the gunshots occurred just prior to her alarm going off. The gunshots occurred just after KEVIN left for work. LORI looked out the window; however, she did not see anything. She believes the shots came from behind JAMIE'S residence.

LORI picked up her phone and was going to call the police; however, she observed SCOTT standing outside his house.

The information provided by Dan Weyker and Dennis Jacobs is believed because they have provided true and reliable information in the past as police officers. The information provided by Scott Walczyk is believed because he/she is providing information based upon his/her personal observations and experience. The information provided by Jamie Tlachac is believed because he/she is providing information against his/her penal interest.

Approved by complainant for filing:

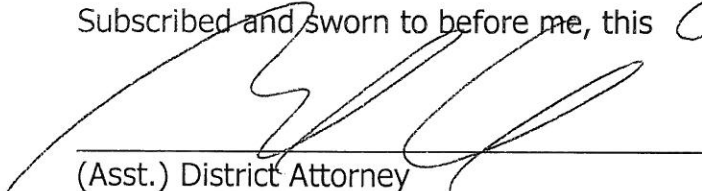


Mark R. Rohrer

~~District Attorney~~ Special Prosecutor

State Bar No: 1001681

Subscribed and sworn to before me, this 8th day of December, 2008 .



(Asst.) District Attorney