

FILED

02-22-2021

Clerk of Circuit Court

Kewaunee County, WI

2021CF000012

STATE OF WISCONSIN CIRCUIT COURT KEWAUNEE COUNTY

STATE OF WISCONSIN

Plaintiff,

vs.

CHEYANNE J WIERICHS

421 Fourth St Apt A

Algoma, WI 54201

DOB: 10/03/1997

Sex/Race: F/I

Eye Color: Brown

Hair Color: Brown

Height: 5 ft 0 in

Weight: 150 lbs

Alias:

Defendant.

DA Case No.: 2021KW000088

Assigned DA/ADA: Andrew P. Naze

Agency Case No.: 21-00847

Court Case No.:

ATN:

**CRIMINAL
COMPLAINT***For Official Use*

The undersigned, being first duly sworn, states that:

Count 1: NEGLECTING A CHILD - CONSEQUENCE IS DEATH

The above-named defendant on or about Tuesday, February 9, 2021, in the City of Algoma, Kewaunee County, Wisconsin, being a person responsible for the welfare of a child, O.E., DOB 06/05/2020, through her action or failure to take action, for reasons other than poverty, did negligently fail to provide necessary care, food, clothing and/or medical care so as to seriously endanger the physical, mental, or emotional health of the child, and the child suffered death as a consequence, contrary to sec. 948.21(2) and (3)(a), 939.50(3)(d) 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: POSSESSION OF METHAMPHETAMINE

The above-named defendant on or about Tuesday, February 9, 2021, in the City of Algoma, Kewaunee County, Wisconsin, did knowingly possess methamphetamine, contrary to sec. 961.41(3g)(g), 939.50(3)(i) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 3: POSSESSION OF DRUG PARAPHERNALIA

The above-named defendant on or about Tuesday, February 9, 2021, in the City of Algoma, Kewaunee County, Wisconsin, did knowingly possess with primary intent to use, a pipe to inhale a controlled substance, contrary to sec. 961.573(1) Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned for not more than thirty (30) days, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

PROBABLE CAUSE:

The basis of this complaint is the reports of Sgt. Cody Gulbrand, known to the complainant to be an officer with the Algoma Police Department, who has provided true and reliable information in the past. Sgt. Gulbrand writes as follows:

On 2/9/21 at approximately 1344 hours I was dispatched to 421 Fourth Street in the City of Algoma for a report of a pulse-less, non-breathing party. I went upstairs to the common area of 421 Fourth Street and saw the door to apartment was open. I announced my presence and was directed into apartment A by a female voice.

I entered the apartment and observed that there was a mess in the kitchen area. I also observed that there was water on the floor. I entered the living room area and saw Cheyanne Wierichs on the couch, next to a nude infant that did not appear to be responding. There was a small male child running around the residence that was also nude, later identified as D.E., D/O/B 6/25/18. Ms. Wierichs appeared to be performing CPR on the infant, later identified as O.E., D/O/B 6/5/2020. I took over performing CPR until Kelly Koss from Algoma Rescue arrived. Koss took over and escorted O.E. out of the residence to the ambulance. I followed Koss out of the building to the ambulance.

After rescue personnel was loaded into the ambulance, I went back upstairs to talk to Ms. Wierichs. As I returned to meet with Ms. Wierichs, I observed that she was on the phone with a female party. During the call, it was difficult to understand Ms. Wierichs, but it sounded like Ms. Wierichs had O.E. in the bathtub and she had left the bathroom to clean the kitchen. Ms. Wierichs heard splashing and came back and found O.E. face down in the bathtub.

I asked Ms. Wierichs brief questions regarding what happened prior to my arrival. Ms. Wierichs was at times difficult to understand due to her crying and being upset. I asked what happened and she told me that she had O.E. in the bathtub and left the bathroom to clean the kitchen area. She heard splashing and believed it to be D.E., her son, and came back into the bathroom to find her daughter, O.E. drowning. I asked how long she believed O.E. was drowning and she eventually said maybe a minute. It did not seem Ms. Wierichs was sure of how long O.E. might have been underwater for. I asked if O.E. was placed in any sort of baby seat or tub in the bathtub. Ms. Wierichs said that O.E. was not. I asked whether Ms. Wierichs had used any alcohol or drugs and she denied using either.

I asked where the bathroom was and was shown to it by Ms. Wierichs. I observed that there was still water in the bathtub. The bathtub was full of children's toys that there was almost no opening on the surface of the water. I collected a photograph of the bathtub using my department phone. There appeared to be a couple inches of water in the bathtub. I did not obtain a measurement of the water level in the bathtub. I asked what the water level was, as the tub was draining at the time. Ms. Wierichs said that she fills the tub to O.E.'s waist level, and pointed to the side of the tub to where the level would be. It was slightly higher than the water level I was observing.

Ms. Wierichs was interviewed by Law Enforcement Officers at Aurora Hospital. She admitted to watching Youtube while the children bathed for several minutes. Ms. Wierichs also admitted to leaving the bathroom to connect her phone to a Bluetooth speaker, and then listening to a song in its entirety before hearing splashing. It was estimated that several minutes would have passed from the time Ms. Wierichs left the bathroom to when she returned.

On 2/9/21, after leaving Aurora Hospital, I returned to 421 Fourth Ave. I was met by Special Agent Carl Waterstreet of the Wisconsin Department of Criminal Investigations. Officers completed a search warrant, which was signed by Commissioner Messmann.

I then returned to Ms. Wierichs' residence and assisted other agents from the Department of Criminal Investigations in searching Ms. Wierichs' residence.

At the conclusion of the search, I took possession of several items of evidence. The items were later logged into evidence. The items seized can be found on the Report on Property form attached with this report, which included a small Ziploc bag containing a white substance, a gem bag containing a white powder, a glass pipe, blue metal scraper, basket containing drug paraphernalia, along with other items. One of the items seized was a notebook detailing Wierichs' addiction and use of methamphetamine and heroin.

I learned through the Law Enforcement Database, Spillman, that O.E. had died. I made phone contact with Coroner Rory Groessl who informed me that an autopsy had been set up for the following day, 2/10/21, at 1000 hours at the Sheboygan County Medical Examiner's Office.

On 2/10/21 I travelled to the Sheboygan County Medical Examiner's Office to be present for the autopsy of O.E.. I arrived shortly before 1000 hours, and met with Coroner Rory Groessl. The autopsy began at approximately 1000 hours, and ended at approximately 1125 hours. Dr. Mark Witeck was the acting forensic pathologist, and was assisted by Chris Nehring and Kimberly Waite.

Dr. Witeck noted that there was congestion found in the lungs. No other evidence of other significant injuries was found. Dr. Witeck provided me with a preliminary findings sheet, which listed the cause of death as "probable drowning." The sheet noted that toxicology and histology tests were pending.

On 2/15/21 at approximately 1420 hours I tested the white substance taken from Ms. Wierichs' residence for the presence of methamphetamine. I used a NIK test kit and observed a result indicating positive for the presence of methamphetamine. I also tested a glass pipe for the presence of methamphetamine and observed a positive result.

Sgt. Gulbrand spoke with Ms. Wierichs about the condition of the apartment. I asked about the refrigerator in the apartment, as it was not plugged in, and had rotting food in it. She said that it had been broken since approximately March 2020, and instead uses a mini fridge that was next to the fridge. I recalled seeing the mini fridge while I was at the apartment, and that there was little inside of it. Ms. Wierichs said she talked with Lori Nellis of Kewaunee County Human Services about the fridge several months prior.

I asked about the stains on the carpet and walls, which appeared to resemble human feces. Ms. Wierichs said that it was chocolate pudding, that was put there on Sunday night. She said she didn't feel like cleaning it, but did see it happen. In the photographs that were taken of Ms. Wierichs' apartment, there is food and food garbage strewn about the floor.

Based on the foregoing, the complainant believes this complaint to be true and correct.

STATE OF WISCONSIN - VS - Cheyanne J Wierichs

Subscribed and sworn to before me on 02/22/21

Electronically Signed By:

Andrew P. Naze

District Attorney

State Bar #: 1037575

Electronically Signed By:

Mark Jandrin

Complainant