STATE OF WISCONSIN CIRCUIT COURT WAUSHARA COUNTY

STATE OF WISCONSIN,

Plaintiff

v.

Case No. 12CF110

RANDY L. LINDGREN
N2007 17th Drive
Township of Dakota, WI
Sex/Race: M/W
DOB: 3/23/84,

JOHN P. GEARNHARDT
219 Laing Street
Redgranite, WI
Sex/Race: M/W
DOB: 10/20/66,

Theresa A. Lindgren
220 Irving Street
Redgranite, WI
Sex/Race F/W
DOB: 5/19/82

Christopher Legler
220 Irving Street
Redgranite, WI
Sex/Race M/W
DOB: 4/28/1979

Michael D. Bertzyk
144 E. Mount Morris Avenue
Wautoma, WI
Sex/Race M/W
DOB: 11/14/1986

Buckie Rehwinkel
312 E. North Lake St
Hancock, WI
Sex/Race M/W
DOB: 12/27/1974

FILED
MELISSA M. ZAMZOW
AUG 21 2012
CIRCUIT COURT
WAUSHARA CO. WIS.

IF YOU REQUIRE THE ASSISTANCE OF AUXILIARY AIDS OR SERVICES BECAUSE OF A DISABILITY, CALL (920) 787-4631, EXT. 209 AND ASK FOR THE WAUSHARA COUNTY CIRCUIT COURT ADA COORDINATOR.

Becky J. Holman
155 Stager
Redgranite , WI
Sex/Race F/W
DOB: 8/9/1965

Joshua Vetter
9670 State Road 21
Berlin, WI
Sex/Race M/W
DOB: 3/13/1992

Defendants.

CRIMINAL COMPLAINT

Lieutenant Randal F. Thurley of the Waushara County Sheriff's Department, being first duly sworn, states that:

COUNT 1: FIRST DEGREE RECKLESS HOMICIDE (PTAC)
(as to defendants Randy Lindgren and John Gearnhardt)

The above-named defendants, on or about April 10, 2012, through April 12, 2012, in Waushara County, Wisconsin, did either directly or as a party to the crime cause the death of Amalia J. Henschel by the delivery or manufacture of a Schedule I or II controlled substance, heroin, in violation of Wis. Stat. § 961.41, which Amalia J. Henschel used, dying as a result of that use, contrary to Wis. Stat. §§ 940.02(2)(a), 939.05 and 939.50(3)(c), a Class C felony, and upon conviction may be fined not more than $100,000 or imprisoned not more than 40 years, or both.

COUNT 2: CONSPIRACY TO COMMIT MANUFACTURE/DELIVER HEROIN (> 50G) (as to defendants John Gearnhardt, Randy Lindgren, Christopher Legler, Becky Holman, Buckie Rehwinkel, Michael Bertzyk and Theresa Lindgren)

The above-named defendants on or about and between April of 2011 and June 2012, in the county of Waushara, Wisconsin, conspired to deliver a controlled substance, to-wit: Heroin, in an amount of more than 50 grams, contrary to sec. 961.41(1)(d)4, 939.50(3)(c), 961.41(1x) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars ($100,000), or imprisoned not more than forty (40) years, or both.

And the Court shall 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: MANUFACTURE/DELIVER HEROIN (<1G)
(as to defendant Joshua Vetter),

The above-named defendant on or about April 13, 2012, in the City of Berlin Park, within ¼ mile of the Waushara County border, Wisconsin, did deliver a controlled substance, to-wit: Heroin, in an amount of one gram or less, contrary to sec. 961.41(1)(d)1 and 939.50(3)(f) Wis. Stats., a Class F Felony, and upon conviction may be fined not more than $25,000, or imprisoned not more than 12 years and 6 months, or both.

And the Court shall 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 4: PERJURY
(as to defendant Michael Bertzyk)

The above-named defendant on or about July 11, 2012, in the City of Wautoma, Waushara County, Wisconsin, did under oath or affirmation orally make false material statements which the person does not believe to be true, in a proceeding before a judge contrary to sec. 946.31 (1) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than $10,000, or imprisoned not more than 6 years, or both.

FACTS

Your complainant is a lieutenant for the Waushara County Sheriff's Department and bases this complaint upon his own knowledge, personal observations, information and belief, and upon review of the official police reports of the Waushara County Sheriff's Department and those of police officers Detective McCoy, Detective Stacy Vaccaro, Detective Sergeant Curt Olson, Detective Sergeant Jim Lietz, Deputy Lafe Hendrickson, Officer Nathan Klapoetke, DCI Special Agent Mike Sasse. Further, Redgranite officer Kyle Tarr, Berlin police Investigator Georgia Trochinski and Berlin police Sergeant Jones your complainant relies on the statements provided by citizen witnesses which your complainant believes reliable because said witnesses observed the events described, or statements given in the course of their occupational or professional duties or are statements against interests. Lastly, your complainant relies on the

statements of the defendants, which are reliable to the extent that they are made against their penal and social interests.

On April 12, 2012, at approximately 10:30 a.m., Officer Kyle Tarr of the Redgranite Police Department was dispatched to a medical emergency at 155 Steger Street in the Village of Redgranite, Waushara County, Wisconsin. Upon his arrival, Officer Tarr observed a female lying on her back in the grass that was not breathing, with purple skin and was nonresponsive. Officer Tarr reports that the female had no pulse and was deceased. Detective Stacy Vaccaro of the Waushara County Sheriff's Department contacted William Duhm, who reports that around 10:15 a.m., while walking his dog, he observed the body laying there dead and had someone call the police.

Det. Vaccaro reports that she observed Lt. Thurley open a black purse located near the body and pull out photo identification of a Wisconsin driver's license with the name of Amalia J. Henschel, which picture matched the deceased. Det. Sgt. Jim Lietz observed Henschel's body placed into a body bag and sealed. Deputy Lafe Hendrickson followed the body back to Wautoma Leikness Funeral Home. On April 13, 2012, Lt. Thurley and S/A Sasse escorted the body of Amalia Henschel from the funeral home to the Department of Pathology at the School of Medicine in Madison, Wisconsin for an autopsy to be performed. Dr. Michael Stier performed the Henschel autopsy. During the autopsy blood and urine samples were collected and then transported by crime lab employee Nick Stahlke to the Wisconsin State Crime Laboratory for analysis. On June 25, 2012, Toxicologist Michael Larson identified in the urine of Amalia Henschel nicotine, cotnine, caffeine, 6 monoacetylmorphine, morphine, and codeine. Cotnine is a metabolite of nicotine. 6 monoacetylmorphine is a metabolite of heroin. Morphine and codeine are narcotic analgesics. Morphine is also a metabolite of codeine and heroin. In a final

autopsy report dated July 12, 2012, Dr. Stier opined that Amalia Henschel died from acute heroin fatality and that the decedent's cause of death is attributed to a toxicologic process, specifically involving heroin.

Your complainant has reviewed the records from the Waushara County Jail and that Amalia Henschel was released from being incarcerated in the Waushara County Jail on the morning of April 11, 2012, at approximately 5:00 a.m.

On June 29, 2012, Lt. Thurley interviewed Laura Unger, Randy Lindgren's mother. Unger previously reported that on the evening of April 11, 2012, her son Randy Lindgren had been living at her residence located at 243 Horn Street, Redgranite, County of Waushara, Wisconsin. On that evening, Randy asked to borrow Unger's car to go pick up a friend in Berlin. Unger reports that when Randy returned he had a female with him that Randy introduced as Amalia. Unger reports that Amalia appeared very upbeat and intoxicated. Unger reports they drank alcohol together and had marijuana together. She reports that she, Mike Seaman, Randy Lindgren, and at some point, her daughter, Theresa Lindgren, were all at the residence. Unger reports that she saw her son, Randy Lindgren, and Amalia Henschel snort a line of heroin together at her kitchen counter, and that the heroin came from her son, Randy. Unger had previously been interviewed by law enforcement and denied any knowledge of any drug use beyond marijuana by Henschel. Unger apologized for not coming forward sooner and said she was concerned for Randy and did not want him to get into trouble. Unger told Lt. Thurley that the reason she was telling Lt. Thurley today was because it was the right thing to do.

Unger reports she observed Randy and Amalia in the kitchen area of the house and that Randy was crushing up and cutting lines of heroin. Unger reports that she watched Randy and Amalia both snort the heroin from the counter at that time. Unger reports she is not sure if Mike

Seaman was able to see. Unger reports her daughter Theresa Lindgren was around the house sometime during that evening, but is not sure if it was when the heroin was being used. Unger reports that one of Randy's friends showed up at the house and Randy and Amalia left to go to CJ's Bar in Redgranite. Unger reports they had been at her house approximately 30 minutes before Randy and Amalia went to the bar. Unger reports that approximately 30 to 45 minutes after they left to go to the bar, Randy called Mike Seaman to come pick him up because Amalia had dumped him at the bar.

On June 27th, 2012, Theresa Lindgren testified under oath that during April of 2012 she was doing 2-4 lines of heroin a day that she would obtain from John Gearnhardt. Her brother Randy Lindgren was obtaining heroin from Gearnhardt that Randy would in turn sell. Randy, Gearnhardt and herself have actually driven to Milwaukee together for Gearnhardt to pick up the heroin a couple of times. Theresa testified that she would do regular drug runs with Gearnhardt to Milwaukee to pick up the heroin in which she was the driver, Theresa testified that she would get a gram in exchange for doing this. Gearnhardt would in turn sell this heroin to Bucky, Becky Holman and Randy Lindgren. Theresa testified that last Friday she helped Gearnhardt pick up 50 grams of heroin and it was fronted to Bucky, Randy and Becky Holman and they would in turn sell it and then pay Gearnhardt back. After Gearnhardt would get his money back he would then pay back his supplier who had fronted Gearnhardt the heroin and get another shipment. Theresa reports they were making runs to Milwaukee for heroin every 2,3-4 days, more than weekly. Since Amalia's death Theresa thinks they have made more than 10 but less than 30 heroin runs to Milwaukee. Theresa testified she had no knowledge of Randy giving Amalia heroin before Amalia died.

On June 29, 2012, Lt. Thurley interviewed Theresa Lindgren. Lt. Thurley reports that Lindgren had been interviewed on previous occasions and denied any knowledge of drug use except possible marijuana by Amalia on the evening of April 11, 2012, at her mother's residence. During the June 29th interview, Theresa Lindgren reported that her brother had supplied Amalia with heroin the night Amalia died. Theresa reports that she did not observe Randy do this; however, Theresa was told by Randy that he had only given her a little bit of the "boy," referring to heroin, and patted his pocket. Theresa said that she was telling Randy not to give Amalia any of the shit because Amalia was already messed up, and that he shouldn't do that. Theresa reports she stopped over at her mother's residence sometime between 8:30 and 9:00 p.m. on April 11, 2012, to borrow money from her mom. Theresa reports that is when she saw Randy and Amalia at her mom's house and had the conversation about giving Amalia drugs. Theresa reports this is the first time she had ever met Amalia and she could tell Amalia had been drinking or something, and that's why she was concerned and told Randy he shouldn't give Amalia anything. Lt. Thurley asked Theresa why she didn't tell this information earlier in the investigation. Theresa said that Randy was her little brother and she didn't want Randy to get into any trouble.

During the June 29, 2012, interview with Theresa Lindgren, she told Lt. Thurley that the heroin Randy gave to Amalia came from John Gearnhardt. Lt. Thurley asked Lindgren how she knew this, to which Theresa Lindgren stated that she is actually the driver for Gearnhardt. Theresa reports that she was jobless so she drove. All she had to do was drive Gearnhardt to his guy in Milwaukee. If Gearnhardt would have something else to do, Theresa would drive to the source in Milwaukee and give him his money, and then drive the heroin back up here to Redgranite to Gearnhardt, and she would be out of it after that point. Lindgren reports making the trip down to Milwaukee before Amalia died. Theresa reports that she and Gearnhardt went

to Milwaukee on Tuesday night, and when they returned, Randy was waiting in Gearnhardt's front yard for his cut of the heroin.

On July 2nd, 2012 Theresa Lindgren testified under oath that Randy had given Amalia heroin on April 11th, 2012. Theresa testified that she drove Gearnhardt on drug runs to Milwaukee because he didn't have a license. Theresa reports John was purchasing between 200-500 grams of heroin a week from Milwaukee. Theresa testified this has been going on for about a year back to April of May of last year.

Lt. Thurley interviewed Randy Lindgren two times on July 2, 2012. Lt. Thurley had interviewed Lindgren previous to this date, in which he denied giving any heroin to Amalia Henschel. During the first interview on July 2, 2012, Randy Lindgren admitted to Lt. Thurley that he has been selling heroin for about a couple of months beginning in the middle to the end of April, 2012. Lt. Thurley asked him how much he was selling, to which Randy stated, approximately a couple of grams like every 5 days. Randy Lindgren listed multiple customers and reported that the heroin he dealt came from Milwaukee. Randy reports that his heroin came from John Gearnhardt, who got it from Milwaukee. Randy reported that John who would pick up as much as 100 grams at a time every couple of days. Randy would pick up 10 grams from John approximately 3 to 4 times on a front basis. Randy reports he still owes John $1,000. Randy reports that John would also sell 10-gram quantities of heroin to Buckie Rehwinkel, Becky Holman, and Theresa Lindgren. Randy reports Randy dealt heroin to Amanda Hopp, Liz Verburgt, Mike Seaman, Sarah Bertzyk, David Bertzyk, Tommy Piechowski, Shiloe Viau, Craig Belfeuil, David Belfeuil, Ryan Van, his mother Laura Unger, Buckie Rehwinkel, Rachel Zindar, Christopher Zindar, Bob Bohn (1 to 2 bindles a week), Adam King (a bindle a day), Adam

Boyce (1 to 2 bindles when he came by), Nathanial Flannigan (1 to 2 bindles daily), and Kaitlin Berndt (1 bindle here and there).

Randy denied using heroin at the time of Amalia's death and did not know who Colton Rodaks was. Randy stated he was selling to Mike Bertzyk daily and that Mike was selling to his girlfriend's dad, that being Breanne Vetter, along with Sue Parsons, Amber Gohlke, and Mike Kiska. Lt. Thurley continued to ask Randy Lindgren about the evening before Amalia Henschel was found dead. Lindgren said that he did not give Amalia heroin and that she actually brought some with her. Randy reports that Amalia actually provided him with heroin.

At a second interview on July 2, 2012, Randy reported to Lt. Thurley that the night before Amalia was found dead he picked up Amalia in Berlin and brought her back to his mother's house in Redgranite. Randy reports that while at his mother's house, they drank alcohol and shared a bowl of marijuana. After doing this, Randy reports that Amalia asked if he had any good stuff. Randy stated that he told Amalia that he had a little of the "boy," and Amalia asked for a bump. Randy went on to state that he and Amalia went into the kitchen area. Randy removed the heroin from his pocket and cut a small amount of heroin into 2 lines. Randy believes that they each used .2 grams. Randy reports that this heroin came from John Gearnhardt earlier in the day of April 11, 2012, and that John had gotten the heroin from Milwaukee. Randy reports that John brought back 50 grams of heroin and that Randy, Buckie Rehwinkel, Theresa Lindgren, and Becky Holman each received 10 grams that was fronted to them. Randy reports they all owed John $2,200 for what they received. Randy reports that this heroin was more potent than the other heroin he had received in the past. Randy reports that he is a heroin user himself and noticed that this was stronger by the effect that it had on him. Randy reports that after using the heroin, he and Amalia were given a ride by Shiloe Viau and Viau's wife to CJ's

Bar in Redgranite. Randy said that he and Amalia went into the bar. After a short period of time he noticed that Amalia was gone. He went to look for her, but couldn't find her. Randy reports that he had Mike Seaman pick him up and they went back to his mom's house, where Randy had his friend Kaitlin and her brother, Adam, pick him up. Randy said he then went back to Kaitlin's and smoked crack, and Randy shared some heroin with them. Randy stated that Kaitlin also bought a $40 bindle from him for the next day.

On April 17, 2012, Det. Vaccaro and Det. Sgt. Lietz made contact with April Phelps. Phelps reported that she was a bartender at CJ's Bar on the night of April 11, 2012. Phelps reported that right around 9:30 p.m. or 9:45 p.m., Amalia and Randy came to the bar through the back door. Randy asked April if Wednesday was still free pool night, and April told him yes. April reports that after this conversation, Amalia looked at April and said, "Oh, it's Wednesday," in a manner that she didn't really know it was Wednesday. Phelps reports that April made a Captain & Coke for Randy and got a bottle of Bud Light for Amalia. April reports that Amalia was in the bar approximately 10 to 15 minutes and never drank any of her beer. April reports that Amalia seemed like she was out of it and was acting kind of spacy. April reports that Amalia left the bar by herself. At some point, Randy noticed Amalia had left and said something to the effect of, "They're a dime a dozen, I'll find another one." April reports Randy then walked out the back door to look around and came in approximately 20 to 30 seconds later by himself.

On April 30, 2012, Ashley Rogers spoke with Det. Lietz and reported she had been at CJ's Bar the night that Amalia had been in there. Rogers reports she went to school with Amalia and recognized her when she entered the bar. Rogers reports that Amalia's eyes were very, very red and not very open and she was very slouched over. Rogers reports she looked sick. Rogers

reports Rogers had forgotten her wallet and ran out to her car to get it. Upon coming back in, Rogers noticed Amalia walking around the buildings, towards the woods, outside CJ's Bar all by herself. Rogers reports that was approximately 10:00 to 10:30ish p.m.

Lt. Thurley interviewed John Gearnhardt on July 2, 2012. In that interview, Gearnhardt admits to dealing heroin. Gearnhardt reports he has received as much as 500 grams of heroin from his source in Milwaukee. Gearnhardt states he would go to Milwaukee 1 to 2 times a week and pick up anywhere from 20 to 30 to 50 to 100 grams of heroin at a time, depending on how much heroin he needed back here in the Waushara County area. Gearnhardt stated he would pick up large quantities of heroin and bring them back to the Village of Redgranite, at which time he would meet with Becky Holman, Randy Lindgren, Buckie Rehwinkel, Theresa Lindgren, and sometimes Christopher Legler, at Gearnhardt's residence at 219 Laing Street in the Village of Redgranite, Waushara County, Wisconsin. He would supply each of them with approximately 10 grams of heroin. Gearnhardt believes he would do these runs 2 times a week and charge them $2,250 for 10 grams of heroin. Gearnhardt stated he would front the heroin to them, and then prior to his next trip to Milwaukee, they would pay him back the $2,250 so that he could go pick up more heroin. Gearnhardt reports he was also getting his heroin out of Milwaukee on a front basis. Gearnhardt reports that recently he was trying to turn his heroin business over to Theresa Lindgren starting about 6 months ago so he could insulate himself from everything because things were getting out of control and he felt that something might happen soon.

Gearnhardt states that he is currently on probation for possession of heroin for an incident that took place down in Milwaukee. Gearnhardt reports he picked up some heroin from his source and it was junk heroin. Gearnhardt made arrangements to return the heroin back to his source. Gearnhardt said that Randy, Theresa, and himself all went together down to Milwaukee

in February of 2012, and that Gearnhardt was stopped in a traffic stop. Gearnhardt stated he was arrested for the 6 grams of heroin and ultimately placed on probation for his case.

In an earlier interview with Gearnhardt, Gearnhardt denied knowing any specifics about Amalia using heroin. In the July 2, 2012, interview, Gearnhardt stated that on the day Amalia was found, Randy did in fact make contact with Gearnhardt and Randy told Gearnhardt that he had given Amalia a line of heroin at his mom's house the night before she died, and that Randy and Amalia were drinking and smoking weed before they went to the bar together.

Det. Vaccaro made contact with Amanda Hopp on June 27, 2012, who reported that she had been staying with Randy Lindgren at his mother's residence in Redgranite at 243 Horn Street. Approximately a week and a half ago, she and Randy Lindgren moved into a duplex at N2007 17th Drive, Wautoma, Waushara County, Wisconsin. Hopp believes Randy Lindgren has been selling heroin for about a year and that he sold his bindles, which are 1/10th of a gram of heroin, for $40 apiece. Hopp reports that whenever Lindgren was ingesting heroin, he would offer Hopp heroin as well. Hopp estimate that Lindgren would be selling about 5 grams of heroin per week, and that the same people who purchased heroin from Randy Lindgren at his mother's residence also purchased heroin from him at the new residence.

On July 2, 2012, Lt. Thurley interviewed Amanda Hopp, who identified Randy Lindgren's heroin customers as: Michael Bertzyk, Sarah Bertzyk, and David Bertzyk, who would all get a bindle at a time several times a day; Tommy Piechowski, who would buy heroin from Randy a couple times a week; and Shiloe Viau, who would pick up half a gram at a time a couple times a week. Amanda reports that Buckie Rehwinkel and Chastity Challnor would get heroin directly from John Gearnhardt. Amanda reports that the most she has ever seen Randy with is about 10 grams of heroin, and that Amanda would drive Randy around so he could

deliver his heroin to people that would call and arrange for deliveries. Amanda reports that Randy would always get his heroin from John Gearnhardt and that she knew of no other source that he had. Amanda reports that when Randy got the heroin from John, it was in bulk. Randy would pick up the 10 grams, weigh it up in the bedroom, and package it in aluminum foil.

Officer Nathan Klapoetke interviewed Christopher Legler on June 27th, 2012. Legler reports that for the past few months, he had been going down to Milwaukee with John Gearnhardt to pick up heroin. Legler reports that he goes down about once a week and gets 10 grams of heroin for about $180-$200 per gram. Legler reports that the heroin is kept at Legler's house until various individuals, including Gearnhardt and Randy Lindgren would call and ask for it. Legler report the heroin typically comes in one knotted plastic bag and when they get back to Redgranite, Legler and Gearnhardt break it down into grams. Legler reports these grams are then distributed to Randy Lindgren and Becky Holman for $225 a gram. Legler reports Holman and Randy picked up heroin form him 2 days ago. Legler reports that a typical breakdown of the supply would be 5 grams to Randy, 5 grams to Becky, 5 grams to Gearnhardt and he would get to keep a gram as payment and all the money for the drugs went to Gearnhardt. Legler reports that Randy would provide Gearnhardt $2000-$3000 per week. Legler said that he and Gearnhardt actually probably go to Milwaukee twice a week and get 15 grams of heroin per trip. Legler reports he is unemployed and he holds the heroin for Gearnhardt as a way to make money.

On April 14, 2012, Investigator Georgia Trochinski responded to the Berlin Memorial Hospital at approximately 10:30 p.m. Inv. Trochinski made contact with juvenile J.A.D., who reports that Colton Rodaks had taken heroin. Sgt. Jones also reported that Rodaks admitted to Sgt. Jones that he had taken heroin, but would not provide any further information. On April 18,

2012, Det. Vaccaro made contact with J.A.D., who reports she had been with Rodaks and another male in the park in Berlin when Rodaks purchased 3 bindles of heroin. J.A.D. reports she observed the heroin in Rodaks' syringe prior to him placing the needle in his own arm, and that the liquid in the syringe was very dark brown in color, almost black. J.A.D. reports that Rodaks injected himself with the dark liquid, and she observed that within seconds, Rodaks' lips started to turn blue, that his eyes were half closed, and his body appeared to start tightening up. J.A.D. reports that they drove Rodaks immediately to the Berlin Hospital, where she actually heard hospital staff say they couldn't find Rodaks' pulse. J.A.D. reports the staff administered the drug Narcan immediately.

On July 22, 2012, Lt. Thurley made contact with Joshua Vetter, who reports that he sold heroin to Colton Rodaks on April 13, 2012. Vetter reports that Colton met him in the parking lot of Riverside Park in the City of Berlin, where he and Colton then went to Kwik Trip for Colton to get cash from the ATM. Vetter then went to the City of Wautoma in Waushara County, Wisconsin and met with Mike Bertzyk and purchased 4 bindles of heroin. Vetter reports he returned to Riverside Park and provided Colton with 3 bindles of the heroin. Your complainant is aware that Riverside Park in Berlin Wisconsin is within a 1/4 mile of Waushara County. Vetter reports that he kept the fourth bindle for himself that he had purchased from Mike Bertzyk and used it later that night. Vetter reports he got deathly ill to the point that he was afraid that he was going to die from that heroin. Vetter reports he has used heroin a number of times in the past, but this heroin was not the same and it made him really sick. Vetter reports that Bertzyk gets his heroin from Fat Randy. Vetter reports that he has purchased heroin from Bertzyk on at least 15 separate occasions for $40 a bindle. Vetter reports that Bertzyk gets a gram at a time from Fat Randy and sells heroin for income, and also to supply his own habit.

On April 19, 2012, Lt. Thurley made contact with CI #1, who made plans to hang out with Mike Bertzyk. CI # 1 wore a wire during the meeting with Mike Bertzyk. CI #1 then provided the recording to Det. Vaccaro, who reports that in the recording, CI #1 has a conversation with Bertzyk and asks if he knows Colton Rodaks, and if he heard about the overdose on Friday night right after Amalia was found. An unknown male is heard saying, "Josh sold him the shit." Bertzyk says that Josh sold it to him and Josh told Bertzyk to be careful. Bertzyk said to CI #1, "Where do you think he got it?" Bertzyk goes on to state how at one time Randy forced Bertzyk to shoot up heroin. Bertzyk described the feelings that took place throughout his body while he was going through the fact that the heroin was entering his body, and said that he'd never do that again. There is a discussion about Randy getting caught for the death of Amalia, and that Randy would be narcing out people when he gets caught. Bertzyk said he'll just tell the cops that Bertzyk himself is an addict and a gram a day user and that he doesn't really sell any heroin to anybody, although that isn't really the truth. Bertzyk goes on to say that he actually gave the heroin to Josh, and whatever Josh did with it, he did with it. Bertzyk stated that he sold the heroin to Josh, that Josh sold it to the kid, and the kid almost died. Bertzyk reports that Josh told Bertzyk it was for Josh, because Bertzyk only sells to people he knows and wouldn't have sold to Josh if he would have known it was for somebody else. Bertzyk also is heard saying that he sold Luke 4 bindles prior to Luke dying, and that Luke never paid him for those bindles.

On July 11th, 2012, Michael Bertzyk testified under oath at a proceeding in front of a judge at the Waushara County Courthouse. Throughout his testimony Bertzyk repeatedly denied dealing heroin and repeatedly insisted that he was just an addict and a user. Bertzyk testified that Joshua Vetter was his fiancé's brother and Bertzyk denied that he ever provided Joshua Vetter

with any heroin. Bertzyk at one point testified that he was a middleman for Randy meaning that Bertzyk would connect a person with Randy by driving with that person to Randy so they could buy heroin directly from Randy. Bertzyk testified he did this for Mike Kiska and Tommy Peichowski. Bertzyk testified that he stopped using heroin a few months ago but had been using heroin for about a year prior to that and his heroin came from Randy Lindgren. Bertzyk testified that Randy told Bertzyk he got his heroin from Gearnhardt. Bertzyk testified that on the day they found Amalia's body he had picked Randy up from Kaitlin Berndt's residence in Wautoma.

On July 11th, 2012 Jason Bovee testified under oath that he bought heroin from Buckie Rehwinkel. Bovee testified he bought a bindle or 2 at a time on approximately 4 occasions about 9 months or so ago. Bovee reports a bindle is 1/10th of a gram of heroin. Bovee testified these purchases took place near the old Plainfield truck stop on the Waushara County side of I-39. Bovee reports that Rehwinkel would actually weight the heroin out in front of him by scraping a little off of a chunk onto the scale. Bovee testified that he knows Rehwinkel has been dealing heroin since last summer, 2011.

Dated this 21 day of August, 2012.

RANDAL F. THURLEY
Lieutenant
Waushara County Sheriff's Department

Subscribed and sworn to before me and approved
for filing this 21 day of August, 2012.

Scott Blader
District Attorney Waushara County
State Bar No.

KARIE J. CATTANACH
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Special Prosecutor for Waushara County
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