

STATE OF WISCONSIN,

Plaintiff,

v.

ARMIN J. WAND III
D.O.B. 11/20/79 WM
402 Oak Street
Argyle, WI 53504

FILED
LAFAYETTE CO.

Case No. 12-CF-074

SEP 11 2012

and

CATHERINE MCGOWAN
CLERK OF COURT

Case No. 12-CF-075

JEREMY L. WAND
DOB 07/19/94 WM
502 North Broad Street
Argyle, WI 53504

Defendants.

CRIMINAL COMPLAINT

Your complainant, James A. Sielehr, being first duly sworn on oath, deposes and says as follows:

COUNT ONE: 1ST DEGREE INTENTIONAL HOMICIDE

That on or about September 7, 2012, in the Village of Argyle, County of Lafayette, State of Wisconsin, the above-named defendants, Armin Wand and Jeremy Wand, as parties to the crime, did cause the death of Allen Wand, with intent to kill him, contrary to Wis. Stat. §§ 939.05 and 940.01(1)(a).

Upon conviction for this offense, a Class A Felony, the maximum possible penalty is life imprisonment pursuant to Wis. Stat. §§ 940.01(1) (a) and 939.50(3) (a).

COUNT TWO: 1ST DEGREE INTENTIONAL HOMICIDE

That on or about September 7, 2012, in the Village of Argyle, County of Lafayette, State of Wisconsin, the above-named defendants, Armin Wand and Jeremy Wand, as parties to the crime, did cause the death of Jeffrey Wand, with intent to kill him, contrary to Wis. Stat. §§ 939.05 and 940.01(1)(a).

Upon conviction for this offense, a Class A Felony, the maximum possible penalty is life imprisonment pursuant to Wis. Stat. §§ 940.01(1)(a) and 939.50(3)(a).

COUNT THREE: 1ST DEGREE INTENTIONAL HOMICIDE

That on or about September 7, 2012, in the Village of Argyle, County of Lafayette, State of Wisconsin, the above-named defendants, Armin Wand and Jeremy Wand, as parties to the crime, did cause the death of Joseph Wand, with intent to kill him, contrary to Wis. Stat. §§ 939.05 and 940.01(1)(a).

Upon conviction for this offense, a Class A Felony, the maximum possible penalty is life imprisonment pursuant to Wis. Stat. §§ 940.01(1)(a) and 939.50(3)(a).

COUNT FOUR: ATTEMPTED 1ST DEGREE INTENTIONAL HOMICIDE

That on or about September 7, 2012, in the Village of Argyle, County of Lafayette, State of Wisconsin, the above-named defendants, Armin Wand and Jeremy Wand, as parties to the crime, did attempt to cause the death of Jessica Wand, with intent to kill her, contrary to Wis. Stat. §§ 939.05 and 940.01(1)(a) and 939.32(1)(a).

Upon conviction for this offense, a Class B Felony, the maximum possible penalty is a term of imprisonment not to exceed 60 years pursuant to Wis. Stat. §§ 940.01(1)(a), 939.50(3)(b), and 939.32(1)(a).

COUNT FIVE: ATTEMPTED 1ST DEGREE INTENTIONAL HOMICIDE

That on or about September 7, 2012, in the Village of Argyle, County of Lafayette, State of Wisconsin, the above-named defendants, Armin Wand and Jeremy Wand, as parties to the crime, did attempt to cause the death of Sharon Wand, with intent to kill her, contrary to Wis. Stat. §§ 939.05 and 940.01(1)(a) and 939.32(1)(a).

Upon conviction for this offense, a Class B Felony, the maximum possible penalty is a term of imprisonment not to exceed 60 years pursuant to Wis. Stat. §§ 940.01(1)(a), 939.50(3)(b), and 939.32(1)(a).

COUNT SIX: ATTEMPTED 1ST DEGREE INTENTIONAL HOMICIDE

That on or about September 7, 2012, in the Village of Argyle, County of Lafayette, State of Wisconsin, the above-named defendant, Armin Wand, did attempt to cause the death of Jessica Wand, with intent to kill her, contrary to Wis. Stat. §§ 939.05 and 940.01(1)(a) and 939.32(1)(a).

Upon conviction for this offense, a Class B Felony, the maximum possible penalty is a term of imprisonment not to exceed 60 years pursuant to Wis. Stat. §§ 940.01(1)(a), 939.50(3)(b), and 939.32(1)(a).

COUNT SEVEN: ARSON

That on or about September 7, 2012, in the Village of Argyle, County of Lafayette, State of Wisconsin, the above-named defendants, Armin Wand and Jeremy Wand, as parties to the crime, did intentionally cause damage by fire to the building of another, to wit, a residence owned by Thomas Zwicker, without his consent and contrary to Wis. Stat. §§ 939.05 and 943.02(1)(a).

Upon conviction for this offense, a Class C Felony, the maximum possible penalty is 40 years of imprisonment or a \$100,000 or by both such fine and imprisonment pursuant to Wis. Stat. §§ 943.02(1)(a) and 939.50(3)(c).

PROBABLE CAUSE STATEMENT:

1. I, James A. Sielehr, am a special agent with the Wisconsin Department of Justice, Division of Criminal Investigation, and make this complaint based upon my belief of the facts and circumstances found within the records and reports of, and information provided by members of, the Division of Criminal Investigation and the Lafayette County Sheriff's Department, which I have relied on in the past and found to be truthful and reliable, information provided by citizen witnesses based on their personal knowledge, and on my own personal knowledge.

2. The defendant, Armin J. Wand III (hereinafter "Armin Wand"), DOB 11/20/79, has a last known place of residence of 402 Oak Street, in the Village of Argyle, County of Lafayette, State of Wisconsin. The residence was owned by Thomas Zwicker. The defendant Armin Wand resided at that address with his wife, Sharon Wand, and their children: Allen Wand (Age 7), Jeffrey Wand (Age 5), Joseph Wand (Age 3), and Jessica Wand (Age 2). Sharon Wand was also pregnant on September 7, 2012.

3. The defendant, Jeremy L. Wand, DOB 07/19/94, has a last known place of residence of 502 North Broad Street in the Village of Argyle, County of Lafayette, State of Wisconsin. Jeremy Wand is the brother of defendant Armin Wand.

4. On September 7, 2012, at approximately 3:10 a.m., Heather Penniston, a neighbor of the defendant, Armin Wand, called 911 and reported a fire at the Armin Wand residence. Fire and police units were dispatched and by approximately 3:15 a.m., members of the Argyle-Adams and Blanchardville volunteer fire departments began to arrive at the residence which was on fire. Upon arrival persons observed seeing Sharon Wand, who was severely burned, yelling "Save my babies." The defendant, Armin Wand, was also observed in the driveway of the residence.

5. Firefighters later recovered the bodies of Allen Wand and Jeffrey Wand in a bedroom in the residence. The body of Joseph Wand was also later recovered. Autopsies were conducted on the bodies of Allen, Jeffrey, and Joseph Wand on September 7, 2012, by Forensic

Pathologist Dr. Michael Stier and the cause of death was determined to be smoke inhalation for Allen, Jeffrey and Joseph Wand.

6. Sharon Wand suffered severe burns and other injuries and at the time of this complaint is hospitalized in intensive care. As more fully described below, Jessica Wand had been carried from the home by Sharon Wand and did not suffer serious injuries.

7. On September 9, 2012, Armin Wand was interviewed by DCI agents Michael Reimer and Lourdes Fernandez and provided a statement. He stated that:

- Beginning on Tuesday September 4, 2012, he and Jeremy Wand began discussions and planning to burn the residence down to collect on life insurance policies on Armin Wand's wife and children and that the plan was that his wife and children would die in the fire. Armin Wand stated that he was tired of his family struggling from day to day, living from check to check and Sharon always complaining about wanting more money and that she was never satisfied with the amount of money that was available for the family. Armin and Sharon were having marital problems and she had been contemplating divorce. Armin indicated that the main reason for why he did this was that he wanted to make a "fresh start".
- At approximately 11:45 p.m. on September 6, 2012, Armin Wand and Jeremy Wand met at the residence and continued talking about the plan.
- Sharon Wand was sleeping in the living room on a futon, Joseph was sleeping on a couch in the living room, Allen and Jeffrey were sleeping in a bedroom, and Jessica was sleeping in a second bedroom of the home immediately west of the kitchen.
- Armin Wand and Jeremy Wand tried multiple times to start the carpet on fire. They then crumpled up sheets of paper from a paper tablet that was located in the kitchen and then placed the crumpled up sheets of paper on the floor as well as in and around a TV

and computer in the living room area and started it on fire. They then pushed some of the burning paper under the futon where Sharon was sleeping.

- Armin Wand stated that Jeremy Wand also used a lighter to start a fire on the arm of the couch where Joseph was sleeping. At some point, and at Armin Wand's direction, Jeremy Wand also locked the door to the bedroom where Allen and Jeffrey were sleeping. Armin Wand had previously advised investigators that he had heard the boys yelling. In the September 9, 2012, interview he denied hearing them. The bodies of Allen and Jeffrey Wand were later found together face down on the floor with the bedroom door closed and locked from the outside.
- The fires began to spread and Armin and Jeremy Wand saw Sharon wake up and she was on fire. On observing this Jeremy Wand ran out of the rear of the residence. Armin Wand stated that he thought he was caught and went to the sink to partially fill a small glass with water that he then threw the water towards the futon where Sharon had been sleeping. He then threw the cup in the sink and left the residence and went to where Jeremy Wand was standing.
- Sharon then came outside and handed Jessica Wand to Armin Wand to hold. Sharon told Armin that Joseph was on fire in the house. Armin then told Sharon to move their mini-van from the driveway. While Sharon was moving the mini-van, Armin Wand took Jessica to the house, held her up with both hands towards a broken bedroom window on the west side of the residence and was going to put Jessica back inside the burning home when a woman arrived and he stopped.

8. Heather Penniston stated that after making 911 calls she went to the Wand residence with a blanket and saw Sharon. She offered Sharon the blanket but she refused because of her injuries. She then observed Armin Wand at one of the windows of the residence holding Jessica. Armin then tried to give Jessica back to Sharon who stated she could not hold her as her hands were

bleeding. Armin Wand then started to place Jessica on the ground but Heather picked her up and gave her to a neighbor. Heather then observed Armin Wand walk down to the end of the driveway.

9. Brad Penniston, the husband of Heather Penniston, went outside his home and heard two males arguing and talking about 50-100 feet away at the Armin Wand residence. Brad Penniston also saw Sharon Wand walking up and down the street.

10. Jeremy Wand was interviewed on September 9, 2012, by Special Agents Amy Lehmann and Dorinda Freymiller at the Lafayette County Jail and stated:

- On Tuesday, September 4, 2012, Jeremy Wand indicated that at 4:00 p.m., he was at the Armin and Sharon Wand residence. At that time, he had a discussion with Armin regarding various ways to damage the Wand residence in order to obtain money from Armin's renter's insurance policy. Two of the ways they discussed included vandalism and fire damage. Armin told Jeremy that in exchange for his help, Armin would pay Jeremy \$300.00 cash/U.S. currency from his insurance settlement. Armin suggested they should make this fire incident appear similar to the fire incident that occurred in Armin's residence in April 2012, in other words, electrical in nature.
- On Thursday, September, 6, 2012, Jeremy returned to Armin's house at approximately 4:00 p.m. During a conversation at this time, Armin told Jeremy that night would be the night they would start the fire.
- Jeremy stated that he left Armin's home and returned to his home, located at 502 North Broad Street, Argyle, Wisconsin, at approximately 7:00 p.m., in order to comply with his court ordered curfew. Jeremy was in his bedroom at his home watching television and then went to sleep. Jeremy stated he woke up at 11:00 p.m.
- Jeremy said he was resistant to do so, but decided to return to Armin's home at 11:45 p.m., even though Jeremy claimed to the special agents that he was hesitant to start a fire in the home when there were people inside. Upon Jeremy's arrival at

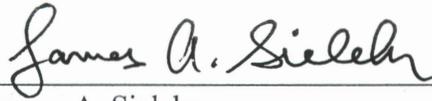
11:45 p.m. Thursday night, the following people were inside of the home sleeping: Sharon on the futon in the living room, Joseph on the couch in the living room, Allen and Jeffrey were asleep in their bedroom which was adjacent to the living room, and Jessica was in her bedroom located in the southwest section of the residence.

- Jeremy and Armin smoked cigarettes and talked for a few hours while they discussed their plan to start the house on fire. At approximately 3:00 a.m., Jeremy and Armin lit fires inside the living room, where Sharon and Joseph were asleep. Jeremy stated he started the first fire near the new television that had been delivered Thursday afternoon, near the electrical cords, so the fire would appear to be electrical in nature. Armin assisted Jeremy with starting this fire by handing him pieces of paper to fuel the fire. Then Armin went to the other side of the room and Jeremy saw flames near the electrical outlet on the west wall of the living room, by the doorway to the boys' bedroom.
- Jeremy stated he wanted to ensure no flames entered Allen and Jeffrey's bedroom, so he shut and locked the door separating their bedroom from the living room. The door lock was situated so that it could only be locked and unlocked from the living room side of the door.
- Sharon awoke and attempted to put out the fire with a blanket. Armin was in the kitchen area telling Jeremy to come outside with him. Jeremy stated he did not want to leave without taking children with him, but Armin pulled on Jeremy's arm and forced him outside.

11. Thomas Zwicker, the owner and landlord of the property at 402 Oak Street, and which was rented by Armin Wand, advised law enforcement officers that he did not give consent for anyone to damage his property by fire or otherwise.

Your complainant, therefore, prays that the defendants be charged and dealt with according to law.

Dated this 11th day of September, 2012.


James A. Sielehr

Subscribed and sworn to before me and approved for filing this 11th day of September, 2012.


Richard J Dufour
Assistant Attorney General
Special Prosecutor for Lafayette County
State Bar No. 1014811

Roy R. Korte
Assistant Attorney General
Special Prosecutor for Lafayette County
State Bar No. 1019492

Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707
(608) 267-1339