

JUL 25 2010
CLERK OF COURT
OCONTO COUNTY, WI

STATE OF WISCONSIN

CIRCUIT COURT OCONTO COUNTY
Branch I

STATE OF WISCONSIN,

Plaintiff,

DA Case No.: 2010OC000472
Assigned DA/ADA: Jay N. Conley
Agency Case No.: OFPD 10-738
Court Case No.: 2010CF000074

-vs-

JORDAN J. WALKER
432 POLCZINSKI CIRCLE
OCONTO FALLS, WI 54154
DOB: 01/10/1991,

Defendant.

**CRIMINAL COMPLAINT
AND WARRANT**

Chief Mike Roberts, being first duly sworn, states that:

Count 1: SECOND DEGREE RECKLESS HOMICIDE

The above-named defendant on or about Saturday, June 19, 2010, in the City of Oconto Falls, Oconto County, Wisconsin, did recklessly cause the death of another human being, Shawn Dobry, contrary to sec. 940.06(1), 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: OBSTRUCTING AN OFFICER

The above-named defendant on or about Saturday, June 19, 2010, in the City of Oconto Falls, Oconto County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, contrary to sec. 946.41(1), 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.

Complainant states he makes this complaint on information, belief, and personal knowledge, his information is presumed reliable as a police informant, on information provided by the Oconto Falls Police Department and the Wisconsin DOJ Division of Criminal Investigation, this information is presumed reliable because it is from law enforcement agencies complainant believes are reputable and reliable, on information from Dr. Mark Witeck, this information is presumed reliable because of Dr. Witeck's expertise as a Forensic Pathologist, on information from JH, GC, and Rebecca McClelland, their information recited herein is presumed reliable as citizen informants, and on some of the information provided by the defendant, because some of the information he has provided is presumed reliable because it is against his interest, however some of the information he has provided is believed to be false.

PROBABLE CAUSE:

Complainant, along with the Oconto Falls Police Department, the Oconto County Sheriff's Department, and the Wisconsin DOJ Division of Criminal Investigation, has investigated the homicide of Shawn Dobry, a nineteen year old male. The Oconto Falls Police Department first became aware of this incident shortly before 3:00 a.m. on June 19, 2010. In a written report, Officer Jamie Kuhn of the Oconto Falls Police Department indicates that she was patrolling when she heard a page for Oconto Falls Ambulance to respond to 432 Polczynski Circle for a nineteen year old male bleeding from the ear and she indicates it was unknown if he was breathing. That address is the residence of Jordan J. Walker, the defendant herein, and his family. Officer Kuhn indicates that, upon arrival, she grabbed her medical bag and entered the backyard and heard someone say we're over here and saw a person standing in the yard, near a fire pit. She indicates she saw a male laying in the ground with his head facing to the north and his feet facing to the south. She indicates she checked for a pulse and thought she felt a faint pulse. Subsequently, Officer Kuhn indicates she checked for a pulse again and was unable to feel any pulse. This person was later determined to be Shawn Dobry. Shawn was taken to the Community Memorial Hospital in Oconto Falls by the Oconto Falls Ambulance and he was observed by Dr. Coates at the hospital, who later indicated to Officer Kuhn that Shawn Dobry was deceased.

An autopsy was performed on Shawn Dobry on June 19, 2010, by Forensic Pathologist Dr. Mark Witeck at St. Vincent Hospital in Green Bay, Wisconsin. Special Agent Kyra Schallhorn of the Division of Criminal Investigation attended the autopsy and has prepared a written report concerning it, which includes Dr. Witeck's findings. In her report, Agent Schallhorn indicates that Shawn Dobry had been pronounced dead on June 19, 2010, at 3:30 a.m. at the Community Memorial Hospital in Oconto Falls and was transported to St. Vincent Hospital for the autopsy. Special Agent Schallhorn indicates she received a document from Dr. Witeck entitled Preliminary Findings and she provides a summary of the Preliminary Findings and the information relayed to Investigators by Dr. Witeck during the autopsy: Witeck's report indicates the cause of death is a penetrating gunshot wound to the head, neck, chest, and abdomen. The entrance wound was through the right ear and there was soot and stippling at the top of the ear. The trajectory of the wound was from top to bottom with the bullet having tracked through the right side of the neck, right lung, diaphragm, liver, and stomach. A large caliber mildly deformed bullet was recovered from under the skin of the upper abdomen, under an abrasion. Special Agent Schallhorn indicates in her report that Dr. Witeck indicated that since the bullet did not hit the heart or the brain, Dobry would have been conscious after the gunshot and he could have spoken or walked a short distance. Special Agent Schallhorn further indicates that Dr. Witeck indicated that the damage to the internal organs, especially the liver, was so extensive that even with medical help, Dobry would not have survived long.

At the scene after arriving, Officer Kuhn asked the defendant what happened and the defendant indicated that Shawn, believed by complainant to refer to Shawn Dobry, was just running through the woods and came out with his ear bleeding. The defendant

indicated to Officer Kuhn that Shawn came towards him staggering and fell to the ground. This information about how Shawn Dobry was injured is believed to be false. Officer Kuhn indicates that she continued with chest compressions until Oconto Falls Ambulance personnel arrived and relieved her and then asked the defendant again what happened. The defendant indicated that Shawn, again believed by complainant to refer to Shawn Dobry, went into the woods to run around. Officer Kuhn asked the defendant why and he said that he didn't know; Shawn just told him that he wanted to run through the woods. The defendant indicated that Shawn was in the woods for about ten minutes and then came running out of the woods, bleeding from the ear, and the defendant said he didn't know what happened. The defendant indicated that Shawn ran to him and started to fall down, so Jordan helped him to the ground. The defendant's information about how Shawn Dobry became injured is again believed to be false. Complainant believes Officer Kuhn was acting in her official capacity as a police officer when she received false information from defendant.

On June 19, 2010, Special Agent Bradley Kust of the Division of Criminal Investigation interviewed Rebecca McClelland about the incident. Rebecca indicated that she considered Shawn Dobry a close friend and that he was the first person she met in college. Rebecca indicated that she met Jordan Walker, believed by complainant to refer to the defendant, in the fall of 2009 through her friend, Shawn Dobry. Rebecca indicated that on Friday, June 18, 2010, at 5:08 p.m. she received a telephone call from Dobry saying that he and Jordan Walker were going to pick her up in Oshkosh and at 5:15 p.m. she met them. Rebecca indicated they were in the defendant's red Pontiac and the defendant drove first, but then had Dobry drive because of the traffic. Rebecca indicated they got to Walker's house at approximately 7:00 p.m. and then she and Dobry drove to Dobry's mother's house, picked up some things, and returned to Walker's. Rebecca indicated that she, Dobry, and the defendant all went to the defendant's bedroom to watch television and watch some Nickelodeon Show for a couple of hours and then went outside. Rebecca indicated that the defendant drank one beer during this time. Rebecca indicated they met LW, who is a sixteen year old male minor, and his friends outside and the boys got out the alcohol. Rebecca indicated they had Bud Light beer, wine coolers, Tequila, UV Blue Vodka, and Cherry UV Vodka. Rebecca indicated that she and the defendant and Shawn, believed by complainant to refer to Dobry, stayed on the deck while LW and his friends started the fire. Rebecca indicated that Shawn Dobry and the defendant had Bud Lights and she had a wine cooler. Rebecca indicated that they all eventually did shots of Tequila, then Cherry UV Vodka, and at one point, Shawn Dobry chugged one half bottle of the UV Blue Vodka. Rebecca indicated that sometime after they started drinking, two other boys arrived, who were later identified as CC and JH, who are both male minors.

Rebecca indicated that sometime around 2:00 a.m., the defendant told Brittney to get his gun from his bedroom and Brittney went into the house and returned with a black pistol and gave it to the defendant. Rebecca indicated that the defendant removed the magazine and pulled the slide back to remove another cartridge, then pointed the light and the laser on the gun on objects around the yard and at houses in the neighborhood. Rebecca indicated that the defendant then started to point the laser at the foreheads of

LW, Shawn Dobry, and ND, another male minor. Rebecca indicated that when the defendant would do this, he would pull back the slide before repointing the gun and when he pulled the trigger it would make a click. Rebecca indicated that the defendant passed the gun around and remembered that she and CC and maybe Wunder, believed by complainant to be Brianne Wunder, held the gun but Shawn never did. Rebecca indicated that while the gun was being passed around, the defendant had the magazine and bullet. Rebecca indicated that the gun was out for a long time and during the time that the defendant had it, he would reload it, then again remove the magazine, then pull the slide and remove the other cartridge. Rebecca further indicated that Shawn Dobry was running around behind the defendant and acting weird. Rebecca indicated they were all getting tired of how odd Shawn Dobry was acting and the defendant tried to get him to settle down. Rebecca indicated that at about 3:00 a.m., Shawn Dobry ran up behind Jordan, believed by complainant to refer to the defendant, and the defendant pointed the gun over his shoulder and fired the gun. Rebecca indicated she believed Shawn was leaning over at the time of the gunshot and said that Shawn backed away from Jordan and fell. Rebecca indicated she dropped her cellular phone and ran into the house. Rebecca indicated the boys were telling the police that Shawn Dobry had gone into the woods and cut his ear. Rebecca indicated that the defendant had first thought that the bullet had only hit Dobry's ear and that Dobry would be alright.

JH is a sixteen year old male minor, who was interviewed about this incident by Special Agent Michael Rindt of the Division of Criminal Investigation. JH indicated that he and CC arrived at Walker's residence around 12:30 a.m. Upon arrival, JH indicated he observed LW, Jordan Walker, believed by complainant to refer to the defendant, Dobry, believed by complainant to refer to Shawn Dobry, and another individual drinking alcohol. He saw them drinking beer and shots of liquor. Shortly after arriving, JH indicated he walked into the woods with others, including Dobry, to smoke marijuana. After smoking marijuana, all of them went back to the campfire and at that point, everyone was continuing to drink alcohol. JH indicated that the defendant began talking about a handgun he owned and asked Schumacher to go into the residence to get his handgun. JH indicated that Schumacher came out of the house with a handgun and placed it on a chair next to the defendant. JH indicated that Schumacher brought out the handgun and a clip and said the defendant did not initially put the clip into the handgun. JH indicated that the handgun was equipped with a laser sight and a flashlight and he indicated the defendant began aiming the laser sight at trees and other items. Within a short period of time, the defendant began aiming the laser sight at people sitting around the campfire. JH indicated that the defendant would "dry fire" the gun while aiming the laser at people sitting around the campfire. After dry firing the gun, the defendant would cock the gun and laser another person. JH described dry firing as pulling the trigger on an empty chamber, causing the gun to make a clicking noise and he described cocking as manually moving the slide of the gun back, after dry firing it. JH estimated the defendant lasered and dry fired the firearm at different people approximately six to seven times and it was his impression that the defendant was mainly aiming the gun at Dobry. JH indicated that the defendant did not dry fire the gun at him and he thought he may have dry fired it at CC and LW. He did not believe the defendant dry fired the gun at any of the girls around the campfire. While lasering

people and dry firing the gun, JH indicated that the defendant would periodically place a clip into the gun and chamber a round. The defendant would then remove the clip and remove the chambered round. JH indicated he saw the defendant load and unload the gun on at least three occasions. JH also indicated he saw the defendant unload the gun on one occasion by ejecting all of the rounds from the magazine through the chamber. JH indicated the defendant would dry fire the handgun at Dobry after he unloaded it. JH indicated that Dobry was intoxicated and was dancing around the campfire. JH indicated that the defendant would aim the laser at Dobry as he was dancing around the campfire. JH indicated that the handgun had been around the campfire for approximately a half hour to 45 minutes, prior to the shooting. Prior to the shooting, JH indicated that the defendant was constantly playing with the gun. At one point, the defendant passed the unloaded handgun to McClelland and McClelland looked at the gun briefly and passed it to CC. JH indicated that CC briefly looked at the gun and passed it back to McClelland, who returned it to the defendant. JH indicated he never saw Dobry touch the handgun. The only people he saw handling the handgun were the defendant, McClelland, and CC. JH indicated at the time the gun went off, he was walking away from the fire as the campfire smoke was blowing in his face. JH indicated he did not see the handgun go off. After hearing the gunshot, JH observed Dobry on his knees and heard a scream. Within minutes of hearing the gunshot, he and CC left the scene and JH indicated he was uncertain whether someone had been hit, when the gun went off. When they arrived at their vehicle, CC told JH that he thought Dobry was hit by a round. Through the course of the evening, JH indicated that Dobry was intoxicated and dancing around the fire and he and defendant were goofing around with each other. JH remembered the defendant telling Dobry something similar to fuck you I'll shoot you right now, as Dobry was dancing around the campfire. JH indicated Dobry answered in return something similar to go ahead. JH indicated that there was no ill will between Dobry and the defendant and his impression was that they were just goofing around.

On June 22, 2010, Special Agent Thomas Fassbender of the Division of Criminal Investigation interviewed CC about the incident. CC is a seventeen year old male. CC indicated that at the party, Jordan Walker, believed by complainant to refer to the defendant, told Brittney Schumacher to get his gun in the house. Schumacher then went into the house and got the gun and brought it out and gave it to the defendant at the fire. CC indicated that he and JH had just decided to leave and were beginning to walk away and were probably somewhere between 10 to 20 feet away, when the shot was fired. CC indicated when he heard the shot, he turned around and saw Shawn Dobry behind the defendant's chair on the ground. CC also saw the defendant standing up and turning around and asking Dobry if he was alright. CC also saw LW walking towards the defendant and Dobry's location and heard LW ask what the hell just happened. CC also indicated that after the defendant had asked Dobry if he was alright, he heard a terrible sound which he described as a gurgle or gut wrenching noise. CC was not sure what it was, but felt it may have been Shawn Dobry responding to the defendant. It was then CC realized something bad had happened and he and JH ran to their cars and left. CC indicated he made bad decisions to include not doing anything about the gun being out there, drinking, smoking marijuana, and leaving after

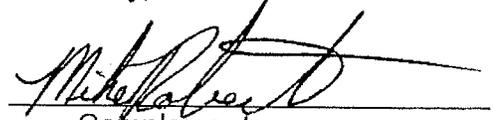
the gunshot. CC indicated that others had handled the gun to include himself for about 20 seconds. CC indicated he shined the light and laser down the road. CC indicated he never pulled the trigger and the gun did not have the clip in it. CC indicated he believed Dobry also had the gun at one time. CC indicated that the defendant was pointing the gun at people and pulling the trigger. CC indicated remembering something about the defendant wanting to shoot the gun in the air for going into the Marines and he initially thought that is what happened when he first heard the shot. CC indicated he knew that was not the case when he turned around and saw what happened.

On June 19, 2010, Special Agent Kevin Heimerl of the Division of Criminal Investigation interviewed the defendant about this incident and received information about it. The defendant indicated that the shooting incident happened sometime between 2:30 a.m. and 3:30 a.m. The defendant indicated that he drank and Shawn Dobry also drank. The defendant indicated they were drinking Bud Light bottles of beer and he also had a bottle of UV Blue Vodka, a bottle of UV Red Vodka, and a bottle of Tequila. The defendant indicated, near the end, Dobry was chugging the UV Blue Vodka. The defendant indicated that sometime late in the evening he began joking about wanting his Glock pistol with him. The defendant described this firearm as a Glock Model 21, .45 caliber semi-automatic pistol, with a laser attachment and a light attachment. The defendant indicated that after he had made the statement about wanting his Glock with him, someone brought the Glock outside and he believed Brittney handed the firearm to him. The defendant indicated he couldn't remember who brought it outside. The defendant indicated that after the gun was brought outside, he thought to himself that he should not have it outside because something bad was going to happen. The defendant indicated he took the magazine out and made sure the firearm was unloaded. The defendant indicated that people then began passing the firearm around and were playing with the laser. The defendant indicated that at this point he kept saying in his head, as well as out loud, that he should put the magazine in. The defendant indicated at some point, he put the magazine in the gun and at some point stated that he was going to go put it away. The defendant then changed his mind and stayed outside with the firearm and took the magazine back out of the firearm. The defendant indicated that during the evening he drank five beers, two shots of Tequila, one shot of Rum, and one mixed drink of UV Blue and Lemonade. The defendant indicated he only drank a small amount of that and that drink was passed around the circle and several other people drank it. Special Agent Heimerl indicates that the defendant was asked if he knew Dobry was behind him at the time that defendant brought the gun up over his shoulder and the gun was fired and the defendant indicated he was aware that Dobry was behind him and he indicated that prior to bringing the gun back over his shoulder, he had leaned his head straight back in his chair and he could see Dobry's head above him. The defendant indicated he could not recall if Dobry was in physical contact with him; when he raised the gun over his shoulder towards Dobry. The defendant was asked if at anytime during the evening he had dry fired the pistol and the defendant indicated he did. The defendant indicated he had dry fired the pistol approximately 10 times, not a ridiculous number, but quite a few. The defendant was asked if he could estimate how long the pistol had been outside near the fire pit and he indicated it was approximately

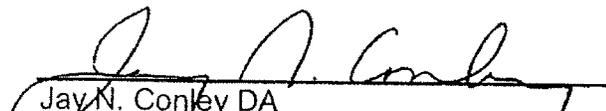
one and one half to two hours. The defendant was asked how many times he loaded or unloaded the pistol and he indicated he loaded and unloaded the pistol on approximately two occasions and it was always pointed at the ground. The defendant indicated after the EMT's had arrived, he went into the residence and told Becca to say that Dobry had gotten his ear cut while running around in the woods. The defendant further indicated a short time later he found LW and Brittney in the bathroom and also told them to say the same thing. The defendant was asked if the gun was passed around the circle for other people to handle and he stated that it was. The defendant indicated that the gun was passed around the circle on one occasion. The defendant was asked if at anytime during the evening, he had pointed the pistol at somebody else to dry fire it and the defendant indicated he believed he had pointed the pistol at people and dry fired it on approximately three to five occasions and said we were all doing it. The defendant indicated that each time he did this, he made sure the pistol was unloaded. The defendant further indicated that Dobry had pointed the pistol at Walker and dry fired it when Dobry had the pistol. The defendant indicated whenever the pistol was unloaded the magazine was always on his lap or on the ground next to him and stated nobody else ever had the magazine in their possession. The defendant indicated approximately ten to fifteen minutes transpired before he placed the 911 call, because initially he did not believe that Dobry was injured that severely. The defendant was asked if he felt he was acting responsibly by having the gun outside, while he and others were drinking alcohol and the defendant stated that he was not acting responsibly. The defendant was told that investigators believed it was more likely that the defendant had lost track of whether or not the gun was loaded when he pointed it at Dobry and pulled the trigger and the defendant agreed with that. The defendant indicated he knows he did not aim the gun at Dobry and stated that it was hard to remember. The defendant indicated he pointed it behind him, because he knew that Dobry was behind him and he "must have pulled the trigger". The defendant further agreed he must have lost track whether or not the pistol was loaded or unloaded.

The offenses charged in this complaint occurred on June 19, 2010 in the City of Oconto Falls, which city complainant knows is located in Oconto County, Wisconsin.

Subscribed and sworn to before me on
June 25, 2010


Complainant

And approved for filing:


Jay N. Conley DA
State Bar #01017997