

FILED
03-01-2022
Clerk of Circuit Court
Brown County, WI
2022CF000363
Honorable Thomas J.
Walsh
Branch 2

STATE OF WISCONSIN CIRCUIT COURT BROWN COUNTY

STATE OF WISCONSIN
Plaintiff,

vs.

TAYLOR DENISE
SCHABUSINESS
1130 Moraine Way
Green Bay, WI 54303
DOB: 11/23/1997
Sex/Race: F/W
Eye Color: Hazel
Hair Color: Brown
Height: 5 ft 2 in
Weight: 120 lbs
Alias: Also Known As Taylor
Denise Coronado

Defendant.

DA Case No.: 2022BR001645
Assigned ADA: Caleb J Saunders
Agency Case No.: 22-209240
Court Case No.: 2022CF____
ATN:

CRIMINAL COMPLAINT

For Official Use

Complainant, Caleb Saunders, an Assistant District Attorney, being first duly sworn on oath, deposes and says that:

Count 1: FIRST DEGREE INTENTIONAL HOMICIDE, REPEATER

The above-named defendant, on or about Wednesday, February 23, 2022, in the City of Green Bay, Brown County, Wisconsin, did cause the death of the Victim, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.62(1)(c) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Battery or Threat to a Judge, Prosecutor, or Law Enforcement Officer in Brown County Case Number 20CF998, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 6 years if the prior conviction was for a felony.

Count 2: MUTILATING A CORPSE, REPEATER

The above-named defendant, on or about Wednesday, February 23, 2022, in the City of Green Bay, Brown County, Wisconsin, did dismember a corpse with the intent to conceal a crime, contrary to sec. 940.11(1), 939.62(1)(c) Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of Battery or Threat to a Judge, Prosecutor, or Law Enforcement Officer in Brown County Case Number 20CF998, which conviction(s) remain of

STATE OF WISCONSIN - VS - Taylor Denise Schabusbusiness

record and unreversed, the maximum term of imprisonment for the underlying crime may be increased.

Count 3: THIRD DEGREE SEXUAL ASSAULT, REPEATER

The above-named defendant, on or about Wednesday, February 23, 2022, in the City of Green Bay, Brown County, Wisconsin, did have sexual intercourse with the Victim, without that person's consent, contrary to sec. 940.225(3)(a), 939.62(1)(b) 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.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of Battery or Threat to a Judge, Prosecutor, or Law Enforcement Officer in Brown County Case Number 20CF998, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 4 years if the prior conviction was for a felony.

Complainant is an Assistant District Attorney with the Brown County District Attorney's Office and knows of the above offense(s) on information and belief based upon:

PROBABLE CAUSE:

The complainant, being duly sworn on oath, swears that he has had the opportunity to review the police reports from officers of the Green Bay Police Department, and other documents supporting this complaint referenced herein, which are the types of reports and documents kept in the ordinary course of business, which complainant believes to be truthful and reliable because they have proven to be truthful and reliable on numerous occasions in the past. Your complainant also bases this complaint upon the statements of TP, who is presumed to be reliable as a citizen witness in this instance. Your complainant also bases this complaint upon the statements of Taylor Schabusbusiness, which were against her penal interest. The complainant further asserts that based upon his review of the referenced reports and/or supporting documents, the incidents alleged occurred in Brown County, Wisconsin.

1. Your complainant's review of the report of Officer Alex Wanish of the Green Bay Police Department, which indicates that on February 23, 2022, at about 3:25 a.m., Officer Wanish was dispatched to a residence that is located in the City of Green Bay, Brown County, Wisconsin, for a report of a severed head being found in a bucket in the basement. Upon arrival, Officer Wanish met with TP, who allowed officers into the residence. Officer Wanish reports he went down to the basement. Once he reached the bottom of the stairs, Officer Wanish observed the plastic bucket on the floor. Officer Wanish observed a shower/beach towel over the bucket. Officer Wanish lifted the towel and observed a human head inside the bucket. Wanish looked around the room and observed what appeared to be dried blood on a nearby mattress.

2. Your complainant's review of the report of Officer Garth Russell of the Green Bay Police Department, which indicates that on February 23, 2022, Officer Russell was asked to assist by going to a residence on Eastman Avenue in the City of Green Bay, Brown County, Wisconsin. Officer Russell gathered information that a person, identified as Taylor D. Schabusbusiness, DOB: 11/23/1997, who was last seen with the victim, may be living at the Eastman Avenue address.

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Officer Russell also learned there was a van associated with Schabusiness. Officer Russell reviewed a prior photograph of Schabusiness. As officers inspected the van, Officer Russell saw Schabusiness emerge from the apartment building and upon seeing officers, she stopped. Officer Russell could see that Schabusiness had what appeared to be dried blood on the front of her black hooded sweatshirt, as well as her black sweatpants. Officer Russell later found Schabusiness' hands appeared to be smeared with blood as well, and there was also what looked like dried blood on the back of her sweatshirt. Officer Russell asked Schabusiness if she knew why officers were there, and she stated something that sounded like, "Because of my warrant for my arrest."

3. Your complainant's review of the report of Detective Jena Luberda of the Green Bay Police Department, which indicates that Detective Luberda received additional information that TP told patrol officers that Schabusiness' van, which had been parked outside her address for a day or so, was gone. Patrol and other detectives were at an address on Eastman Avenue where the van Schabusiness had been using was parked and where Schabusiness had been taken into custody and the van was later examined. Detective Luberda reports that in the rear passenger seat, behind the driver's seat, there was a crock pot box. Medical Examiner Dr. Vincent Tranchida went to the box, which was on top of a laundry basket of clothes, and located additional human body parts including legs.

4. Your complainant's review of the report of Detective Phil Scanlan of the Green Bay Police Department, which indicates that Detective Scanlan summarized evidence obtained during a search warrant executed at the residence in the City of Green Bay, Brown County, Wisconsin, where the Victim was located. Detective Scanlan reports that during the search, a human head, severed from the neck, was located in a bucket in the basement near the stairs. The head was identified visually in comparison with a prior photograph of the Victim and it was confirmed to be the Victim. According to Dr. Tranchida, there was visual evidence of strangulation observed. Also located in the same bucket was a male organ, along with body fluid and two knives. Other body parts were found in the basement in other bags, including plastic shopping bags, along with three knives, including a bread knife consistent with kitchen knives. Located in a storage tote, an upper torso was located. The upper torso had numerous rigid cuts at the site where the head was removed consistent with the separated head. Also located in the tote was a carving knife consistent with a kitchen knife, and several internal organs. Also located in the search was what appeared to be significant blood staining on an un-sheeted top bed mattress along with what appeared to be a site of previously-cleaned up blood on a concrete surface next to and under a significant portion of the bed. Evidence of drug use was observed in the open on the top of the entertainment center including a glass pipe and a gem bag containing light colored powder material. Also observed was evidence of blood around a stand-up shower located in the unfinished portion of the basement and what appeared to be numerous blood drops were visible on the concrete floor in front of the shower that appeared to have been partially wiped or washed away. Detective Scanlan reports that during the search, he stayed in contact with Detective Graf and Detective Kempf, who at the time were questioning Taylor Schabusiness. Detective Scanlan reports that based on Schabusiness' statements and officers' observations at the scene, Detective Scanlan found the information Schabusiness was saying to be consistent with officers' findings during the search of the basement.

5. Your complainant's review of the reports of Detective David Graf of the Green Bay Police Department, which indicates:

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On February 23, 2022, Detective Graf reports he met with the Victim's mother, TP. TP stated that around 9:30 p.m. on Monday, February 21, 2022, Taylor D. Schabusiness, DOB: 11/23/1997, came and picked up the Victim. TP stated that was the last time she saw the Victim alive. TP stated that her boyfriend told her that sometime Monday night into Tuesday, February 22, 2022, the Victim and Schabusiness returned to the home and went into the basement. TP believed that Schabusiness and the Victim were in the basement during the day on Tuesday. TP stated she did not go into the basement but she did recall hearing Schabusiness talking at one point. TP stated she and her boyfriend were out of the house during the day on Tuesday. TP stated that there was a minivan parked on the road in front of the house during that time and she was not sure if it was Schabusiness'. TP stated that sometime between 2:30 and 3:00 a.m. that morning (February 23, 2022) she was awoken by a storm door being slammed. TP stated that she heard a vehicle and she assumed it was Schabusiness'. TP stated that she got out of bed and saw the light in the basement was still on. TP stated she went to see if the Victim was still there because she thought Schabusiness had left. TP went into the basement and did not see anyone, so she started to walk back up the stairs and that was when she noticed a bucket next to the bottom of the stairs. TP stated she removed a blanket that was over the bucket and she discovered the head of the Victim.

Detective Graf reports he was then informed that Taylor Schabusiness was located by patrol officers and brought to the station. Officer Russell informed Detective Graf that Schabusiness had a large amount of what he believed to be blood on her clothing. Detective Graf observed Schabusiness had a cut on her left thumb. Detective Graf also observed some scratches on her arms and hand that according to Schabusiness were self-inflicted. Detective Graf also noticed on Schabusiness' hands a red substance stain that Detective Graf believed to be blood.

Detective Graf spoke with Schabusiness after advising her of her rights. Detective Graf told Schabusiness that a few hours ago officers were sent to a residence in Green Bay in which the head of the Victim was found. Schabusiness' response was "that is pretty fucked up." Detective Graf asked Schabusiness if she knew the Victim and she said she did. Detective Graf confirmed with Schabusiness that she lives on Eastman Avenue and the van that was located there was her roommate's, ST's, van. Detective Graf confirmed with Schabusiness that she drove ST's van to Eastman Avenue earlier in the morning. Detective Graf asked where the rest of the Victim's body was, and Schabusiness stated that it was still in the basement. Detective Graf asked her to tell him what happened and Schabusiness' first comments to Detective Graf were "that is a good question" because she had blacked out during that time. Detective Graf asked Schabusiness if it was just her and the Victim in the basement, and she said that it was and that nobody else had come down.

Schabusiness stated that she and the Victim were smoking "the bitch," which Detective Graf was able to clarify with Schabusiness that he believed she was referring to methamphetamine. Schabusiness stated that the Victim had a chain that he had put around his neck. Schabusiness stated they were getting to sexual intercourse. The strangulation was part of the sex act, according to Schabusiness. Schabusiness stated she and the Victim had used strangulation during sex in the past.

Detective Graf asked Schabusiness questions about her using ST's minivan and asked if she and the Victim had contact with anybody when they first got back to the house. Schabusiness

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then made the statement “damn the head” and “I can’t believe I left the head though” (referring to the Victim’s head). Detective Graf then asked Schabusiness where the rest of the body was and she stated it was in the basement. Schabusiness responded that the police were going to have fun trying to find all of the organs as she dismembered the body. Schabusiness stated all of the body parts should be in the basement. Schabusiness stated there should be a foot or a leg in the minivan. Detective Graf asked Schabusiness what she did with the head, and Schabusiness stated she had put the Victim’s head in a black bucket and put a blanket over it.

Detective Graf asked how Schabusiness dismembered the body. Schabusiness stated she used knives that she obtained from the kitchen of the residence and that a bread knife worked the best because of the serrated blade. Schabusiness stated the knives should be in a black bag along with the body parts in the basement. Schabusiness indicated that she would use whatever bags she found in the basement to place the body parts into. Schabusiness made the comment that at one point, she did get paranoid and lazy and that she thought it was the “dope” that was making her paranoid.

Schabusiness described she and the Victim were in the basement and that the Victim produced two chains, one for him and one for her. Schabusiness described the chains at the time as being “chain link” and “silver.” Schabusiness would later describe the chains as being like a dog choke collar. Schabusiness stated she just went “crazy,” referring to strangling the Victim. At one point during the interview, Schabusiness stated she could feel the Victim’s heart beating still as she was choking him, so she kept pulling and choking him harder, but the Victim would not die and that he just kept “rebuilding into muscle.” Detective Graf asked at what point did she know that the Victim was not alive anymore. Schabusiness stated that the Victim’s face turned purple, blood was coming out of his mouth, but she did not stop. Detective Graf asked what she did after the Victim died. Schabusiness stated that she then played with his body. Schabusiness stated she sucked the Victim’s penis, that she had a dildo that she put in the Victim’s mouth, and then in the Victim’s “ass.” Detective Graf asked Schabusiness if when she was choking the Victim if he tried to fight back at all. Schabusiness stated he did.

Schabusiness stated that she and a friend picked up the Victim in ST’s minivan. After picking up the drugs, the three went to the Eastman Avenue apartment. Schabusiness stated she, her friend, and the Victim smoked marijuana and she and the Victim smoked some methamphetamine. Schabusiness’ friend left. Schabusiness reported that she then “shot up” herself and the Victim with Trazadone. Schabusiness stated she and the Victim left her apartment on Eastman Avenue and drove to the Victim’s mom’s house in ST’s minivan. They went to the basement. Schabusiness stated the Victim’s mother’s boyfriend let her and the Victim into the house. Schabusiness stated that it was about five minutes after they arrived that the Victim pulled out the chains. Schabusiness stated she then began to choke the Victim, and she described it as the Victim lying face down on the bed with her on top of him pulling on the end of the chain. The Victim coughed up blood and she was just waiting for him to die while she was watching his face. Schabusiness made the comment that she was “already this far” so she just kept on, referring to choking the Victim. Schabusiness said in a lower tone of voice, “Ya I liked it,” and Detective Graf believed her to be referring to when she was choking the Victim. Schabusiness stated she thought it took 3-5 minutes for the Victim to die. Detective Kempf clarified with Schabusiness that when the Victim began to cough up blood she just did keep on choking the Victim because she wanted to see what happens. Schabusiness made comments that she blacked out while choking the Victim but when she woke up that the Victim was already purple, so she kept on going. Schabusiness stated she enjoyed choking him and

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made comments to detectives asking if they knew what it was like to love something so much that you kill it. Schabusiness stated she played with the Victim's body for like two to three hours, which included sucking his penis and putting the dildo in his mouth and anus. Detective Graf clarified with Schabusiness that she was in the basement with the Victim all during the day of Tuesday into Tuesday night and into Wednesday morning, and then dismembered the Victim's body.

Schabusiness stated the plan was for her to bring all of the body parts with her but she got lazy and only ended up putting the leg/foot in the van and she forgot the head. Schabusiness made comments that she did not mean to kill the Victim but as she was choking him she liked it and she would just keep doing it. Schabusiness also made the comment that she was not prepared as killing the Victim was random. Schabusiness stated that she had the Victim's body on the bed in the basement and she pulled him to the edge of the bed and put the black bucket underneath the Victim's head as she was cutting the head off. Schabusiness also talked about using a bucket and a tote to catch the Victim's blood and that she would use the shower in the basement to dump out the bucket. Schabusiness was asked if she thought it was the right thing to do, and Schabusiness' comment was that she did it anyway, referring to killing the Victim.

6. Your complainant's review of the records of the Wisconsin Circuit Court Access Program (CCAP) website, which records are presumed truthful and reliable as they are kept in the normal and ordinary course of departmental business. These records indicate that the defendant, Taylor D. Schabusiness, DOB: 11/23/1997, was the defendant in Brown County Case Number 20CF998. Said records indicate that on or about January 3, 2022, there was a disposition in said case with a Judgment of Conviction on a charge of Battery or Threat to a Judge, Prosecutor, or Law Enforcement Officer, a felony contrary to sec. 940.203(2) Wis. Stats. Said conviction remains of record and unreversed, making the defendant a repeater pursuant to sec. 939.62 Wis. Stats.

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

Subscribed and sworn to before me on
03/01/22

Electronically Signed By:

David L. Lasee

District Attorney

State Bar #: 1041798

Electronically Signed By:

Caleb Saunders

Complainant

STATE OF WISCONSIN

CIRCUIT COURT

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff

AFFIDAVIT

vs.

TAYLOR D. SCHABUSINESS,

Defendant

Case No. 22 CF 363

STATE OF WISCONSIN)

)

BROWN COUNTY)

I, Quinn T. Jolly, being first duly sworn on oath deposes and states as follows:

- 1) I am the Attorney for Taylor D. Schabusiness, the Defendant in this matter.
- 2) Based upon the discussions I have had with my client, I have concerns regarding her ability to understand these proceedings and assist in her own defense.
- 3) Based upon recently received jail records, I have concerns regarding her ability to understand these proceedings and assist in her own defense.
- 4) Based upon recent courtroom behavior, I have concerns regarding her ability to understand these proceeding and assist in her own defense.
- 5) Based upon the Defendant being on suicide watch since August 31, 2022, I have concerns regarding her ability to understand these proceedings and assist in her own defense.
- 6) I believe a competency evaluation is necessary to determine of the Defendant is fit to proceed.
- 7) The above information is provided as support for the Defendant's Motion for Competency Evaluation.

Dated this 31st day of October, 2022.


 Quinn T. Jolly
 State Bar No. 1106501



Signed and sworn to before me
this 31 day of October, 2022.

Merri C. Burnthorn

Merri C. Burnthorn

Notary Public, State of Wisconsin

My commission expires 10.15.2024

THOMAS J. WALSH
Circuit Judge



LEIGH PIGEON

Judicial Assistant
920/448-4112

RACHEL POPP

Court Coordinator
920/448-4167

CIRCUIT COURT BRANCH II

BROWN COUNTY COURTHOUSE
100 SOUTH JEFFERSON STREET
P.O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600

BETH GORAL

Court Reporter
920/448-4113

November 30, 2022

Assistant District Attorney Caleb Saunders
P.O. Box 23600
Green Bay, WI 54305-3600

Attorney Quinn Jolly
221 Packerland Drive
Green Bay, WI 54303

RE: State of Wisconsin v. Taylor Schabusiness
Case No: 22 CF 363

Dear Counsel:

It is my understanding from the office of defense counsel that Ms. Schabusiness would like to exercise her right to retain an independent evaluator to assess her competency and thereby contest the findings of the November 18, 2022 evaluation.

In light of this, it makes sense that we schedule a contested hearing on competency when experts can testify as to their findings. Therefore, I am having my judicial assistant contact both attorneys to set up a "scheduling hearing" within the next seven days. At that "scheduling hearing", we will simply schedule the contested competency hearing. Given that the court ordered the November 18, 2022 evaluation, my office will insure that evaluator availability information is available at that hearing. If possible, I would request Mr. Jolly have similar information available for defense evaluator.

Although the court's ruling on this issue may impact the course of this case, I am not changing any of the previously scheduled dates at this time.

Yours very truly,

A handwritten signature in black ink that reads "Thomas J. Walsh".

Thomas J. Walsh
Circuit Court Judge, Branch II

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff

-VS-

**DEFENDANT'S MOTION
IN LIMINE**

TAYLOR D. SCHABBUSINESS,

Defendant

Case No. 22 CF 363

COMES NOW the Defendant, appearing by her attorney, Quinn T. Jolly, moves that the court enter the following orders:

1. **Exclusion of Prior Acts.** That the prosecution be prohibited from introducing any evidence as to alleged acts of criminal or other misconduct by the defendant either prior to or following the date of the alleged offense charged in the complaint. If the prosecution intends to introduce such evidence, defendant requests that it be prohibited from doing so for the following reasons:
 - a. Such evidence is not relevant to the issues in this case and must be excluded, pursuant to sec. 904.04, Wis. Stats.
 - b. If such evidence is deemed relevant, its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, and the possibility of misleading the jury. It must be excluded, pursuant to sec. 904.03, Wis. Stats.
 - c. The prosecution has failed to provide the defendant with notice, prior to trial, as dates of the alleged acts of misconduct and the names and addresses of witnesses, depriving the defendant of the opportunity of preparing a defense.
2. **Exclusion of prior convictions.** That the prosecution be prohibited from any mention or use by direct examination of prosecution witnesses or by cross-examination of any defense witness, of the defendant's prior juvenile and/or criminal convictions.
3. **Exclusion of Physical Evidence.** That the prosecution be prohibited from mention or use of physical evidence not previously disclosed to defense counsel.

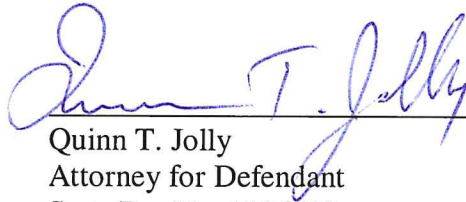
Defendant's Motion In Limine
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4. **Undisclosed Statements.** That the prosecution be prohibited from any use or reference to any recorded statements made by the defendant, or any witness the prosecution intends to call, that inculcates the defendant and has not been previously disclosed to defense counsel.
5. **Undisclosed Record.** That the prosecution be prohibited from calling as a witness any person who the prosecution knows, or should know through the exercise of due diligence, to have a criminal record, without first disclosing that record to defense counsel before trial.
6. **Sequestration of Witnesses.** That all witnesses, for the prosecution and for the defense, be excluded from the courtroom, including voir dire, and that all witnesses be admonished not to discuss their proposed testimony with any other witness during the pendency of this trial; and that no non-party witness, including police officers, be permitted to sit at counsel tables.
7. **Introduction of Witnesses.** That no distinction be drawn during voir dire between possible prosecution witnesses and defense witnesses, and that the court introduce all witnesses as possible witnesses and not as prosecution or defense witnesses.
8. **Photos.** For an order prohibiting the State from offering into evidence any photos and/or autopsy photos during trial. These photographs depict the deceased, including grotesque and graphic photographs of body organs, open wounds, areas of the body where the skin was removed. In most of the images depicting the deceased's body, he is naked. These images lack significant evidentiary value as the Defense is not challenging the cause of death of the decedent. Allowing these images in at trial, will only stir emotional response against the Defendant and lacks little, if any probative value towards any disputed issue.
9. **Use of Prejudicial Words.** That the State be prohibited from using the word 'victim' throughout the trial. The word "victim" suggests the allegation has been proved. It is the role of the Jury to determine guilt vs. innocence. Use of prejudicial words strip the defendant of the presumption of innocence.
10. **Pursuant to Prosecutor Divulging Jury Testimony.** State v. Copeland, 2011 WI App 28; an order prohibiting the State from sharing testimony of a witness with a non-party witness who has not yet testified.

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11. **Use of Demeaning Words.** That the State be prohibited from using demeaning words when reference the Defendant. Demeaning words such as murderer, destroyer, executioner, slayer or slaughterer suggests the allegation has been proved. Use of demeaning words infringe on the defendant's presumption of innocence.

Dated: February 15th, 2023.



Quinn T. Jolly
Attorney for Defendant
State Bar No. 1106501

Brabazon Law Office, LLC
P.O. Box 11213
Green Bay, WI 54307-1213
(920)494-1106

STATE OF WISCONSIN

CIRCUIT COURT

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff

-vs-

**AFFIDAVIT IN SUPPORT OF
QUINN T. JOLLY'S
MOTION TO ADJOURN JURY TRIAL**

TAYLOR D. SCHABBUSINESS,

Defendant

Case No. 22 CF 363

STATE OF WISCONSIN)

)

BROWN COUNTY)

Attorney Quinn T. Jolly, under oath and affirmation, swears to the following:

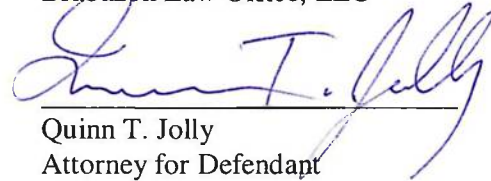
1. This matter is scheduled to proceed to Jury Trial on March 6, 2023.
2. On January 30, 2023 the State was granted a search warrant for a blue colored Motorola cell phone which was located in a the defendant's bedroom. The search warrant notes the State is looking for things used in the commision of, or may constitute evidence of the crime of 1st Degree Intentional Homicide.
3. The Defendant has not received the results of the search of the Motorola phone.
4. The Defendant needs to review any evidence from the cell phone extraction as well as hire a defense expert to examine the Motorola phone.
5. The Defendant has not completed the discovery necessary to adequately prepare a defense in this matter. This matter is unlike most cases. The State has listed 34 potential witnesses. The amount of discovery is voluminous which is taking longer to review than your typical case
6. On September 1, 2022 the Defendant entered a plea of Not Guilty by Mental Disease or Defect which requires the review of all historical records pertaining to the Defendant. Additionally, the Defense has the burden of proof regarding this plea. The Defense needs additional time to investigate and prepare to support this plea. Under the due process clause, criminal defendants must be given a meaningful opportunity to present a complete defense. California v. Trombetta, 467 U.S. 479, 485 (1984).
7. The Defendant was unable to discuss this matter with counsel for effectively two months while the Defendant was on suicide watch.
8. The Medical Examiner's Report was disclosed on November 8, 2022, nine months after the filing of charges in this matter. The Defense needs additional time to locate and consult with medical experts regarding the Medical Examiner's Report.



9. Defense experts are still reviewing this matter and preparing reports. "Whether rooted directly in the Due Process Clause of the Fourteenth Amendment or in the Compulsory Process or Confrontation Clauses of the Sixth Amendment, the Constitution guarantees criminal defendants `a meaningful opportunity to present a complete defense.'" Crane, supra, at 690 (quoting California v. Trombetta, 467 U. S. 479, 485 (1984); citations omitted).
10. An adjournment of the trial is necessary to complete the discovery process and adequately prepare for trial.
11. This matter has never been adjourned before.
12. The Defendant believes an adjournment is necessary in the interest of fairness and justice.
13. The Defendant believes an adjournment will not prejudice the State.

Dated this 1st day of February, 2023.

Brabazon Law Office, LLC



Quinn T. Jolly
Attorney for Defendant
State Bar No. 1106501

Subscribed and sworn before me this
1 Day of February, 2023.



Merri C. Burnthorn
Notary Public, State of Wisconsin
My commission expires 10/15/2024.

STATE OF WISCONSIN,

Plaintiff

-vs-

**DEFENSE COUNSELS MOTION TO
WITHDRAW FROM FURTHER
REPRESENTATION OF
DEFENDANT****TAYLOR D. SCHABBUSINESS,**

Defendant

Case No. 22 CF 363


Attorney Quinn T. Jolly, attorney for the defendant, hereby moves this court for permission to withdraw from this matter, and discharge from further representation of the defendant. This motion is brought pursuant to the Constitutions of the United States of American and Wisconsin, the Wisconsin Statutes and the Wisconsin Supreme Court Rules for Professional Conduct governing the conduct of attorneys, specifically SCR 20:1.16(b)(4) and (5).

As specific grounds, defense counsel asserts:

1. On or about March 3, 2022, Attorney Quinn T. Jolly was appointed to represent the Defendant.
2. Due to the irretrievably broken state of the attorney-client relationship, caused by the events of the court hearing on February 14, 2023, counsel requests to be withdrawn from all further representation.
3. That a conflict has developed between Defendant and myself that no longer allows me to be able to continue my representation of Defendant.
4. Counsel firmly believes that withdrawal can be accomplished without a material adverse effect on the client's interests as well as that of the State.

THEREFORE, THE DEFENSE COUNSEL PRAYS that this court grant defense counsel's motion to withdraw.

Dated: February 16, 2023.


Quinn T. Jolly
Attorney for Defendant
State Bar No. 1106501

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STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

CASE NO. 22-CF-363

TAYLOR D. SCHABUSINESS,

Defendant.

**MOTION FOR NEW OR SUPPLEMENTAL COMPETENCY
EVALUATION**

TO: BROWN COUNTY DISTRICT ATTORNEY

PLEASE TAKE NOTICE THAT the defendant, Taylor D. Schabusiness, appearing by and through her attorney, Christopher T. Froelich, in this action, and reserving her right to challenge the Court's jurisdiction, moves the Court to *have a new or supplemental competency evaluation of the defendant by Dr. Matthew T. Seipel, Ph.D.* This motion is brought pursuant to Wis. Stats. 971.10(3); and the 5th, 6th, 8th and 14th Amendments to the United States Constitution; and article I, sections 5, 6, 7 and 8 of the Wisconsin Constitution.

AS GROUNDS, the defendant asserts:

1. There was a competency evaluation completed and a report was filed by Dr. Matthew Seipel on November 18, 2022. There is a hearing set for Friday, March 24, 2023 at 1:30 p.m. to allow defense counsel to cross-examine the psychiatrist on his prior report. The current report is approximately 4-months old and the defense believes it **is stale**. Attorney Froelich never had an opportunity to confer with Dr. Seipel prior to the completion of his evaluation as he was not the attorney-of-record at the time.
2. The defense counsel is aware that there was an apparent incident involving the defendant in the courtroom where she had a breakdown that involved an apparent altercation with her counsel. The defendant had to be restrained by law enforcement officers before she was removed from the courtroom. The undersigned counsel has concerns about the defendant's alleged behavior and believes that the assigned psychiatrist should re-evaluate the defendant taking into consideration the apparent outburst in the courtroom on or about February 14,

2023. The defense argues that the alleged incident in the courtroom with prior counsel was a serious emotional outburst that gives rise to the need for an additional evaluation of the defendant. The defendant's alleged behavior was highly unusual and defense counsel has concerns that the defendant may have been suffering from a mental breakdown or other mental defect.

3. Defense counsel questions whether this defendant has the substantial mental capacity to understand the proceedings or assist in her own defense.
4. The defendant requests that the Court order a new or supplemental competency evaluation. The defense asks that the Wisconsin Forensic Unit be assigned to conduct the evaluation of this defendant.

Dated at Green Bay, Wisconsin, this 23rd day of March, 2023.

FROELICH LAW OFFICES, LLC:

By: 

Christopher T. Froelich (#01000834)

Attorney for Defendant

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alleged facts related to the case.

- Q. **Exhibit Q** - Daily Beast article discussing the case involving the defendant including alleged comments that the defendant made. The news article discusses bail and potential consequences if defendant is convicted.
- R. **Exhibit R** - WBAY news article dated September 1, 2022 which discusses defendant's plan to argue insanity. There is a photograph of the defendant with deputies associated with this news article.
- S. **Exhibit S** - WBAY news article dated April 13, 2022 which discusses second competency exam. There is some discussion about drugs, sex and chains being allegedly involved in the incident.
- T. **Exhibit T** - WBAY news article dated May 10, 2022 which discusses alleged killing and dismembering of a Green Bay man. The article also addresses competency issues involving the case along with charges.
- U. **Exhibit U** – WBAY/Gray News article dated March 3, 2022 which discusses woman accused of gruesome murder had interest in Jeffrey Dahmer. There were graphic details about this alleged incident set forth in this article.
- V. **Exhibit V** – Fox 11 News article dated March 14, 2022 which discusses competency request for woman accused of decapitating man. The defendant's name is mentioned in the article along with photographs of the involved residence.
- W. **Exhibit W** – WLUK news article dated March 7, 2022 which discusses impact of using meth after grisly Wisconsin murder.
- X. **Exhibit X** – Associated Press article dated March 11, 2022 which addresses mental competency exam for the pending case.
- Y. **Exhibit Y** – Oxygen True Crime news article dated April 14, 2022 which discusses second competency exam and woman charged in meth-fueled dismemberment case. This article does contain photographs of the defendant and alleged facts related to the case.
- Z. **Exhibit Z** - Oxygen True Crime news article dated March 15, 2022 which discusses woman accused of molesting – dismembering dead man while on meth. The article talks about competency and other alleged details related to the case, including alleged comments made by the defendant.
4. Upon belief, Brown County is served by the following newspapers and articles having a reported circulation as indicated:
- Green Bay Press-Gazette

5. Upon belief, Brown County is served by the following television and radio stations having a reported listening audience:

- WBAY / Channel 2
- WLUK / Channel Fox 11
- WIXX (FM radio)
- WFRV (Channel 5)
- Midwest Communications
- WNCY – FM
- WORQ
- WOGB
- WTAQ
- WDUZ
- WNFL
- WAPL
- WQLH
- WPNE
- WGBW
- WKRU
- WZOR
- WEMY
- WGEE
- WPCK – Nash FM
- WHID
- WYDR
- WJMQ
- WCUB – Country
- WBDK

6. The defense asserts that there has been radio and television commentary and coverage about this case on many networks and radio stations during the course of this case. The public has been made aware of this case, the charges and some of the alleged facts related to this case.

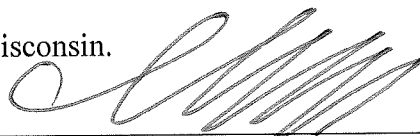
7. The undersigned attorney researched articles on the internet about the alleged incident that occurred on February 6, 2020 in Brown County. News articles about the defendant, Taylor D. Schabusness, and the pending case were readily found on the internet which have been appended to this affidavit for review.

8. Upon belief, there has been television coverage in the Brown County Courtroom involving the court proceedings for this defendant. Upon belief, there has been televised coverage of the apparent incident involving the defendant in the courtroom with her prior counsel, The subsequent detaining of the defendant by deputies in the courtroom on February 14, 2023 was captured live on television for numerous viewers to see.

- 9. The defense argues that this defendant will be unable to get a fair trial in Brown County. The defense argues that the defendant has a constitutional right to a fair trial which is enshrined in the federal and state constitutions. There is a constitutional magnitude associated with the right to have a fair trial. The defense believes that the pre-trial media coverage outlined herein shows a reasonable probability of prejudice. Gibson V. State, 55 Wis.2nd 110, 120, 197 N.W.2d. 813 (1972). The defense believes that there are sufficient grounds that prevent this defendant from getting a fair and impartial trial in Brown County. The nature of the offense, the alleged facts outlined in the complaint and in the media and the pre-trial publicity all show that there is likely an actual prejudice or alternatively a reasonable probability of prejudice and as such, a change in the place where trial should occur should be strongly considered by the Court. Alternatively, the Court should consider a Change in Venire such that a Jury should be selected from another county to sit on this case.

- 10. The pretrial publicity in this case and editorial comment – **its quantity, frequency, prominence, content and details have so prejudiced the defendant’s right to secure a fair and impartial trial** so as to require a change in the place of trial outside of Brown County or alternatively, require a change in venire by empaneling a jury from another jurisdiction outside of Brown County.

Dated this 29th day of March, 2023 at Green Bay, Wisconsin.

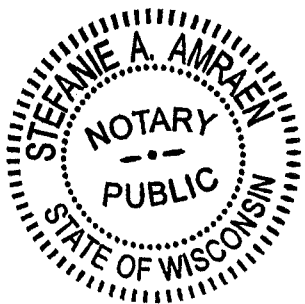


Christopher T. Froelich
Affiant

Subscribed and Sworn to before me
This 29th day of March, 2023



Notary Public, State of Wisconsin
My Commission Expires: 10/17/26



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trial court determines that there exists such prejudice in the original county that a fair trial cannot be had, the court “shall order that the trial be held in any county where an impartial trial can be had.” Wis. Stat. § 971.22(3).

In order to change the venue of a criminal case, sufficient evidence must be before the trial court to show a “reasonable likelihood that a fair trial cannot be had.” McKissick v. State, 49 Wis. 2d 537, 545, 182 N.W.2d 282 (1971). A trial court should resolve “close calls” in favor of the defendant. Id. Whether a fair trial is possible in the original county is an issue left to the discretion of the trial court. Id. at 544–45. Trial courts are in the better position to judge the public sentiment of the county, and the decision will not be overturned absent an abuse of discretion. Hoppe v. State, 74 Wis. 2d 107, 110–11, 246 N.W.2d 122 (1976).

In lieu of changing the venue of a trial, a trial court alternatively may order that the jury pool be selected from a different county while the trial itself remains in the original county. Wis. Stat. § 971.225(2). To proceed under this statute, the trial court must find all of the following:

1. The court has decided to sequester the jurors after the commencement of the trial, as provided in § 972.12
2. There are grounds for changing the venue of the trial under § 971.22(1), and
3. The estimated costs to the county appear to be less using the procedure under [§ 971.225] than using the procedure [in § 971.22]

Wis. Stat. § 971.225(1)(a)-(c).

Under either section, the Court must first find grounds to change venue under § 971.22, so the State address that argument first.

I. Schabusiness has not shown a Reasonable Likelihood that a Fair Trial Cannot be Had in Brown County

The sole basis for which Schabusiness asserts she is unable to receive a fair and impartial trial by a Brown County jury is the pretrial publicity in the case. (Document 129.) In support of her argument, Schabusiness attached twenty-six exhibits which outline various news reports of the facts alleged in the complaint and other proceedings in this case. See (Documents 124–26, Exhibits A–Z.)

Courts consider the following factors in determining whether the amount of pretrial publicity prevents a fair trial in the county where the crime occurred:

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- (1) the inflammatory nature of the publicity;
- (2) the timing and specificity of the publicity;
- (3) the degree of care exercised, and the amount of difficulty encountered, in selecting the jury;
- (4) the extent to which the jurors were familiar with the publicity;
- (5) the defendant's utilization of peremptory and for cause challenges of jurors;
- (6) the State's participation in the adverse publicity;
- (7) the severity of the offense charged; and
- (8) the nature of the verdict returned.

State v. Fonte, 2005 WI 77, ¶ 31, 281 N.W.2d 654, 698 N.W.2d 594 (citing State v. Albrecht, 184 Wis. 2d 287, 306, 516 N.W.2d 776 (Ct. App. 1994)). The State addresses each Albrecht factor in turn.

A. *The Inflammatory Nature of the Publicity*

Publicity does not equal prejudice. In fact, “objective, factual, non-editorial reporting *is not prejudicial.*” Fonte, 281 Wis. 2d 654, ¶ 32 (emphasis added). The Supreme Court has explained:

A court looking to the inflammatory nature of the publicity should be primarily concerned with the manner in which the information was presented. Uneditorialized news of an informational nature may inform possible members of a jury, but this does not necessarily make the information objectionable. News reports become objectionable when they editorialize, amount to “rabble rousing” or attempt to influence public opinion against a defendant.

Briggs v. State, 76 Wis. 2d 313, 327, 251 N.W.2d 12 (1977).

It is not enough for Schabusiness to assert—even correctly—that the “public has been made aware of this case, the charges and some of the alleged facts related to the case.” (Document 129, 4.). Rather, the relevant inquiry is whether the nature of the publicity is prejudicial to the extent that a “fair trial cannot be had.” State v. Messelt, 178 Wis. 2d 320, 326, 504 N.W.2d 362 (Ct. App. 1993). That is because “[a]n informed jury is not necessarily a prejudicial one.” Thomas v. State, 53 Wis. 2d 483, 492, 192 N.W.2d 864 (1972).

A review of appellate court decisions illustrates this point. In an infamous example, for instance, the United States Supreme Court reversed the conviction of a defendant charged with killing his wife. Sheppard v. Maxwell, 384 U.S. 333, 363 (1966). The court lamented the

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“editorial artillery” that was opened against the defendant from the outset of the case, ranging from a litany of pre-indictment editorials stating the defendant was “getting away with murder,” demands to arrest the defendant, and one-sided articles arguing Sheppard’s guilt that continued during the course of trial. Id. at 338–349. It was this “carnival atmosphere” that led the court to decide that where there is a “reasonable likelihood that prejudicial news prior to trial will prevent a fair trial, the judge should continue the case until the threat abates, or transfer it to another county not so permeated with publicity.” Id. at 358, 363.

Like this case, the circumstances analyzed by Wisconsin appellate courts are often less egregious than those in Sheppard. In Hebard, a defendant charged with five counts of first-degree murder challenged the denial of his motion to change venue. State v. Hebard, 50 Wis. 2d 408, 426, 184 N.W.2d 156 (1971), overruled on other grounds. The troublesome news accounts analyzed by the Supreme Court involved coverage of the preliminary hearing, which touched on confessions made by the defendant which were later deemed inadmissible due to the retroactive application of Miranda. Id. at 427–28. However, the court emphasized that the specifics of the inculpatory statements were not reported on, the *voir dire* was otherwise conducted with relative ease, and noted it was not necessary to excuse a member of the jury panel for having a pre-formed opinion on the defendant’s guilt or innocence. Id. at 428.

In Jones, a defendant charged with assaulting a prison guard challenged the denial of his motion to change venue. Jones v. State, 66 Wis. 2d 105, 107–08, 223 N.W.2d 889 (1974). The defendant produced nine news stories and a radio commentary concerning the acts alleged, the investigation, and the charging of the defendant. Id. at 108. The Supreme Court found the news stories were “straightforward, uneditorialized, informational articles designed for the purpose of informing the public; and even thought articles of that nature might be read by a juror, they are not of the type that would create prejudice.” Id. at 109. While some of the stories used arguably stirring descriptors to describe the alleged offense, the Supreme Court emphasized “the general tenor of these stories [was] informational only.” Id. at 110. The Supreme Court also emphasized that these news sources predated trial by four months, and the jury was selected without difficulty. Id. at 111.

In Messelt, a defendant charged with sexual assault, burglary, and false imprisonment challenged the denial of his motion to change venue. Messelt, 178 Wis. 2d at 324. The defendant asserted articles published in two publications prejudiced his right to a fair and

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impartial trial. Id. at 325. The articles detailed the state's evidence and publicized inadmissible evidence concerning the defendant's prior convictions. Id. One article was titled "Rapist Should be Behind Bars For a Long Time." Id. at 328. An article discussed the defendant serving time in prison for a parole violation. Id. at 329. Articles discussed the substance of proceedings in the case. Id. The articles were largely clustered to times pre-dating the trial by several months. Id. at 330. The trial court decided that because the articles were primarily from one publication, the jurors would be chosen from another area of the county. Id. at 326. The trial court was concerned about two areas in particular and decided it would excuse anyone with knowledge of those matters. Id. On appeal, the court of appeals concurred with the trial court that the articles were not "inflammatory." Id. at 330. To the extent the articles referenced "graphic" details of the alleged offense, that was simply information taken from the criminal complaint and evidence adduced at the preliminary hearing, and it was accurately reported. Id. The articles did not "show an intent to inflame or arouse community feeling against the defendant." Id. During *voir dire*, the trial court questioned prospective jurors about their knowledge of the case, whether they could reach an impartial verdict, and that they had no opinion on the defendant's guilt or innocence. Id. at 331. The *voir dire* process evinced great care to "weed out potentially partial or biased jurors." Id. at 332. In sum, the court of appeals found "no showing of a reasonable likelihood of community prejudice before and at the time of trial." Id. at 333.

In Albrecht, a defendant charged with homicide challenged the denial of his motion to change venue. Albrecht, 184 Wis. 2d at 291. The trial court found the pretrial publicity "straightforwardly" reported the alleged facts in the case and did not show an "intent to inflame or arouse community feeling against" the defendant. Id. at 306–07. The most recent article cited by the defendant was six months prior to his trial. Id. at 307. There was no apparent difficulty in selecting a jury, with the *voir dire* touching on the topics of exposure to pretrial publicity and whether the jurors felt they could be impartial. Id. The court of appeals concluded the trial court did not erroneously exercise its discretion in denying the motion to change venue. Id. at 308.

In Fonte, a defendant challenged the denial of his motion to change venue. Fonte, 281 Wis. 2d 654, ¶ 1. The defendant offered forty-four newspaper articles from area newspapers. Id., ¶ 31. The Supreme Court agreed the publicity was factual and non-editorial about the

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crime and the criminal proceedings. Id., ¶ 33. The court noted that while some of the coverage contained inflammatory elements such as headlines referencing the defendant's prior criminal record, the inflammatory elements were offset by the other Albrecht factors. Id. The court emphasized that any publicity was effectively cured by *voir dire* which sufficiently afforded the defendant an impartial jury. Id., ¶ 37.

While the articles Schabusbusiness cites are great in number, they are not great in inflammatory substance. Unlike the example in Sheppard, “where news and editorial columns were directed to demanding the prosecution and conviction of the defendant involved,” Tucker v. State, 56 Wis. 2d 728, 734, 202 N.W.2d 897 (1973), the examples Schabusbusiness relies upon are largely “straightforward, uneditorialized, informational articles.” Jones, 66 Wis. 2d at 109. Many of the articles simply recite allegations made in the complaint. See Messelt, 178 Wis. 2d at 330 (articles referring to “graphic” information alleged in the complaint were accurately reported and did not “show an intent to inflame or arouse community feeling against the defendant”). Not only is that information likely to be adduced at trial, it is factual reporting that is not aimed at swaying a jury member. Id. Similarly, most of the articles contain straightforward, factual, and uneditorialized accounts of various routine court proceedings that have occurred in this case. (See Documents 124–26, Exhibits A, G, H, I, J, K, L, M, N, O, R, S, T, V, X, Y and Z.) None of these articles constitute the type of “inflammatory” publicity that courts guard against.

There are two classes of exhibits which merit further attention. Schabusbusiness cites to a number of articles referencing a hearing that was held on February 14, 2023. (See Document 124, Exhibits B, C, D, E, and F.) While these articles admittedly reference acts of the defendant that may be viewed as prejudicial, they were acts of Schabusbusiness' own volition that were straightforwardly reported on by the media in attendance. The articles merely factually recite what had occurred and were not intended to “inflame or arouse community feeling against” the defendant. Albrecht, 184 Wis. 2d at 306–07. Schabusbusiness furthermore cites articles that contain possibly inadmissible information. Fonte, 281 Wis. 2d 654, ¶ 31 n.10; (see Documents 125, 126, Exhibits U and W.) To the extent the articles contain irrelevant information, that can be more than adequately dealt with in *voir dire*, as discussed in more depth below.

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But comparing the articles Schabusiness relies upon to the examples in Hebard, Jones, Messelt, Albrecht, and Fonte show the articles are not of the type that make them objectionable. For instance, articles that referenced inadmissible confessions of the defendant were not deemed too prejudicial, at least when adequately addressed in *voir dire*. Hebard, 50 Wis. 2d at 428. Articles referring to a sexual assault defendant's long prior record and explicitly calling the defendant a "rapist" were not unconstitutionally inflammatory. Messelt, 178 Wis. 2d at 325–28. Articles with headlines referencing the prior record of a defendant were not deemed to be objectionable. Fonte, 281 Wis. 2d 654, ¶¶ 33, 37.

Moreover, the publicity Schabusiness cites is not confined to the borders of Brown County. It is an unfortunate reality that there has been heightened interest in this case. See Hoppe, 74 Wis. 2d at 111–12 ("It is apparent that crimes of this nature would make a substantial impact upon the community and would be the subject of extensive media coverage.") There is no knowing where the Court would find a "county where an impartial trial can be had," Wis. Stat. § 971.22(3), given the breadth of attention the case received. Schabusiness' own articles illustrate this point.

Many of the news agencies Schabusiness cites cover not only Brown County but essentially the entirety of Northeast Wisconsin. The news sources from the television stations based in Green Bay also cover the counties which border Brown County. A Brown County viewer of a news agency based in Green Bay will receive the same news as viewers in Outagamie County, Oconto County, Shawano County, or any number of other counties which are in that news agency's coverage area.

Schabusiness also cites news articles from several *statewide* and *national* media sources. (See Documents 125 and 126, Exhibits Q, X, Y, and Z.) The ubiquity of the media coverage is not something likely to change simply by moving the venue from Brown County. This is not a case, for instance, where local billboards or yard signs are the prejudicial pretrial publicity. Those instances would be more targeted and confined specifically to the original county. But here the media is not confined just to Brown County.

This is at the very least a statewide, perhaps nationwide, issue that simply moving a county would not solve. The nature of the case itself and the attention it receives cannot then form the basis to move a trial from the county where it occurred. See Hebard, 50 Wis. 2d at 427 (noting a defendant cannot "insulate[] himself against prosecution wherever wire services

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carry the account of the crime”). To illustrate, news of just this motion has been reported in essentially every corner of the state: the Fox Valley¹, Milwaukee², Madison³, Wausau⁴, La Crosse⁵, and Chippewa Falls⁶. The motion has been covered both nationally⁷ and internationally⁸ as well.

In totality, a review of the exhibits attached by Schabusiness constitute uneditorialized accountings of the proceedings in the case. See Briggs, 76 Wis. 2d at 327. They are not attempts at “rabble rousing” or to influence potential jurors against Schabusiness. Id.

B. The Timing and Specificity of the Publicity

The timing and specificity of the publicity is relevant because “memories and passions of readers [has] time to fade.” Messelt, 178 Wis. 2d at 330. The Supreme Court recognized *in 1971* that “the passage of time of itself would dilute and diminish the likely effect of the press accounts, especially so in these days of daily exposure to kaleidoscopically changing vignettes of press-reported human events, tragedies and mishaps from around an entire globe.” Hebard, 50 Wis. 2d at 427. The “kaleidoscopic” nature of media in 1971 has increased exponentially in the past fifty years, with the increased availability of news worldwide, the rise in social media, and the decreased reliance on “traditional” media.

¹ *Schabusiness’ attorney files for change of venue for homicide, mutilation case*, WFRV, <https://www.wearegreenbay.com/news/local-news/schabusiness-attorney-files-for-change-of-venue-for-homicide-mutilation-case/> (last visited Apr. 3, 2023).

² *Wisconsin dismemberment case, venue change sought*, FOX 6 MILWAUKEE, <https://www.fox6now.com/news/wisconsin-dismemberment-taylor-schabusiness-venue-change> (last visited Apr. 3, 2023).

³ *Change of venue sought for Green Bay woman in dismemberment slaying case*, WIS. ST. JOURNAL, https://madison.com/news/state-and-regional/crime-and-courts/change-of-venue-sought-for-green-bay-woman-in-dismemberment-slaying-case/article_e9a05d96-0bb1-5731-ae15-cc7d89bbf953.html (last visited Apr. 3, 2023).

⁴ *Change of venue sought for woman in dismemberment killing*, WAUSAU PILOT & REVIEW, <https://wausaupilotandreview.com/2023/04/01/change-of-venue-sought-for-woman-in-dismemberment-killing/> (last visited Apr. 3, 2023).

⁵ *Change of venue sought for woman in dismemberment killing*, LA CROSSE TRIBUNE, https://lacrossetribune.com/news/state-and-regional/wi/change-of-venue-sought-for-woman-in-dismemberment-killing/article_7c090a80-cee4-5742-b4e5-9d2c968d1b42.html (last visited Apr. 3, 2023).

⁶ *Change of venue sought for woman in dismemberment killing*, CHIPPEWA HERALD, https://chippewa.com/news/state-and-regional/change-of-venue-sought-for-woman-in-dismemberment-killing/article_6f2b09e6-1171-5442-8a96-241b20b56528.html (last visited Apr. 3, 2023).

⁷ *Change of venue sought for woman in dismemberment killing*, THE WASHINGTON POST, https://www.washingtonpost.com/national/2023/03/31/green-bay-wisconsin-dismemberment-slaying-schabusiness-thyrior/e0f535c6-d013-11ed-8907-156f0390d081_story.html (last visited Apr. 3, 2023).

⁸ *Change of venue sought for woman in dismemberment killing*, TORONTO SUN, <https://torontosun.com/news/crime/change-of-venue-sought-for-woman-in-dismemberment-killing> (last visited Apr. 3, 2023).

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Admittedly, the pretrial publicity of this case has been consistent around the filing of court documents or covering court proceedings. The State does not contest this is likely to continue as we get closer to trial. However, many of the articles relied upon by Schabusbusiness will have occurred months before the current trial date in July 2023. The trial date will be more than sixteen months after the State filed charges in this case. And, again, it is not publicity that is the concern but inflammatory publicity.

The Court may find that coverage concerning the February 14, 2023, hearing as somewhat inflammatory given those events are not admissible at trial. See, e.g., Fonte, 281 Wis. 2d 654, ¶ 31 n.10 (noting inflammatory publicity may be discussing evidence that is not admissible at trial). But those articles will have been months old by the time the case proceeds to trial. For instance, in Fonte, the articles the defendant found inflammatory about this prior record were published more than seven months before trial. Fonte, ¶ 34. The Supreme Court found the gap between these articles and trial was sufficient such that “the memories and passions of readers had time to fade.” Id. (quoting Messelt, 178 Wis. 2d at 330).

Given the relatively fact-based and uneditorialized nature of the media coverage, and the ease with which any undue media consumption or bias can be covered in *voir dire*, the timing of the media coverage should not be found to be of the type that significantly undermines Schabusbusiness’ right to a fair trial.

C. *Use of Voir Dire to Minimize Prejudice*

Changing the venue of a trial is not the only method of guaranteeing a defendant a fair trial. For instance, many of the concerns about ensuring a fair and impartial jury panel can be addressed during *voir dire*. McKissick, 49 Wis. 2d at 545. As our supreme court has recognized, a thorough *voir dire* can “solve the problems” raised by pretrial publicity and “ensure[] an impartial jury.” Fonte, 281 Wis. 2d 654, ¶¶36–37. As illustrated above, even in cases where there is a significant amount of publicity, even publicity which raises the concern of appellate courts, *voir dire* lessens the risk of an impartial jury. See supra, I.A.

Simply learning information about a case “is not cause for challenge to a prospective juror in this state,” unless the juror is biased or prejudiced as a result of that information. Tucker, 56 Wis. 2d at 735. Those biases and prejudices can adequately be addressed by the

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Court and the parties during *voir dire*, as courts and litigants do in this county and statewide on a daily basis in any number of criminal cases.

The idea that *voir dire* adequately fleshes out biases is nothing unique to motions to change venue. For instance, circuit courts are required during *voir dire* to determine if any member of the jury has “expressed or formed any opinion, or is aware of any bias or prejudice in the case.” Wis. Stat. § 805.08(1). Courts often further inquire if anyone on the jury panel has “heard or read anything about the case.” Wis. JI–Criminal SM-20, 8. In addition to strikes for cause, Schabusbusiness will have the ability to exercise seven peremptory challenges during *voir dire*. Wis. Stat. § 972.03. The State would furthermore also not object to special juror questionnaires seeking additional understanding of the venire’s exposure to media coverage in this case and any potential biases that exposure may have created. See Wis. Stat. § 756.04(6)(cm). This would help ensure any undue consumption of media, and more importantly a bias for or against either party, could be known before *voir dire* so as to not taint the rest of the jury panel.

In sum, the State trusts the Court and the parties can adequately and effectively ensure a fair and impartial jury is selected to try this case.

D. The State’s Participation in the Adverse Publicity

Schabusbusiness does not allege the State participated in or instigated any adverse publicity in this case.

E. The Severity of the Offense Charged and the Nature of the Verdict Returned

Of course, Schabusbusiness is charged with the most serious offense in this state, and nobody knows the jury’s verdict at this point. But the seventh and eighth Albrecht factors are “the least compelling factors.” State v. Ritchie, 2000 WI App 136, ¶ 24, 237 Wis. 2d 664, 614 N.W.2d 837. Indeed, many of the cases affirming the denial of a motion to change venue deal with homicide charges. See, e.g., Hebard, 50 Wis. 2d 408; Albrecht, 184 Wis. 2d 287. Simply being charged with a Class A felony does not automatically create a biased and impartial jury panel in the county where the crime occurred. Brown County juries regularly decide homicide cases that occurred in Brown County. Given the lack of showing on the other factors, and

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given the relative ease with which any prejudice can be cured during *voir dire*, these factors should not be determinative for the Court.

II. The Criteria in § 971.225 to Utilize an Out-of-County Jury are not Present in this Case

Schabusbusiness also asks the Court, in the alternative, to order the jury pool be selected from a different county. (Document 123.) One of the prerequisites to order a jury panel from another county is that the court finds the criteria to change venue exist. See Wis. Stat. § 971.225(1)(b). As argued above, see supra I., the requirements under § 971.22(1) are not met. Thus, the criteria to utilize an out-of-county jury are also not met.

If the Court determines the criteria under § 971.22(1) are met, the State's strong preference would be for the Court to follow the procedures in § 971.225 and utilize out-of-county jurors rather than moving the entire trial to another county, assuming the Court finds the other criteria in § 971.225(1) are met. The State is mindful that sequestering a jury is an extreme and relatively rare practice which will likely greatly impact the lives of the jury panel for the week of trial. The inconvenience to court staff, the parties, witnesses, the victims, and the defendant's supporters if the Court moves the location of trial is likely greater, however.⁹

CONCLUSION

The State desires Schabusbusiness to have a fair and impartial jury in this case. There is no doubt this case has attracted pretrial publicity more than a typical case. But justice does not require that "jurors be totally ignorant of the facts and issues involved." Briggs, 76 Wis. 2d at 330 (citing Irvin v. Dowd, 366 U.S. 717, 722 (1961)).

Brown County has in recent years had a number of trials with a significant amount of local, statewide, and national media attention. Some cases have been extensively reported on before trial. Some trials have been live-streamed across the globe. To date, the State is unaware of any of these cases leading to such prejudice that hindered the defendants' rights to a fair and impartial jury panel. The citizens of Brown County are more than capable of truthfully answering any inquiry the Court or counsel may have during *voir dire*, are able to

⁹ The State lacks sufficient information to argue § 971.225(1)(c) and will defer to the Court on that prong.

STATE OF WISCONSIN - VS - Taylor Denise Schabusiness

set aside any prejudices or biases they may have, and are able to follow the law as instructed by the Court. Nothing Schabusiness has averred should warrant a different result here.

In sum, Schabusiness has failed to show a “reasonable likelihood that a fair trial cannot be had” in Brown County. McKissick, 49 Wis. 2d at 545. As a result, her motion to change venue, or in the alternative to change the venire, should be denied.

Respectfully submitted this 4th day of April, 2023.

Date Signed: 04/04/23

Electronically Signed By:

Caleb J Saunders

Deputy District Attorney

State Bar #: 1094077

STATE OF WISCONSIN,

Plaintiff,

vs.

CASE NO. 22-CF-363

TAYLOR D. SCHABBUSINESS,

Defendant.

**MOTION FOR NEW COMPETENCY EVALUATION AND
MOTION TO RELEASE CIVIL COMMITMENT ORDER, EM-1
PETITION, MEDICATION ORDER AND ANY RELATED CIVIL
COMMITMENT DOCUMENTS**

TO: BROWN COUNTY DISTRICT ATTORNEY

PLEASE TAKE NOTICE THAT the defendant, Taylor D. Schabusiness, appearing by and through her attorney, Christopher T. Froelich, in this action, and reserving her right to challenge the Court's jurisdiction, moves the Court to **(1) have a new competency evaluation ordered of the defendant by the Wisconsin Forensic Unit.**

(2) Additionally, the defense seeks a formal Court Order which releases all records related to any prior civil commitment order that the defendant was under. This motion is brought pursuant to Wis. Stats. 971.10(3); and the 5th, 6th, 8th and 14th Amendments to the United States Constitution; and article I, sections 5, 6, 7 and 8 of the Wisconsin Constitution.

AS GROUNDS, the defendant asserts:

1. There was a competency evaluation completed and a report was filed by Dr. Matthew Seipel on November 18, 2022. This evaluation is no longer current.
2. The defendant may have been the subject of a 6-month civil commitment order in 2021 where she was at the Brown County Community Treatment Center from March 22, 2021 to April 12, 2021. It is unknown if the prior evaluators from the Wisconsin Forensic Unit considered this as part of a competency evaluation for this defendant. **The defense seeks a court order to release any and all prior civil commitment orders and documents related to the defendant.** The records should be released to the State and Defense counsel prior to any

competency evaluation of the defendant.

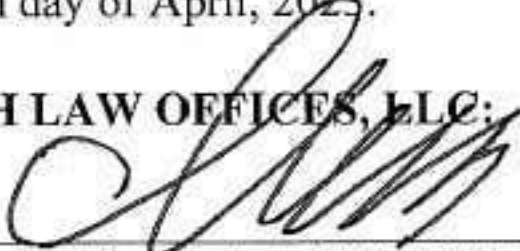
3. The defendant has exhibited some unusual behavior during conferences with defense counsel, including:
 - The defendant may have apparently been the subject of a 6-month civil commitment in 2021 where she had a treatment stay at Brown County Community Treatment Center and may have been under a medication order.
 - Any of the defendant's civil commitment records have not been produced and are unable to be accessed without a court order from the Brown County Circuit Court. It is unknown whether any prior doctors, psychologists or psychiatrists who examined the defendant had access to the civil commitment records. The defense asserts records are essential to fully and properly assess competency and NGI issues.
 - The defendant attempted to hit her head on the table during 1 jail conference. The jailors caught her when this occurred at the end of a professional visit.
 - The defendant has looked away at the kiosk on the wall numerous times staring at it in a bizarre manner on several occasions as if she is seeing something.
 - The defendant has been unable to answer questions posed to her by defense counsel on occasion.
 - The defendant has stated that her head hurts on occasion when defense counsel attempts to discuss the issues in the case (which impaired defense counsel's ability to discuss issues with defendant).
 - The defense counsel has noted odd responses to questions posed to the defendant.
 - The defense counsel has noted inappropriate smiling during some conferences which seemed unusual related to topics discussed.
 - The defense counsel has noted that the defendant loses her train of thought or becomes confused on occasion during conferences.
4. The defense counsel has concerns that the defendant may have been suffering from a mental breakdown or other mental defect before and after the alleged incident on February 23, 2022. The defense has concerns about the defendant's ability to be able to assist in her own defense at this time.

5. Defense counsel questions whether this defendant has the substantial mental capacity to understand the proceedings or to assist in her own defense at this time. The defense has concerns about whether the defendant is competent to proceed and the defense is seeking a new competency evaluation of the defendant, Taylor D. Schabusness.
6. The defendant requests that the Court order a new competency evaluation. The defense asks that the Wisconsin Forensic Unit be assigned to conduct a new evaluation of this defendant forthwith.

Dated at Green Bay, Wisconsin, this 4th day of April, 2023.

FROELICH LAW OFFICES, LLC:

By: _____


Christopher T. Froelich (#01000834)
Attorney for Defendant

Address:

125 S. Quincy Street
Green Bay, WI 54301
(920) 430-9640

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

Case No. 22-CF-363

TAYLOR D. SCHABUSINESS,

Defendant.

MOTION FOR MODIFICATION OF BAIL

TO: BROWN COUNTY DISTRICT ATTORNEY'S OFFICE

PLEASE TAKE NOTICE THAT the defendant, appearing specially by her attorney, Christopher T. Froelich, and reserving his right to challenge the Court's jurisdiction, moves the Court to **modify the current \$2,000,000.00 cash bond which was imposed on March 1, 2022 down to a significantly reduced cash bond between \$500,000.00 to \$1,000,000.00 with all appropriate conditions, including Crime Justice Services and GPS Monitoring.** This motion is brought pursuant to the 8th and 14th Amendments to the United States Constitution; article I, sections 6 and 8 of the Wisconsin Constitution; and Wis. Stats. § 969.

AS GROUNDS, the defendant asserts:

1. The defense seeks to reduce the current \$2,000,000.00 cash bond down to between a \$500,000.00 to \$1,000,000.00 cash bond with applicable conditions. Upon information and belief, the defendant could have a GPS electronic monitoring device installed on her ankle while the case is pending so that her whereabouts could be tracked at all times. **The defendant has been in custody since February 23, 2022.** The defense argues that the current cash bond is arbitrary and capricious. The current bond is a substitute for a pre-trial detention as this defendant does not have the financial resources with which to post the bond. The defendant has resided at 1130 Moraine Way, Green Bay, WI 54303. The defense argues that the bond should be reduced due to the length of time that this case has been pending and due to the other reasons set forth herein.
2. The defendant, Taylor D. Schabusiness (DOB 11-23-97), is 25 years old. She is the mother of 1 child – Mateo Coronado (DOB 10-03-21), age 2. Her child currently resides in Texas with the paternal grandparents. The father of her child is Warren Schabow who is currently in custody at a Federal Detention Center. The defendant previously lived in

Temple, Texas. The defendant reports that she was married to Warren Schabow on 02-14-20 which marriage is apparently still in-tact. The defendant attended Cotulla High School in Texas and graduated in 2016. The defendant attended Grand Canyon University where she studied electronics/computers for 6-months.

3. The defendant reports that her mother, Marla, died in approximately 2009 due to cirrhosis and alcoholism which was extremely difficult for the defendant. Her father is Arturo Coronado, Sr. and he resides at 1130 Moraine Way #10, Green Bay, WI 54303. The defendant has family in the Green Bay community. The defendant could potentially reside with her father during the pending of the action.
4. The defendant was born in Chicago, Illinois. The defendant was raised by her parents until age 11. At the time, her family relocated to Wisconsin. The defendant does have 1 brother. Taylor attended grades K to grade 4 at the Milbrun Elementary School in Illinois. During her 4th grade year, her family relocated to Wisconsin, where she completed 4th grade at Forest Glen Elementary School. Taylor attended Lineville Intermediate School for grades 5 and 6. She completed grades 7 and 8 at Bayview Middle School. Taylor attended Bayport High School between grades 9 and 11. During 12th grade, Taylor was apparently expelled from school for fighting with a female student. She then moved to Cotulla, Texas, where she completed her senior year there while living with her paternal grandparents. Taylor completed her secondary education with an estimated GPA of 3.1 cumulative. The defendant has attended a substantial amount of her schooling in the State of Wisconsin.
5. The defendant has worked for a sandwich shop as a teenager. She worked as a seasonal employee for Shopko Optical. Taylor worked for Saputo Cheese from January 20, 2018 to February 11, 2020. She worked there as a machine operator for this Wisconsin company. The defendant has held employment in the State of Wisconsin. The defendant has many ties to the Wisconsin community.
6. The defense asserts that the defendant needs to receive in-patient mental health treatment. The current cash bond is a substitute for a pre-trial detention as the bond amount is so arbitrary. The defense assert that the defendant does suffer from major mental health issues as follows according to Dr. Deborah Collins, Ph.D. evaluation dated April 7, 2022 which states in pertinent part:

“The defendant recalled first receiving mental health treatment during her 7th grade year, related to attention and concentration problems, and acting out behaviors in a school setting. She was recommended for evaluation and treatment by teachers or other school officials. According to the defendant, she was then initiated on medications such as Vyvanse and Adderall to address symptoms presumed to stem from ADD or ADHD. She was later also prescribed a mood stabilizer (e.g. Lamictal), an antidepressant, and an antipsychotic (e.g. Abilify) medication. She continued to receive psychiatric treatment to the age of 18. She then weaned herself off of medications, which she associated with negative side effects. She recalled, “I felt like a zombie.” It was also during her 7th grade year that she was psychiatrically hospitalized for the first time, after she attempted suicide. She recalled that she placed a knife to her throat and her father “walked in” and interrupted her attempt. According to the defendant, in April and May 2021, she was psychiatrically hospitalized at the Brown County Mental Health Center, which police were summoned to her home. During that episode of care, she was identified with diagnoses of Post-traumatic stress disorder (PTSD) and Bipolar disorder. She referred to the examiner to other mental health professionals for the

basis of both diagnoses. The defendant's comments suggest that, in 2021, she may have been the subject of a civil commitment. Ms. Schabusness referred specifically to past diagnoses of severe depression, ADD, ADHD, Bipolar disorder and PTSD.”

The defense asserts that the defendant should be released to participate in psychiatric and other mental health treatment. The current cash bond is simply out of reach for the defendant and posting that bond results in an impossibility. This defendant has serious mental health treatment needs that cannot be met in the Brown County Jail setting.

7. The defense argues that other defendants have received substantially lower cash bonds for homicide charges. See **Sheboygan County Case No. 20-CF-84** – Cash bond set at **\$500,000.00**.
8. The defendant asserts that the \$2,000,000.00 cash bond previously set in Brown County is excessive and is arbitrary and capricious. The defendant does not have the ability to post \$2,000,000.00 cash as the defendant is indigent. **It does not appear that the defendant has ever asked for a bail reduction since bond was imposed on March 1, 2022.** The defendant has been sitting in the Brown County Jail awaiting trial for approximately 13 months. The defendant is afforded the presumption of innocence under the Wisconsin and U.S. Constitution throughout this court process. **The defendant does not have the financial resources to post the \$2,000,000.00 cash bond.** The defendant may potentially be able to participate in further psychological testing and undergo psychiatric treatment in a mental health facility.
9. The defendant requests a formal Motion to Modify Bail hearing to address all issues in this bail motion.

Dated this 26th day of April, 2023.

FROELICH LAW OFFICES, LLC:

By: 

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Attorney for Defendant

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STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

CASE NO. 22-CF-363

vs.

TAYLOR DENISE SCHABUSINESS,

Defendant.

MOTION TO SUPPRESS STATEMENTS

TO: BROWN COUNTY DISTRICT ATTORNEY

The defendant, Taylor Denise Schabusiness, appearing by and through her attorney, Christopher T. Froelich, and reserving her right to challenge the court's jurisdiction, moves the court for an **order excluding as evidence all statements, oral or written, allegedly made by the defendant to law enforcement officers, including GBPD Officer Garth Russell or any other governmental officials with the Green Bay Police Department or their agents on February 22, 2022, February 23, 2022 or any other dates.** This motion is brought pursuant to Wis. Stats. 971.31(3) and (4), on the grounds that the statements were obtained in violation of the rights guaranteed the defendant under the 4th, 5th, 6th and 14th Amendments to the United States Constitution; article I, sections 1, 2, 7, 8, 9, and 11 of the Wisconsin Constitution; and Harris v. New York, 401 U.S. 222 (1971), Terry v. Ohio, 392 U.S. 1 (1968), Miranda v. Arizona, 384 U.S. 436 (1966), Lynam v. Illinois, 372 U.S. 528 (1963), Mapp v. Ohio, 367 U.S. 643 (1961), Trupiano v. United States, 334 U.S. 699 (1948), Brown v. Mississippi, 297 U.S. 278 (1936), Weeks v. United States, 232 U.S. 383 (1914), Upchurch v. State, 64 Wis. 2d 553, 219 N.W.2d 363 (1974), Ameen v. State, 51 Wis.2d 175, 186 N.W.2d 206 (1971), and State ex. rel. Goodchild v. Burke, 27 Wis.2d 244, 133 N.W.2d 753 (1965), cert. denied, 384 U.S. 1017 (1966).

Further, the defendant moves for exclusion from use as evidence all derivative evidence. Taylor v. Alabama, 457 U.S. 687 (1982); Dunaway v. New York, 442 U.S. 200 (1979); Wong Sun v. United States, 371 U.S. 471 (1963); Silverthorne v. United States, 251 U.S. 385 (1920); State v. Brady, 130 Wis.2d 443, 388 N.W.2d 151 (1986); State v. Smith, 131 Wis.2d 220, 388 N.W.2d 601 (1986); State v. Flynn, 92 Wis.2d 427, 285 N.W.2d 710 (1979), cert. denied, 449 U.S. 846 (1980).

The defense seeks to formally dismiss any and all statements allegedly made by the defendant, including but not limited to the following:

- A. The defense seeks to dismiss or suppress any and all statements allegedly made by the defendant to GBPD Officer Garth Russell on or about February 23, 2022 as she emerged and walked outside from the apartment building at 2353 Eastman Avenue, Green Bay, Wisconsin. The defense asserts that the **defendant was in-custody when the officer asked her questions about whether she knew why officers were there**. The defense asserts that there was a **custodial interrogation** when the officer had contact with the defendant outside the Eastman Avenue apartment building and during transport to the station.
- B. The defense seeks to dismiss or suppress any and all statements allegedly made by the defendant to GBPD Detective Graf and GBPD Detective Kempf on or about February 23, 2022 while at the Green Bay Police Department. The defense asserts that the defendant did not make a voluntary statement to detectives because she was **allegedly under the influence of methamphetamine, trazadone and/or other substances**. The defendant was unable to knowingly, intelligently and voluntarily waive her Miranda and other constitutional rights due to her mental health condition and intoxicated state.
- C. The defense seeks to dismiss or suppress any and all statements allegedly made by the defendant to detectives during (1) **transport from the police department to the hospital**; (2) while defendant was **at the hospital** for medical treatment if questions were asked of defendant by detectives and (3) on the **return transport back from the hospital to the police station** on February 23, 2022 if questions were asked of the defendant or if there was any discussions about the events concerning the alleged homicide.
- D. The defense seeks to dismiss or suppress any and all statements allegedly made by the defendant to detectives at the Green Bay Police Department on February 23, 2022 **when the defendant returned from the hospital**. The defense asserts that the defendant's rights were violated again after custodial interrogation resumed. The defense asserts that this was a new interrogation about the alleged events once defendant arrived back at the police station. The defense asserts that any statements obtained from the defendant after she left the hospital should be suppressed if no Miranda rights were given for this **separate interview**. The defendant questions whether a separate Miranda form was presented and signed by defendant when they arrived back at the station from the hospital. The defense again asserts that the defendant did not knowingly, intelligently and voluntarily waive her rights due to her ongoing mental health issues and intoxicated condition.

- E. The defense seeks to formally dismiss **or suppress any and all statements made by the defendant to Det. Graf and Det. Scanlan on February 28, 2022.** The detectives went to apparently **pick-up the defendant from the Brown County Jail on February 28, 2022 and transport her to the Green Bay Police Department for further questioning.** The defendant was placed into Interview Room 2. The detectives had the purpose of asking the defendant follow-up questions regarding the investigation. The defense argues that this defendant did not make a knowing, intelligent and voluntary waiver of her rights due to her ongoing mental health issues and due to prior ongoing abuse of intoxicants.

IN FURTHER SUPPORT, the defendant asserts as follows:

1. The defendant, Taylor Denise Schabusiness, was at her residence at 2353 Eastman Avenue, Apt. #1, Green Bay, WI 54166 on **February 23, 2022.** **She apparently walked outside and was immediately taken into custody. The defense argues that the defendant was in custody when she was handcuffed outside the apartment building, while in the squad car and in the interview room at the Green Bay Police Station.**
2. The defendant was interviewed at the Green Bay Police Department by Detective Graf and Detective Kempf. The defendant was not immediately read her Miranda rights as she was photographed and her hands were swabbed first. The defendant did allegedly later provide a statement to detectives -- Det. Graf and Det. Kempf - on February 23, 2022 at the Green Bay Police Department. **The defense asserts that this defendant did not knowingly, intelligently and voluntarily waive her constitutional rights due to the defendant's severe mental disability and highly intoxicated condition.**
3. The defendant does have a history of genuine mental health impairments. The defendant has a substantial mental health history which the defense believes impacts her thinking and ability to comprehend. **The defense argues that defendant's mental health issues negatively affected her ability to understand questions posed to her on February 23, 2022 or to fully understand her rights. The defense argues that the defendant did not make a voluntary statement to the detectives or other police officers.**
4. The defendant was apparently the subject of a Brown County civil commitment order and a medication order. The defendant did have in-patient treatment stay at Nicolet Psychiatric Center from 03-22-21 (admit) to 04-21-21 (discharge). The mental health records from the facility indicate the defendant may have suffered from delusions, paranoia, auditory hallucinations, substance abuse and suicidal thoughts. The defense asserts that all of the defendant's mental health issues likely impeded and substantially interfered with the defendant's ability to comprehend and understand what was being asked of her by detectives and other law enforcement officers on February 23, 2022 and any other subsequent dates.

5. **The defense asserts that this defendant was likely in-custody and not free to leave on February 23, 2022 when she was questioned outside the Eastman Avenue apartment building and later at the Green Bay Police Station.** The defense argues that defendant was in custody on February 23, 2022 when she was questioned by Det. Graf, Det. Kempf or other law enforcement officers. The defense argues that the defendant's educational and cognitive levels were at a point where she was not able to knowingly, intelligently and voluntarily waive her Miranda rights. The defense argues that this defendant may have been under extreme stress and anxiety on this date (02-23-22). The defense argues that the defendant's ability to understand her rights was compromised because she was (a) in custody where she felt that she was not free to leave and felt coerced into giving a statement and (2) custodial interrogation occurred outside the Eastman Avenue apartment building on 02-23-22 when the defendant walked outside. The defense argues that this defendant could not knowingly, intelligently and voluntarily waive her constitutional rights due to her impaired mental health condition and due to being on 3 separate drugs. **The defense argues that GBPD detectives should have read the defendant her Miranda rights prior to any questioning each and every time questions were posed to her on February 23, 2022 and the failure to do so by GBPFD detectives or officers should result in suppression of any statements given. The defendant's ability to concentrate, ability to focus and maintain attention were all substantially impacted by the defendant's ongoing mental health issues, psychosis and highly intoxicated or drugged state. The defense attaches Exhibit B (Article on short-term and long-term effects of methamphetamine – from the National Institute on Drug Abuse) and Exhibit A (Article on Trazadone from Medline Plus) which articles show the effects of each particular drug.**
6. **The defendant was likely under the influence of methamphetamine. The defendant allegedly told detectives that she shot herself up with Trazadone. The defendant apparently crushed the Trazadone pills and stated that she used a hypodermic needle to inject herself. The defendant asserts that the defendant was highly intoxicated when detectives questioned her on February 23, 2022 such that she was unable to fully understand her constitutional rights. The defense argues that the defendant was not able to competency waive her rights due to her compromised condition .**
7. The defense asserts that the defendant was pressured and coerced into waiving her Miranda rights and giving a statement on February 23, 2022. **The defense asserts that any statements given by the defendant, Taylor Denise Schabususiness, were the product of coercion, pressure, undue influence and intimidation.** The defense argues that the defendant did not fully understand her constitutional rights, including her right to have a lawyer and her right to remain silent. The defense argues that the defendant was not in the right frame of mind on February 23, 2022 to be able to properly assess her constitutional rights due to her mental health issues and highly intoxicated state. The defendant was evaluated by Dr. Christina M.H. Engen, Ph.D. which confirmed that the defendant does have a history of mental health issues.

8. The defense argues that this defendant did not fully understand all of her constitutional rights as it related to her right to remain silent, right to counsel and it is asserted that defendant did not understand that she did not have to answer any questions. The defense argues that this defendant did not understand that she could have a lawyer present prior to questioning on February 23, 2022. The defense argues that the defendant's statements were the product of coercion. **The defense argues that the defendant was an easy target on February 23, 2022 because she was all by herself outside the apartment building high on methamphetamine and other substances.** The defense argues that this defendant was in the custody of the police officers with no lawyer to advise her of her constitutional rights. The defense argues that the defendant's prior mental health history, substance abuse problems, behavioral issues, psychiatric issues including a likely prior civil commitment and other cognitive issues all contributed to the defendant's lack of understanding of her constitutional rights.
9. The defense asserts that the defendant was coerced into talking and answering questions on February 23, 2022. The defense asserts that the defendant was in the custody of law enforcement on February 23, 2022 with no where to go and nobody to confer with. The defense argues that the officers knew they were going to arrest the defendant on February 23, 2022 when they came to the Eastman Avenue apartment because there was a warrant. Upon belief, no Miranda warnings were given to the defendant at the scene of her arrest outside the Eastman Avenue apartment.
10. **The defendant was reportedly placed into an interview room at the Green Bay Police Department on February 23, 2022. It was apparently decided that a female officer respondent to the GBPD station so that the defendant could apparently change clothes. While waiting for the female officer, Det. Graf and Det. Kempf had contact with the defendant. Det. Kempf apparently took several photographs of the defendant without a search warrant. Apparently, the detectives may have asked the defendant about cuts and scratches without first advising the defendant of her Miranda rights. The detective (Det. Graf) explained that he would like to take a sample of the defendant's DNA likely without giving Miranda warnings first.**
11. **The defense argues that the defendant was in-custody at that time and Miranda warnings should have been given to defendant first before any questions were posed to her. Custodial interrogation is inherently coercive which is why Miranda warnings should have been given before asking her questions.**
12. The detectives did take swabs of the defendant's palm and both hands by using distilled water at the GBPD station. The defense seeks to suppress any answers or comments made by the defendant during this process as it appears that no Miranda warnings were given to the defendant. The defense asserts that the swabs of the defendant's palms and hands violated her constitutional rights as the detectives: (a) did not have a search warrant at that point to conduct the swabs of Ms. Schabus' business'

palms and hands or (b) to seize, take control of and search the defendant's articles of clothing. Officer Russell collected the remainder of Ms. Schabusiness clothes.

13. The defense argues that this defendant did not fully appreciate or understand any her constitutional rights prior to questioning. The defense argues that this defendant had diminished capacity on February 23, 2022 due to her extremely high level of intoxication such that she was unable to understand her rights. The defendant was apparently handcuffed and arrested outside her Eastman Avenue apartment on February 23, 2022.

The defense seeks to have all of the defendant's statements to law enforcement officers suppressed as evidence at trial. The defense requests a full evidentiary hearing to address this motion. The Court has scheduled a motion hearing for June 13, 2023 at 8:30 a.m. in Branch II.

Dated this 9th day of May, 2023.

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By: 

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National Library of Medicine / MedlinePlus / Drugs / Trazodone



[Home](#) → [Drugs, Herbs and Supplements](#) → Trazodone

URL of this page: <https://medlineplus.gov/druginfo/meds/a681038.html>

Trazodone

pronounced as (traz' oh done)

IMPORTANT WARNING:

A small number of children, teenagers, and young adults (up to 24 years of age) who took antidepressants ('mood elevators') such as trazodone during clinical studies became suicidal (thinking about harming or killing oneself or planning or trying to do so). Children, teenagers, and young adults who take antidepressants to treat depression or other mental illnesses may be more likely to become suicidal than children, teenagers, and young adults who do not take antidepressants to treat these conditions. However, experts are not sure about how great this risk is and how much it should be considered in deciding whether a child or teenager should take an antidepressant. Children younger than 18 years of age should not normally take trazodone, but in some cases, a doctor may decide that trazodone is the best medication to treat a child's condition.

You should know that your mental health may change in unexpected ways when you take trazodone or other antidepressants even if you are an adult over age 24. You may become suicidal, especially at the beginning of your treatment and any time that your dose is increased or decreased. You, your family, or your caregiver should call your doctor right away if you experience any of the following symptoms: new or worsening depression; thinking about harming or killing yourself, or planning or trying to do so; extreme worry; agitation; panic attacks; difficulty falling asleep or staying asleep; aggressive behavior; irritability; acting without thinking; severe restlessness; and frenzied abnormal excitement. Be sure that your family or caregiver knows which symptoms may be serious so they can call the doctor when you are unable to seek treatment on your own.

Your healthcare provider will want to see you often while you are taking trazodone, especially at the beginning of your treatment. Be sure to keep all appointments for office visits with your doctor.

The doctor or pharmacist will give you the manufacturer's patient information sheet (Medication Guide) when you begin treatment with trazodone. Read the information carefully and ask your doctor or pharmacist if you have any questions. You also can obtain the Medication Guide from the FDA website:

<http://www.fda.gov/Drugs/DrugSafety/ucm085729.htm>

[<http://www.fda.gov/Drugs/DrugSafety/ucm085729.htm>] .

A

No matter your age, before you take an antidepressant, you, your parent, or your caregiver should talk to your doctor about the risks and benefits of treating your condition with an antidepressant or with other treatments. You should also talk about the risks and benefits of not treating your condition. You should know that having depression or another mental illness greatly increases the risk that you will become suicidal. This risk is higher if you or anyone in your family has or has ever had bipolar disorder (mood that changes from depressed to abnormally excited) or mania (frenzied, abnormally excited mood) or has thought about or attempted suicide. Talk to your doctor about your condition, symptoms, and personal and family medical history. You and your doctor will decide what type of treatment is right for you.

Why is this medication prescribed?

Trazodone is used to treat depression. Trazodone is in a class of medications called serotonin modulators. It works by increasing the amount of serotonin, a natural substance in the brain that helps maintain mental balance.

How should this medicine be used?

Trazodone comes as a tablet to take by mouth. The tablet is usually taken with a meal or light snack two or more times a day. To help you remember to take trazodone, take it around the same time(s) every day. Follow the directions on your prescription label carefully, and ask your doctor or pharmacist to explain any part you do not understand. Take trazodone exactly as directed. Do not take more or less of it, take it more often, or take it for a longer time than prescribed by your doctor.

Swallow the tablets whole or broken in half on the score mark.

Your doctor may start you on a low dose of trazodone and gradually increase your dose, not more than once every 3 to 4 days. Your doctor may decrease your dose once your condition is controlled.

Trazodone controls depression, but does not cure it. It may take 2 weeks or longer before you feel the full benefit of trazodone. Continue to take trazodone even if you feel well.

Do not stop taking trazodone without talking to your doctor. If you suddenly stop taking trazodone, you may experience withdrawal symptoms such as dizziness; nausea; headache; confusion; anxiety; agitation; difficulty falling asleep or staying asleep; extreme tiredness; seizures; pain, burning, or tingling in the hands or feet; frenzied or abnormally excited mood; ringing in the ears; or sweating. Your doctor will probably decrease your dose gradually.

Other uses for this medicine

Trazodone is also sometimes used to treat insomnia and schizophrenia (a mental illness that causes disturbed or unusual thinking, loss of interest in life, and strong or inappropriate emotions); anxiety (excessive worry). Trazodone is also sometimes used to control abnormal, uncontrollable movements that may be experienced as side effects of other medications and for the management of alcohol dependence. Talk to your doctor about the possible risks of using this medication for your condition.

This medication may be prescribed for other uses. Ask your doctor or pharmacist for more information.

What special precautions should I follow?

Before taking trazodone,

- tell your doctor and pharmacist if you are allergic to trazodone or any other medications.
- tell your doctor if you are taking a monoamine oxidase (MAO) inhibitor, such as isocarboxazid (Marplan), linezolid, methylene blue, phenelzine (Nardil), selegiline (Eldepryl, Emsam, Zelapar), and tranylcypromine (Parnate), or if you have stopped taking one of these medications within the past 14 days. Your doctor will probably tell you that you should not take trazodone. If you stop taking trazodone, your doctor will tell you that you should wait at least 14 days before you start to take an MAO inhibitor.
- tell your doctor and pharmacist what other prescription and nonprescription medications, vitamins, and nutritional supplements you are taking or plan to take. Be sure to mention any of the following: amiodarone (Nexterone, Pacerone); anticoagulants ('blood thinners') such as warfarin (Coumadin, Jantoven); antifungals such as itraconazole (Sporanox, Tolsura), ketoconazole, or voriconazole (Vfend); aspirin and other NSAIDs such as ibuprofen (Advil, Motrin) and naproxen (Aleve, Naprosyn); buspirone; carbamazepine (Carbatrol, Equetro, Tegretol, others); chlorpromazine; clarithromycin (Biaxin); clopidogrel (Plavix); dabigatran (Pradaxa); digoxin (Lanoxin); disopyramide (Norpace); diuretics ('water pills'); fentanyl (Actiq, Duragesic, Fentora, Subsys); indinavir (Crixivan); lithium (Lithobid); medications for anxiety, irregular heartbeat, mental illness or pain; medications for migraine headaches such as almotriptan, eletriptan (Relpax), frovatriptan (Frova), naratriptan, rizatriptan (Maxalt), and sumatriptan (Imitrex); phenobarbital; phenytoin (Dilantin, Phenytek); procainamide; quinidine (in Nuedexta); rifampin (Rifadin, Rimactane); rivaroxaban (Xarelto); sedatives; selective serotonin reuptake inhibitors (SSRIs) such as citalopram (Celexa), escitalopram (Lexapro), fluoxetine (Prozac), fluvoxamine (Luvox), paroxetine (Paxil, Pexeva), and sertraline (Zoloft); tranquilizers; sotalol (Betapace, Sorine, Sotylize); thioridazine; tramadol (Conzip, Qdola, Ultram, in Ultracet); tricyclic antidepressants such as amitriptyline, amoxapine (Asendin), clomipramine (Anafranil), desipramine (Norpramin), doxepin (Sinequan), imipramine (Tofranil), nortriptyline (Pamelor), protriptyline, and trimipramine; or ziprasidone (Geodon). Your doctor may need to change the doses of your medications or monitor you carefully for side effects. Many other medications may also interact with trazodone, so be sure to tell your doctor about all the medications you are taking, even those that do not appear on this list.
- tell your doctor what herbal products and nutritional supplements you are taking, especially St. John's wort and tryptophan.
- tell your doctor if you or anyone in your family has or has ever had long QT syndrome (a rare heart problem that may cause irregular heartbeat, fainting, or sudden death), if you have ever had a heart attack, or if you have a low level of sodium in your blood. Also tell your doctor if you drink or have ever drunk large amounts of alcohol, or if you have or have ever had high blood pressure; bleeding problems; sickle cell anemia (a disease of the red blood cells); multiple myeloma (cancer of the plasma cells); leukemia (cancer of the white blood cells); cavernosal fibrosis or Peyronie's disease (conditions that affects the shape of the penis such as angulation); or heart, liver, or kidney disease.
- tell your doctor if you are pregnant, plan to become pregnant, or are breast-feeding. If you become pregnant while taking trazodone, call your doctor.
- if you are having surgery, including dental surgery, tell the doctor or dentist that you are taking trazodone.
- you should know that trazodone may make you drowsy and affect your judgment, thinking, and movements. Do not drive a car or operate machinery until you know how this medication affects you.
- ask your doctor about the safe use of alcoholic beverages while you are taking trazodone. Alcohol can make the side effects from trazodone worse.
- you should know that trazodone may cause dizziness, lightheadedness, and fainting when you get up too quickly from a lying position. To avoid this problem, get out of bed slowly, resting your feet on the floor for a

few minutes before standing up.

- you should know that trazodone may cause angle-closure glaucoma (a condition where the fluid is suddenly blocked and unable to flow out of the eye causing a quick, severe increase in eye pressure which may lead to a loss of vision). Talk to your doctor about having an eye examination before you start taking this medication. If you have nausea, eye pain, changes in vision, such as seeing colored rings around lights, and swelling or redness in or around the eye, call your doctor or get emergency medical treatment right away.

What special dietary instructions should I follow?

Talk to your doctor about eating grapefruit and drinking grapefruit juice while taking this medicine.

What should I do if I forget a dose?

Take the missed dose as soon as you remember it. However, if it is almost time for the next dose, skip the missed dose and continue your regular dosing schedule. Do not take a double dose to make up for a missed one.

What side effects can this medication cause?

Trazodone may cause side effects. Tell your doctor if any of these symptoms are severe or do not go away:

- nausea
- vomiting
- diarrhea
- constipation
- changes in appetite or weight
- weakness or tiredness
- nervousness
- dizziness or lightheadedness
- nightmares
- muscle pain
- dry mouth
- rash
- sexual problems in males; decreased sex drive, inability to get or keep an erection, or delayed or absent ejaculation
- sexual problems in females; decreased sex drive, or delayed orgasm or unable to have an orgasm
- uncontrollable shaking of a part of the body
- stuffy nose
- tired, red, or itchy eyes

Some side effects can be serious. If you experience any of the following symptoms or those listed in the IMPORTANT WARNING or SPECIAL PRECAUTIONS sections, call your doctor immediately or get emergency medical treatment:

- chest pain
- fast, pounding, or irregular heartbeat
- loss of consciousness (coma)
- fever, sweating, confusion, fast or irregular heartbeat, and severe muscle stiffness or twitching, agitation, hallucinations, loss of coordination, nausea, vomiting, or diarrhea
- fainting
- seizures
- shortness of breath
- unusual bruising or bleeding
- nosebleeds
- small red or purple dots on the skin
- erection lasting more than 6 hours
- headache
- problems with thinking, concentration, or memory
- weakness
- problems with coordination

Trazodone can cause painful, long lasting erections in males. In some cases emergency and/or surgical treatment has been required and, in some of these cases, permanent damage has occurred. Talk to your doctor about the risk of taking trazodone.

Trazodone may cause other side effects. Call your doctor if you have any unusual problems while taking this medication.

If you experience a serious side effect, you or your doctor may send a report to the Food and Drug Administration's (FDA) MedWatch Adverse Event Reporting program online (<http://www.fda.gov/Safety/MedWatch> [<http://www.fda.gov/Safety/MedWatch>]) or by phone (1-800-332-1088).

What should I know about storage and disposal of this medication?

Keep this medication in the container it came in, tightly closed, and out of reach of children. Store it at room temperature and away from light, excess heat, and moisture (not in the bathroom).

Unneeded medications should be disposed of in special ways to ensure that pets, children, and other people cannot consume them. However, you should not flush this medication down the toilet. Instead, the best way to dispose of your medication is through a medicine take-back program. Talk to your pharmacist or contact your local garbage/recycling department to learn about take-back programs in your community. See the FDA's Safe

Disposal of Medicines website (<http://goo.gl/c4Rm4p> [<http://goo.gl/c4Rm4p>]) for more information if you do not have access to a take-back program.

It is important to keep all medication out of sight and reach of children as many containers (such as weekly pill minders and those for eye drops, creams, patches, and inhalers) are not child-resistant and young children can open them easily. To protect young children from poisoning, always lock safety caps and immediately place the medication in a safe location – one that is up and away and out of their sight and reach.

<http://www.upandaway.org> [<http://www.upandaway.org>]

In case of emergency/overdose

In case of overdose, call the poison control helpline at 1-800-222-1222. Information is also available online at <https://www.poisonhelp.org/help> [<https://www.poisonhelp.org/help>] . If the victim has collapsed, had a seizure, has trouble breathing, or can't be awakened, immediately call emergency services at 911.

Symptoms of overdose may include:

- vomiting
- drowsiness
- changes in heartbeat
- seizures
- difficulty breathing
- painful erection that does not go away

What other information should I know?

Keep all appointments with your doctor.

Do not let anyone else take your medication. Ask your pharmacist any questions you have about refilling your prescription.

It is important for you to keep a written list of all of the prescription and nonprescription (over-the-counter) medicines you are taking, as well as any products such as vitamins, minerals, or other dietary supplements. You should bring this list with you each time you visit a doctor or if you are admitted to a hospital. It is also important information to carry with you in case of emergencies.

Brand names

- Desyrel[®] ¶
- Oleptro[®]
- Trialodine[®] ¶

¶ This branded product is no longer on the market. Generic alternatives may be available.

Last Revised - 01/15/2022

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National Institutes of Health

      En español **Research Report**

Methamphetamine Research Report

What are the immediate (short-term) effects of methamphetamine misuse?

As a powerful stimulant, methamphetamine, even in small doses, can increase wakefulness and physical activity and decrease appetite. Methamphetamine can also cause a variety of cardiovascular problems, including rapid heart rate, irregular heartbeat, and increased blood pressure. Hyperthermia (elevated body temperature) and convulsions may occur with methamphetamine overdose, and if not treated immediately, can result in death.^{37,38}

The exact mechanisms whereby drugs like methamphetamine produce euphoria (the pleasurable high) are still poorly understood. But along with euphoria, methamphetamine use releases very high levels of the neurotransmitter dopamine in the reward circuit, which "teaches" the brain to repeat the pleasurable activity of taking the drug. Dopamine is involved in motivation and motor function and its release in the reward circuit is a defining feature of addictive drugs. The elevated release of dopamine produced by methamphetamine is also thought to contribute to the drug's deleterious effects on nerve terminals in the brain.

Short-term effects may include:

- increased attention and decreased fatigue
- increased activity and wakefulness
- decreased appetite
- euphoria and rush
- increased respiration
- rapid/irregular heartbeat

Did you find what you were
looking for?

OMB#: 0925-0648 Form Approved,
Exp. Date:

A large, handwritten letter "B" is written in the bottom right corner of the page.


- hyperthermia

October 2019

Did you find what you were
looking for?

Yes

No

 **Research Report**

Methamphetamine Research Report

What are the long-term effects of methamphetamine misuse?

Long-term methamphetamine abuse has many negative consequences, including addiction. Addiction is a chronic, relapsing disease, characterized by compulsive drug seeking and use and accompanied by functional and molecular changes in the brain.

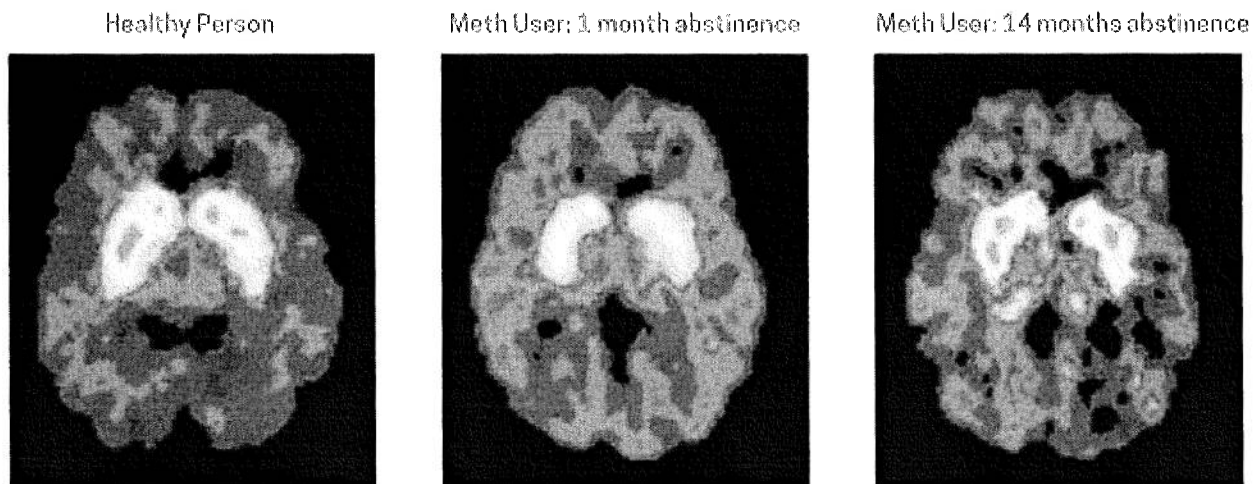
As is the case with many drugs, tolerance to methamphetamine's pleasurable effects develops when it is taken repeatedly. Abusers often need to take higher doses of the drug, take it more frequently, or change how they take it in an effort to get the desired effect. Chronic methamphetamine abusers may develop difficulty feeling any pleasure other than that provided by the drug, fueling further abuse. Withdrawal from methamphetamine occurs when a chronic abuser stops taking the drug; symptoms of withdrawal include depression, anxiety, fatigue, and an intense craving for the drug.⁴³

In addition to being addicted to methamphetamine, people who use methamphetamine long term may exhibit symptoms that can include significant anxiety, confusion, insomnia, mood disturbances, and violent behavior.⁴⁷ They also may display a number of psychotic features, including paranoia, visual and auditory hallucinations, and delusions (for example, the sensation of insects creeping under the skin).⁴⁸ Psychotic symptoms can sometimes last for months or years after a person has quit using methamphetamine, and stress has been shown to precipitate spontaneous recurrence of methamphetamine psychosis in people who use methamphetamine and have previously experienced psychosis.⁴⁹

These and other problems reflect significant changes in the brain caused by misuse of methamphetamine. Neuroimaging studies have demonstrated alterations in the activity of the dopamine system that are associated with reduced motor speed and impaired verbal learning.^{6,7,8} Studies in chronic methamphetamine users have also revealed severe structural and functional

changes in areas of the brain associated with emotion and memory, which may account for many of the emotional and cognitive problems observed in these individuals.^{9,10,11}

Research in primate models has found that methamphetamine alters brain structures involved in decision-making and impairs the ability to suppress habitual behaviors that have become useless or counterproductive. The two effects were correlated, suggesting that the structural change underlies the decline in mental flexibility.¹² These changes in brain structure and function could explain why methamphetamine addiction is so hard to treat and has a significant chance of relapse early in treatment.



Recovery of Brain Dopamine Transporters in Chronic Methamphetamine (METH) Users

Methamphetamine misuse greatly reduces the binding of dopamine to dopamine transporters (highlighted in red and green) in the striatum, a brain area important in memory and movement. With prolonged abstinence, dopamine transporters in this area can be restored.

Methamphetamine misuse also has been shown to have negative effects on non-neural brain cells called microglia. These cells support brain health by defending the brain against infectious agents and removing damaged neurons. Too much activity of the microglial cells, however, can assault healthy neurons. A study using brain imaging found more than double the levels of microglial cells in people who previously misused methamphetamine compared to people with no history of methamphetamine misuse, which could explain some of the neurotoxic effects of methamphetamine.¹³

Some of the neurobiological effects of chronic methamphetamine misuse appear to be, at least, partially reversible. In the study just mentioned, abstinence from methamphetamine resulted in less excess microglial activation over time, and users who had remained methamphetamine-free for 2 years exhibited microglial activation levels similar to the study's control subjects.¹⁴ A similar study

found that while biochemical markers for nerve damage and viability persist in the brain through 6 months of abstinence from methamphetamine, those markers return to normal after a year or more without taking the drug.¹⁵ Another neuroimaging study showed neuronal recovery in some brain regions following prolonged abstinence (14 but not 6 months).¹⁶ This recovery was associated with improved performance on motor and verbal memory tests. Function in other brain regions did not recover even after 14 months of abstinence, indicating that some methamphetamine-induced changes are very long lasting. Methamphetamine use can also increase one's risk of stroke, which can cause irreversible damage to the brain. A recent study even showed higher incidence of Parkinson's disease among past users of methamphetamine.¹⁷

In addition to the neurological and behavioral consequences of methamphetamine misuse, long-term users also suffer physical effects, including weight loss, severe tooth decay and tooth loss, and skin sores.³⁸ The dental problems may be caused by a combination of poor nutrition and dental hygiene as well as dry mouth and teeth grinding caused by the drug. Skin sores are the result of picking and scratching the skin to get rid of insects imagined to be crawling under it.³⁸

Long-term effects may include:

- addiction
- psychosis, including:
 - paranoia
 - hallucinations
 - repetitive motor activity
- changes in brain structure and function
- deficits in thinking and motor skills
- increased distractibility
- memory loss
- aggressive or violent behavior
- mood disturbances
- severe dental problems
- weight loss

October 2019

1. The defense asserts that the **defendant did solely occupy a bedroom at the apartment** located at 2353 Eastman Avenue – Apt. #1, Green Bay, Wisconsin. It is asserted that **Scott M. Thoms (DOB 03-24-68) slept on the couch in the living room area** of the apartment. The defense asserts that the defendant utilized and had free rein of the entire apartment and had a reasonable expectation of privacy in her bedroom and the entire apartment. The defendant had possession of the entire apartment as she slept there, ate meals, showered, changed and stored clothes there, and otherwise used the apartment as her living space.
2. Upon belief, Green Bay Police detectives completed a search of the apartment on February 23, 2022 located at 2353 Eastman Avenue – Apt. #1 in Green Bay, Wisconsin. The defense asserts that evidence was obtained from the apartment as a result of the search.
3. The defense asserts that the defendant – Taylor D. Schabusiness – did have a reasonable expectation of privacy in the bedroom and entire area of the apartment at 2352 Eastman Avenue – Apt. #1. The defense asserts that the defendant did not give consent to search the apartment.
4. Upon belief, the Green Bay Police Department – Det. Craig Pakkala – did apply for a search warrant for the apartment at 2352 Eastman Avenue – Apt. #1 – in Green Bay, Wisconsin which is part of a multi-unit apartment complex. Law enforcement officers did perform a search of the entire apartment, including the bedroom that the defendant occupied and slept in. Upon belief, the search warrant only names Scott M. Thoms (DOB 03-24-68) in the search warrant. The defense asserts that law enforcement knew that the defendant resided at this apartment and yet they failed to include Taylor D. Schabusiness' name on the search warrant. The defense seeks to suppress all evidence found in the apartment at 2352 Eastman Avenue – Apt. #1 in Green Bay because (a) police failed to get a search warrant for defendant's bedroom, (b) police failed to name the defendant on the search warrant for the apartment and (c) police failed to get consent from the defendant to perform a search of the apartment. The search warrant for the apartment is attached as Exhibit A.
5. The Green Bay Police did apparently obtain Consent to Search 2353 Eastman Avenue – Apt. #1, in Green Bay, from Scott M. Thoms (DOB 03-24-68). However, the law enforcement officers did not obtain any consent from the defendant to search the premises or her bedroom as she also lived there and had a reasonable expectation of privacy in the bedroom and apartment. The defense argues that Scott M. Thomas had no authority to authorize any consent search of the defendant's things, personal effects, separate bedroom or the apartment. Defense argues that officers were required to get consent of both tenants and occupants of the apartment prior to any search. The defense argues that there was an illegal search and seizure of defendant's bedroom and apartment in violation of the 4th Amendment to the U.S. Constitution.

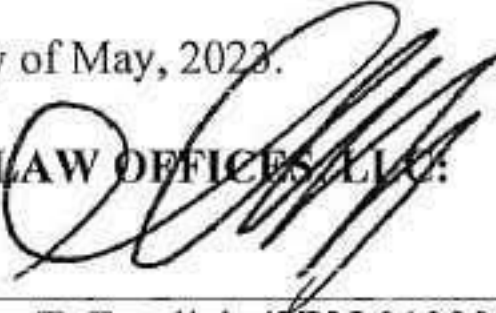
6. The defense does attach the **Consent to Search form apparently signed by Scott M. Thoms** for the apartment at 2353 Eastman Avenue – Apt. #1, Green Bay for the Court’s review. The defense argues that the defendant did not consent to any search of the apartment or her bedroom. Even if the State contends that the defendant did consent to a search of her bedroom and the apartment, then the defense argues that this defendant was highly intoxicated on Trazadone and Meth and was suffering from severe mental health issues such that she could not consent to any search by law enforcement. The Consent to Search form was only signed by Scott M. Thoms and it is attached as **Exhibit A**.

7. The defense does attach a copy of **the Search Warrant, Affidavit, Endorsement, Return of Search Warrant and GBPD Search Warrant Return report as Exhibit B1 – B11** for the Court’s review. The defense asks the Court to consider the GBPD Search Warrant Return report which states that **police found paperwork identifying the suspect and Thomas as living at the residence located in the suspect’s bedroom – Items Seized #22-209240370013.**

The defense seeks to have a formal motion hearing on whether law enforcement officers from Green Bay Police Department violated the defendant’s constitutional rights under the 4th Amendment to the United States Constitution for all reasons set forth herein.

Dated at Green Bay, Wisconsin, this 18th day of May, 2023.

FROELICH LAW OFFICES, LLC:

By: 
Christopher T. Froelich (SBN 01000834)
Attorney for Defendant

Address:
125 South Quincy Street
Green Bay, WI 54301
(920) 430-9640

City of Green Bay Police Department



Consent to Search

Case Number 22-209240

I SCOTT M. THOMAS DOB 03-24-68
of 2353 Eastman Ave #1, GB, WI 54302

voluntarily give, Leick or

any assisting officers of the Green Bay Police Department, permission to search

my premises / person / vehicle / property (circle one) described as:

2353 Eastman Ave #1, GREEN BAY, WI 54302

Signed: [Signature] Date: 2/23/22 Time: 9:20

Cell Phone Passcode _____ and/or (complete pattern below)

0 0 0
0 0 0
0 0 0

Ex. A

CIRCUIT COURT BRANCH _____ BROWN COUNTY STATE OF WISCONSIN

STATE OF WISCONSIN)

) SS

SEARCH WARRANT

COUNTY OF BROWN)

THE STATE OF WISCONSIN, To Craig Pakkala, a law enforcement officer of the Green Bay Police Department:

Whereas, Craig Pakkala has this day complained in writing to the said court that upon certain property in the City of Green Bay, Brown County, at 2353 Eastman Ave., apartment #1 occupied by persons named to include Scott M. Thoms, date of birth 03/24/1968, and is more particularly described as follows:

2353 Eastman Ave., apartment #1, in the City of Green Bay, Count of Brown, State of Wisconsin. 2353 Eastman Ave. is part of a multi-unit apartment complex. The apartment complex consists of (4) attached units, having (8) apartments in each unit. The complex is composed of brick, having white trimmed windows, and black shutters. The address of the units from west to east are 2349 Eastman Ave., 2351 Eastman Ave., 2353 Eastman Ave., and 2355 Eastman Ave. Apartment #1 is located on the 1st floor, northeast corner of 2353 Eastman Ave. The entrance door to apartment #1 has the number "1" and a decorative letter "S" on the exterior.

there are now or will be located and concealed certain things, to wit:

- Blood and/or apparent blood evidence
- DNA and other biological evidence
- Clothing
- Towels, sheets, bedding, and/or any other fabric material
- Weapons; guns, knives, other instruments, ammunition, bullets, and shell casings
- Proof of residence

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- Identifying documents of other individuals living or temporarily staying at the apartment
- Trazodone medication and/or its container, other illicit substances/drugs, and drug paraphernalia
- Cellphones

which was used in the commission of, or may constitute evidence of illegal activity, to wit:

1. **First Degree Intentional Homicide, contrary to Wis. Stat. § 940.01.**
2. **Uniformed Controlled Substances Act, contrary to Wis. Stat. § Chap. 96**

And the facts tending to establish the grounds for issuing a search warrant are information given under oath by Det. Craig Pakkala.

Wherefore, said law enforcement Officer Craig Pakkala prays that a search warrant be issued to seize and search said property and its contents.

Now, therefore, in the name of the state of Wisconsin you and any necessary assisting law enforcement personnel are commanded forthwith to search the said property for said things, and if the same or any portion thereof are found, you are commanded to seize them and hold them secure in your custody, and return this warrant within 48 hours before the said court to be dealt with according to law.

Dated at Green Bay, Wisconsin this 23rd day of February, 2022.

Honorable _____
Judge of the Circuit Court, Branch _____
Brown County, Wisconsin

Honorable  _____
Court Commissioner
Brown County, Wisconsin

B-2

ENDORSEMENT OF LAW ENFORCEMENT OFFICER

Received by Richard Allcox on February 23, 2022 at 11:40 AM



Craig Pakkala

B-3

CIRCUIT COURT BRANCH _____ BROWN COUNTY STATE OF WISCONSIN
 STATE OF WISCONSIN)
) SS AFFIDAVIT IN SUPPORT OF SEARCH WARRANT
 COUNTY OF BROWN)

The facts tending to establish the grounds for issuing a search warrant are as follows:

1. Your affiant is a law enforcement officer with the City of Green Bay Police Department. Your affiant has been employed as a law enforcement officer for the past 28 years. Since 2017, your affiant has been assigned to the Investigative Division.
2. Your affiant has written several warrants and subpoenas during his law enforcement career. Your affiant has received training and experience in investigations regarding crimes, including but not limited to; human trafficking, ICAC (Internet Crimes Against Children), homicide, battery, sexual assaults, and various property crimes.
3. Your affiant makes this affidavit on personal knowledge, information, and belief.
4. Your affiant, as a police detective for the Green Bay Police Department, also reviews and references multiple official police reports which have been prepared by law enforcement officers with the Green Bay Police Department. These reports contain factual information obtained from victims, witnesses, and other sources which affiant asserts to establish the commission of the crimes of 1st Degree Intentional Homicide, contrary to Wis. Stats. §§ 940.01 and the Uniformed Controlled Substances Act, contrary to Wis. Stats. §§ Chapter 961; that these aforementioned reports are the type of reports similarly generated by both police officers and detectives with the Green Bay Police Department. Your affiant has not only prepared similar reports through the course of affiant's career but has also relied on said reports for other investigations and found them to be truthful and reliable.

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5. On 02-23-22, at approximately 3:25 AM, Green Bay Police Officers were dispatched to 829 Stony Brook Ln., Green Bay, Brown County, WI. The complainant, S.C.H. 01-09-73, informed a dispatcher with the Brown County Communication Center that his girlfriend, T.L.P. 05-14-74, found a severed (human) head in a bucket, in the basement of their home. T.L.P. believes the head is that of her son, S.R.T. 09-07-97.
6. Your affiant reviewed the details of Ofc. P. Linsmeyer, an officer with the Green Bay Police Department. Ofc. Linsmeyer made contact S.C.H., who stated he last seen S.R.T. Monday (02-21-22) night, at the house, with his girlfriend, "Taylor Coronado". S.C.H. stated he and T.L.P. did not see "Coronado" leave the house but did hear a vehicle start and a door slam. Following the vehicle leaving, they went down into the basement and found what they believed to be a severed head.
7. Your affiant reviewed the details of Ofc. M. O'Donnell, an officer with the Green Bay Police Department. Ofc. O'Donnell responded to 829 Stony Brook Ln. as well. Ofc. O'Donnell, along with Sgt. K. Brester and Ofc. A. Wanish conducted a protective sweep of the basement area of the home. In doing so, Ofc. O'Donnell observed a five-gallon bucket that contained what appeared to be a human head. The head, he stated, appeared to be that of a male, with dark colored hair. Ofc. O'Donnell also observed damp blood stains on the bed, blood drops on the floor near the bed, a blood stains on a mattress propped up against the wall.
8. Brown County Dispatch, in searching for any recent police contacts with "Taylor Coronado", found that her real name is Taylor D. Schabusiness 11-23-97. In addition, a recent prior address, found to be related to Schabusiness, was said to be 2353 Eastman Ave., apartment #1, Green Bay, Brown County, WI.
9. Your affiant reviewed the details of Ofc. L. Whitman, an officer with the Green Bay Police Department. Ofc. Whitman responded to 2353 Eastman Ave., Green Bay, Brown County, WI. At the address, officers located a tan van, WI license plate of 580ZJZ. The van was said to have been driven by Schabusiness, which was observed at 829 Stony Brook Ln, Green Bay, Brown County, WI. In running the vehicle license plate, it was

B-5

found to be registered to Scott M. Thoms 03-24-68. On the vehicle registration, Thoms address was listed as 2353 Eastman Ave., Green Bay, Brown County, WI.

10. According to Ofc. Whitman, as she and other officers approached the parked vehicle, Schabusiness was observed standing outside of the apartment complex. Ofc. Whitman noticed that Schabusiness's hand(s) had a "red substance" on them.

11. Your affiant reviewed the details of Ofc. G. Russell, an officer with the Green Bay Police Department. Ofc. Russell responded to 2353 Eastman Ave., Green Bay, Brown County, WI. According to Ofc. Russell, he approached the suspect van and looked inside. He then looked on the ground, in front of the van. Your affiant viewed this area following Schabusiness and Thoms being detained. I know this area to be a sidewalk located between the apartment complex and parking lot. Ofc. Russell noted what appeared to be "2 specks of red liquid that resembled blood".

12. Ofc. Russell stated he placed Schabusiness under arrest for the outstanding warrant she had out for her. While putting the handcuffs on her, Ofc. Russell noted what appeared to be "smearred blood" on her hands. In addition, Ofc. Russell stated he observed "dried blood on the back of her sweatshirt".

13. Your affiant reviewed the details of Lt. T. Buchmann, an officer with the Green Bay Police Department. Lt. Buchmann responded to 2353 Eastman Ave., Green Bay, Brown County, WI. According to Lt. Buchmann, as he and other officers approached the suspect van, the doors unlocked and lights flashed, meaning someone had activated the system via a remote key fob. Lt. Buchmann looked toward the (north) entrance of 2353 Eastman Ave., Green Bay, Brown County, WI and observed Schabusiness exiting the building. According to officers on-scene, Lt. Buchmann was told that Schabusiness was associated to apartment #1.

14. Lt. Buchmann stated he ran inside the apartment complex by way of a common entrance located on the north side. Inside, Lt. Buchmann observed the door to apartment #1 to be ajar. Lt. Buchmann stated shortly after, the door to apartment #1 opened and a male

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exited. The male, he stated, was identified as Thoms. Thoms was detained by officers and later transported to the Green Bay Police Department.

15. Lt. Buchmann stated he observed a "small wet paper towel like item" and a cigarette in the hallway, near the doorway to apartment #1. Your affiant, after Thoms was detained, viewed this item and noted that it had a red/brown color to it.
16. Lt. Buchmann ordered officers to maintain scene security at 2353 Eastman Ave., Green Bay, Brown County, WI, to include the entrance to apartment #1 and parking area where the suspect van was located.
17. At the Green Bay Police Department, Schabusiness was read her Miranda Rights by Det. D. Graf, a detective with the Green Bay Police Department. Schabusiness agreed to answer questions and understood her rights.
18. According to Schabusiness, she and S.R.T., while at 829 Stony Brook Ln., Green Bay, Brown County, WI, intended on engaging in sexual relations involving a chain. Schabusiness stated S.R.T. died as a result of she tightening the chain around his neck. Following his death, Schabusiness stated she dismembered his body, placing his head in the five-gallon bucket. According to Schabusiness, the van she was using was, in fact, the one located at 2353 Eastman Ave., Green Bay, Brown County, WI. In that van, Schabusiness stated she transported two sections of S.R.T.'s body parts. Schabusiness stated she used a "bread knife" to dismember S.R.T.
19. In her statement, Schabusiness stated she and S.R.T. smoked "meth" on the day prior. In addition, she stated she crushed a "Trazodone" pill, then injected both she and S.R.T. with it. The drug use, according to Schabusiness, occurred at her apartment, 2353 Eastman Ave., Green Bay, Brown County, WI.
20. According to Schabusiness, she resides at 2353 Eastman Ave, apartment #1, Green Bay, Brown County, WI. Schabusiness stated she stays in the bedroom and Thoms sleeps on the couch.

B-7

21. Your affiant knows, based on officer's details and statements made by Schabusiness, that evidence/items requested in this search warrant may support the charge of 1st Degree Intentional Homicide and a charge(s) under the Uniformed Controlled Substances Act may be located at 2353 Eastman Ave., apartment #1, Green Bay, Brown County, WI.

22. The evidence would include but is not limited to; clothing that Schabusiness was wearing, fabric/material that Schabusiness may have used to clean herself, and (blood) stains in areas where Schabusiness may have had contact.

23. Schabusiness stated she resides at 2353 Eastman Ave., Green Bay, Brown County, WI, returned there after leaving 829 Stony Brook Ln, Green Bay, Brown County, WI., and admitted to transporting S.R.T.'s dismembered body parts in the van belonging to Thoms. In removing body parts from 829 Stony Brook Ln. and placing them in the van, Schabusiness would have direct contact with the S.R.T.'s body parts.

24. As of 02-23-22, an autopsy of S.R.T. has not been conducted, therefore the cause of death is not known. For that reason, I have listed other weapons to be searched for in this affidavit.

25. In addition, your affiant knows, based on prior investigations, that cellphones commonly contain data showing GPS coordinates and locations. Your affiant has investigated several cases in which suspects searched topics related to crimes they are involved in and at times, record information related to the crimes by way of photography and/or video. In addition, your affiant, again based on prior investigations, knows that a cellphone is a common use of communication, be it by text or voice calls.

B-8

26. Wherefore said Detective Craig Pakkala, a law enforcement officer, prays that a warrant be issued to search such property for the said items, and if found, to seize the same and take the property into custody according to law.

Dated at Green Bay, Wisconsin this 23rd day of February, 2022.

Affiant - Craig Pakkala
Detective



Subscribed and sworn to before me on February 23rd, 2022

Honorable _____
Judge of the Circuit Court, Brown

Brown County, Wisconsin

Honorable _____
Court Commissioner

Brown County, Wisconsin



B-9

**RETURN OF A SEARCH WARRANT
BY LAW ENFORCEMENT OFFICER**


BRANCH CIRCUIT COURT BROWN COUNTY STATE OF WISCONSIN

I hereby certify that by virtue of the within warrant I searched Apt. #1, at 2353 Eastman Ave., Green Bay, Brown County, Wisconsin, and found and seized and now have in my custody, subject to the direction of the court, the following things:

WARRANT WAS SERVED AT APPROX.	12:47 P.M.	ON 02/23/2022
SCENE WAS RELEASED AT APPROX.	3:08 P.M.	ON 02/23/2022

See attached lists.

Dated this 24th day of February, 2022.


LAW ENFORCEMENT OFFICER

B-10



GREEN BAY POLICE DEPARTMENT

Case Number Incident Number Incident Type
 22-209240 22-209240 HOMICIDE

Search Warrant Return

Items Seized / Recovered	
Exhibit Number	Description
22-209240370001	2.58 GMS FIELD TEST POSITIVE THC IN CLEAR PLASTIC BAG. GREEN PLANT LIKE MATERIAL. ONE MULTICOLORED RUBBER CONTAINER W/GEL TYPE SUBSTANCE INSIDE (NOT TESTED).
22-209240370002	15.71 FIELD TEST POSITIVE FOR THC IN CLEAR PLASTIC BAG. GREEN PLANT LIKE MATERIAL
22-209240370003	4.96 FIELD TEST POSITIVE THC. GREEN PLANT LIKE MATERIAL, IN SEALED LUME CONTAINER.
22-209240370004	MOTOROLA CELL PHONE. IN SUSPECTS BEDROOM, ON BED. BLACK IN COLOR
22-209240370005	MOTOROLA CELL PHONE. LOCATED IN PINK PURSE, ON FLOOR, IN SUSPECTS BEDROOM. BLUE IN COLOR
22-209240370006	SAMSUNG SMART PHONE. W/BLUE AND BLACK CASE. LOCATED ON LIVING RM END TABLE.
22-209240370007	POSSIBLE IPHONE IN TEAL CASE WITH APPLE SYMBOL ON BACK. FOUND IN LIVING ROOM.
22-209240370008	3 SYRINGES WHICH APPEARED ARE SOMEWHAT STUCK TOGETHER WITH STICKY SUBSTANCE AND/OR MELTED. LOCATED IN SUSPECTS BEDROOM DRESSER
22-209240370009	ONE BULLET LOCATED ON LIVING ROOM FLOOR. MAKE/MODEL NOT OBTAINED
22-209240370012	MISCELLANEOUS DRUG PARAPHERNALIA AND ALSO SOME SUSPECTED THC, TRACE AMOUNTS. LOCATED IN WOODEND CIGAR BOD ON LIVING ROOM END TABLE.
→ 22-209240370013	PAPERWORK IDENTIFYING THE SUSPECT AND THOMS AS LIVING AT THE RESIDENCE. LOCATED IN SUSPECTS BEDROOM ✓
22-209240370018	SWAB OF RED SUBSTANCE ON HALLWAY WALL, NORTH OF SUSPECTS BEDROOM DOOR.
22-209240370019	SWAB OF RED SUBSTANCE ON LIGHT SWITCH FRAME OF SUSPECTS BEDROOM. NORTH OF INTERIOR OF

B-11

STATE OF WISCONSIN - VS - Taylor Denise Schabusiness

warrant not only for the apartment but also separately for her bedroom, that argument is plainly contrary to law and the scope of the search authorized by the warrant.

The warrant at issue in this case authorized the search of “2353 Eastman Avenue, apartment #1.” (17.) Schabusiness’ bedroom is plainly within the scope of the warrant. The warrant contains no limitation on which specific rooms were authorized to be searched. Nor does Schabusiness argue the warrant was not sufficiently particular in including her bedroom in the places to be searched.

The warrant authorized a search of the entirety of the apartment for the items delineated in the warrant. It is constitutionally sufficient to delineate a specific apartment to be searched in a multi-unit building. See State v. Jackson, 2008 WI App 109, ¶ 10, 313 Wis. 2d 162, 756 N.W.2d 623. There is no requirement that law enforcement seek separate warrants for each and every room in a residence. Any “reasonable reading” of the warrant indicates it plainly authorized a search of any portion of “2353 Eastman Avenue, apartment #1” that was “part and parcel” of that premise, including Schabusiness’ bedroom. Rainey v. State, 74 Wis. 2d 189, 205, 246 N.W.2d 529 (1976). Schabusiness offers no other specific argument for why the search warrant did not authorize a search of her bedroom, or any support for her argument that a search warrant authorizing a search of her apartment also required a separate warrant for a search of her bedroom within that apartment. As a result, there are no grounds for suppression on this claim.

B. It is Irrelevant that Schabusiness was not Named in the Search Warrant

Schabusiness next argues suppression is appropriate because “police failed to name the defendant on the search warrant for the apartment.” (171, 2.) Schabusiness’ argument fundamentally misunderstand what a search warrant is and what it authorizes.

“A search warrant is an order signed by a judge directing a law enforcement officer to conduct a search of a designated person, a designated object, *or a designated place* for the purpose of seizing designated property or kinds of property.” Wis. Stat. § 968.12 (emphasis added). Search warrants are not typically directed at persons. Rather, “they authorize the search of ‘place[s]’ and the seizure of ‘things,’ and as a constitutional matter they need not even name the person from whom the things will be seized.” State v. Andrews, 201 Wis. 2d 383, 400, 549 N.W.2d 210 (1996) (quoting Zurcher v. Stanford Daily, 436 U.S. 547, 555 (1978)). For that reason, “a premises search warrant authorizes the search of any items found on those premises regardless of ownership.” State v. O’Brien, 214 Wis. 2d 328, 336, 572 N.W.2d 870 (Ct. App. 1997) (citing Andrews, 201 Wis. 2d at 400).

Schabusiness argues she has an expectation of privacy in her bedroom. (171, 2.) She does, which is exactly why law enforcement sought a search warrant to search the apartment. The warrant requested to search the entirety of the Eastman Avenue apartment. (17, 3.) The warrant, based upon the sworn affidavit of Detective Pakkala, authorized the search of “*said property* for said things.” Id. at 4 (emphasis added). It is wholly irrelevant that Schabusiness was not named in the search warrant, because the warrant was not seeking “things” from her person but “things” from the Eastman Avenue property.

STATE OF WISCONSIN - VS - Taylor Denise Schabusiness

Under Schabusiness' novel argument, law enforcement would essentially be required to identify each and every individual with a possessory interest in a place to be searched, and be required to specifically enumerate all of those individuals in the warrant. That is a patently unreasonable interpretation of the law. Section 968.12 delineates the substantive requirements for a search warrant. The statute plainly does not require what Schabusiness suggests. Schabusiness certainly cites no authority for that argument in any event, and the State is unaware of any such authority. This argument also does not support Schabusiness' argument for suppression.

C. Law Enforcement did not Need Schabusiness' Consent

Finally, Schabusiness argues the evidence from the Eastman Avenue apartment should be suppressed because "police failed to get consent from the defendant to perform a search of the apartment." (171, 2.) This claim is without merit. There is no requirement law enforcement obtain *both* a search warrant and a possessor's consent prior to searching a place. Indeed, consent is an exception to the warrant requirement. See, e.g., State v. Artic, 2010 WI 83, ¶ 29, 327 Wis. 2d 392, 786 N.W.2d 430. It is illogical for consent to be an *exception* to the warrant requirement but for the warrant requirement to *also require* consent. Law enforcement did not need to get Schabusiness' consent because it obtained a valid search warrant. Under the law, that is sufficient to search the apartment. See generally U.S. Const. amd. IV.

Conclusion

None of the reasons Schabusiness relies upon offer a basis to suppress evidence obtained pursuant to a lawful search warrant. As a result, her motion should be denied.

Respectfully submitted this 19th day of May, 2023.

Date Signed: 05/19/23

Electronically Signed By:

Caleb J Saunders

Deputy District Attorney

State Bar #: 1094077

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

BROWN COUNTY

STATE OF WISCONSIN,

Plaintiff,

vs.

Case No. 22-CF-363

TAYLOR D. SCHABBUSINESS,

Defendant.

**MOTION TO DISMISS CHARGE IN COUNT 3 – THIRD DEGREE
SEXUAL ASSAULT AND MOTION TO DISMISS: DEFECTIVE COMPLAINT**

TO: BROWN COUNTY DISTRICT ATTORNEY'S OFFICE

PLEASE TAKE NOTICE THAT the defendant, appearing specially by her attorney, Christopher T. Froelich, and reserving her right to challenge the Court's jurisdiction, moves the Court to **formally dismiss the charge in Count 3 – Third Degree Sexual Assault – Felony, Wis. Stats. 940.225(3). The defense seeks to dismiss this charge in Count 3 due to lack of evidence as more specifically set forth herein.**

This motion is brought pursuant to Wis. Stats. 971.31(2) and (5) on the grounds that the Court lacks jurisdiction over the defendant because the criminal complaint by which the defendant is charged in defective. Specifically, the complaint fails to set forth essential facts from which it could be inferred that the defendant committed a crime and fails to state the essential facts constituting the offense charged as required by law, all in violation of the rights guaranteed by the 4th, 5th and 14th Amendments to the United States Constitutionl article 1m sections 1, 8 and 11 of the Wisconsin Constitution; secs. 968.01 and 968.02 Wis. Stats.; and State v. Schneider, 60 Wis.2d 563, 211 N.W.2d 630 (1973), State v. Haugen, 52 Wis.2d 791, 191 N.W.2d 12 (1971), State ex rel. Cullen v. Ceci, 45 Wis.2d 432, 173 N.W.2d 175 (1970) and State ex. rel. Evanow v. Seraphim, 40 Wis. 2d 223, 161 N.W.2d 369 (1968).

The defense claims that the criminal complaint and Information is defective because there are insufficient facts to support the charge in Count 3 – Third Degree Sexual Assault – Felony. The defense asserts that the Criminal Complaint is defective as to Count 3 based on the information attached hereto and arguments to be presented at a Motion Hearing.

IN FURTHER SUPPORT, the defendant asserts:

1. The defense asserts that there is insufficient evidence to support the claim that S.T. was sexually assaulted under Wis. Stats. 940.225(3).
2. The State alleges that a dildo was placed into the anus of the alleged victim – S.T. – yet the State lab report yields an inconclusive for DNA evidence. **See attached exhibit A** which is the State Lab of Hygiene Report dated April 1, 2022. The report seems to indicate that the swab from the dildo (Item J1) indicates that the possible contribution of DNA from S.T. is inconclusive due to the complexity of the mixture.
3. The State alleges sexual intercourse, yet the alleged victim’s appendage (penis) was apparently found separate from the decedent’s body. The decedent was not able to consent as specified in Wis. Stats. 940.225(3)(a). The State seems to rely on comments from the defendant who was under the influence of Trazadone and Methamphetamine on February 23, 2022 when detectives were interrogating her about the alleged sexual assault. The defense argues that the defendant’s alleged answers to questions are not reliable due to being under the influence of drugs.
4. The jury instructions under **WI JI 1218A** – state in pertinent part as follows:

“**Third degree sexual assault**, as defined, 940.225(3) of the Criminal Code of Wisconsin, is committed by one who has sexual intercourse with **another person** without consent. Before you may find the defendant guilty of this offense, the State must prove by evidence which satisfies you beyond a reasonable doubt that the following two elements were present. 1. The defendant had sexual intercourse with the victim. 2. The victim did not consent to the sexual intercourse.

“**Sexual intercourse**” means any intrusion, however slight, of any part of a person’s body or of any object, into the genital or anal opening of another. Emission of semen is not required.

“**Did not consent**” means that the victim did not freely agree to have sexual intercourse with the defendant. In deciding whether the victim did not consent, you consider what he said and did, along with all the other facts and circumstances. This element does not require that the victim offered physical resistance.

WI JI 1200A – “**Sexual contact**” also requires that the defendant acted with intent to

- Cause bodily harm to the victim
- To become sexually aroused or gratified
- Sexually degrade or humiliate the victim

JI 1200B – **Sexual intercourse** means any intrusion, however slight, by any part of a person's body or of any object, into the genital or anal opening of another.

5. The defense argues that there is no evidence that the defendant put anything into the genital opening (penis) of the deceased. The defense argues that any claims that defendant placed an object (dildo) into the anal opening of the deceased is without merit based on the State of Wisconsin Lab of Hygiene reports.
6. The defense argues that S.T was **not a person** at the time of the alleged incident as S.T. was deceased and therefore, Wis. Stats, 940.225 does not apply. The defense asserts that once the person is deceased, then they no longer are a person as defined under the jury instructions and statute – Wis. Stats. 940.225.
7. The jury instruction Wisconsin JI 1218A references “into the genital or anal opening of another.” The defense argues that there is no evidence to support claims that defendant engaged in this conduct based on the lab report. The defense argues that there is **no evidence that the defendant intruded into the deceased's genital opening** (penis or anal orifice) as defined under the jury instruction.
8. The defense asserts that there was an appendage (penis) that was detached from a body found on February 23, 2022 when law enforcement came to the home at Stoney Brook Lane. The defendant was not at the Stoney Brook home when police arrived on February 23, 2022 and the defendant was actually at the Eastman Avenue apartment on the date in question. There were apparently other alleged body parts found in a Jimmy Choo bag, alleged body parts in an Under Armour bag and in a Crock Pot box found in the Chrysler mini-van. The defendant apparently blacked out as she reported to police. The defense asserts and argues that it would be unlikely and almost impossible for any sexual assault to occur with how the dismembered body was found by law enforcement. The appendage (penis) was not attached to the body when it was found and the appendage was unable to function due to its condition.
9. The defense argues that there is no evidence to support a sexual assault other than the defendant's own statements when she was under the influence of meth and trazadone. Those statements are going to be the subject of a motion to suppress hearing. The defense argue that no sexual assault can be proven due to the penis being disconnected from the body that was found.
10. The State alleges that a dildo was placed into the anus of the alleged victim – S.T. – yet the **State lab report yields an uninformative for DNA evidence based on swabs from the dildo.** The swab from the dildo (Item J1) shows **the possible contribution of DNA from S.T. is inconclusive due to the complexity of the mixture** (per lab report which is attached as Exhibit A). The defense attaches Exhibit B (dildo) which the State claims was used on the decedent's anal area. The swabs from the object are apparently inconclusive and uninformative per the lab reports.

11. The defense asserts that there was no sexual intercourse occurring between the defendant and the decedent. The defense argues that the police reports claim that the defendant stated they were getting to that (which the defense argues that it means nothing happened). The decedent apparently had a chain that he apparently put around his own neck.
12. The defense argues that there is no evidence that any object touched the alleged victim's anal or genital area. Attached is a lab report from the State Lab of Hygiene which details the DNA test results.
13. The jury argues that the facts of this case do not apply to Wis. Stats. 940.225 because the sex organ was detached from the body that was found. The body was apparently dismembered such that it is unclear what occurred as body parts were apparently found in different locations. The defense argues that it is impossible for the State to even be able show probable cause that a sexual assault occurred due to the fact that the body was found allegedly dismembered into many parts.

The defense seeks to have a formal hearing on the Motion to Dismiss: Count 3 – Third Degree Sexual Assault and the Motion to Dismiss Defective Complaint for all of these reasons as it relates to Count 3.

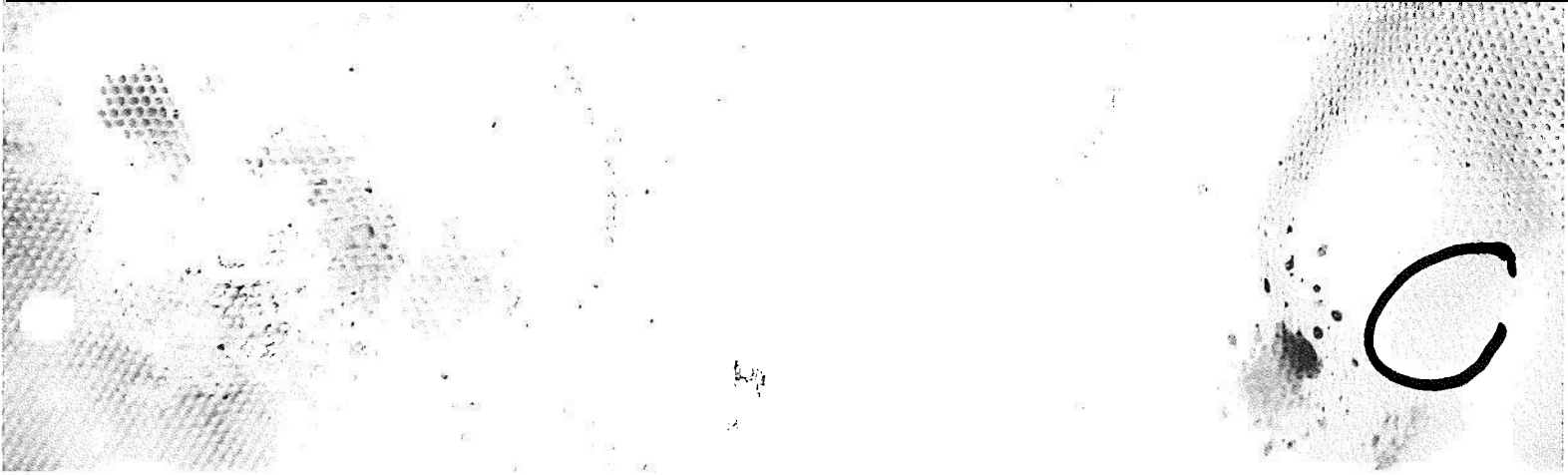
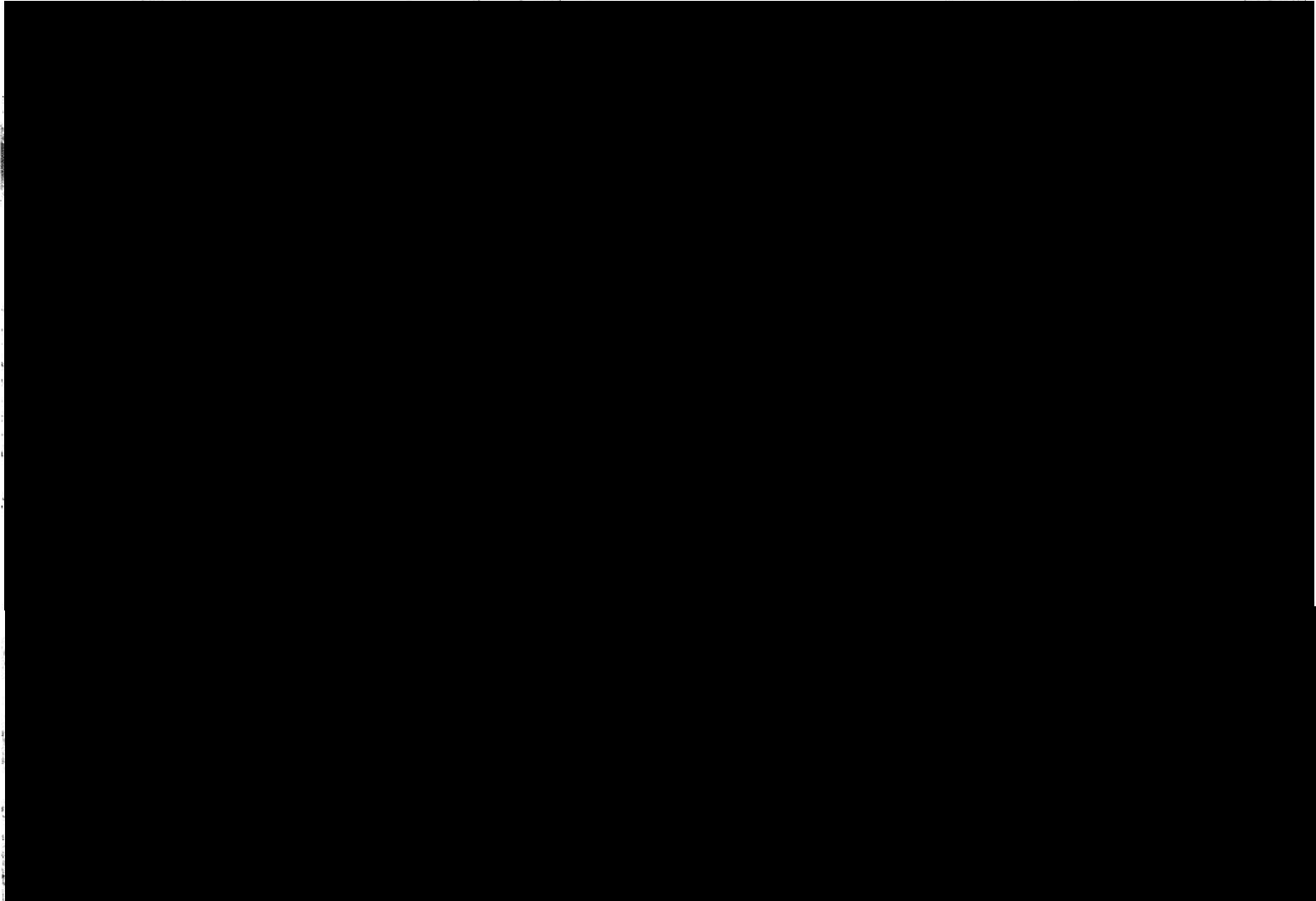
Dated this 22nd day of May, 2023.

FROELICH LAW OFFICES, LLC

By: 

Christopher T. Froelich (SBN #01000834)
Attorney for Defendant

Address:
125 S. Quincy Street
Green Bay, WI 54301
(920) 430-9640



CONFIDENTIAL REPORT OF LABORATORY FINDINGS
DJ-LE-103 (4/12)



Wisconsin Department of Justice
Division of Forensic Sciences
State Crime Laboratory - Madison
4626 University Avenue
Madison, WI 53705-2174
(608) 266-2031
FAX (608) 267-1303

Submitting Agency:

Chief Christopher Davis
Attn: Nathan Kolinski - Evidence
Green Bay Police Department
307 South Adams Street
Green Bay, WI 54301

Date: April 1, 2022

Case No: M22-636

Report No: 1

Agency No: 22-209240

Laboratory Analyst:

Kevin R. Scott
(DNA Analysis)

KRS
04/01/2022

Case Name: Thyrior, Shad Rock [V]

I do hereby certify this document, consisting of 8 page(s), to be a true and correct report of the findings of the State Crime Laboratory on the items examined as shown by this report. This report contains the conclusions of the above signed analyst.

Joshua L. Kaul
ATTORNEY GENERAL

DESIGNEE
4.1.2022

The following item(s) of evidence were examined in the DNA Analysis Unit of this Crime Laboratory:

- Item A - buccal swab standard reportedly recovered from Taylor Schabusinnes
- Item B - right hand swabs reportedly recovered from Taylor Schabusinnes
- Item C - left hand swabs reportedly recovered from Taylor Schabusinnes
- Item D - oral swabs reportedly recovered from Shad Thyrior
- Item E - swab reportedly from blade
- Item F - swab reportedly from red substance inside box
- Item G - swabs reportedly from red substance on bedroom light switch
- Item H - sweatpants
- Item I - penile swabs reportedly recovered from Shad Thyrior
- Item J - swab reportedly from dildo

Screening

Blood was identified on:

- Right hand swabs from Taylor Schabusinnes (Item B)
- Left hand swabs from Taylor Schabusinnes (Item C)

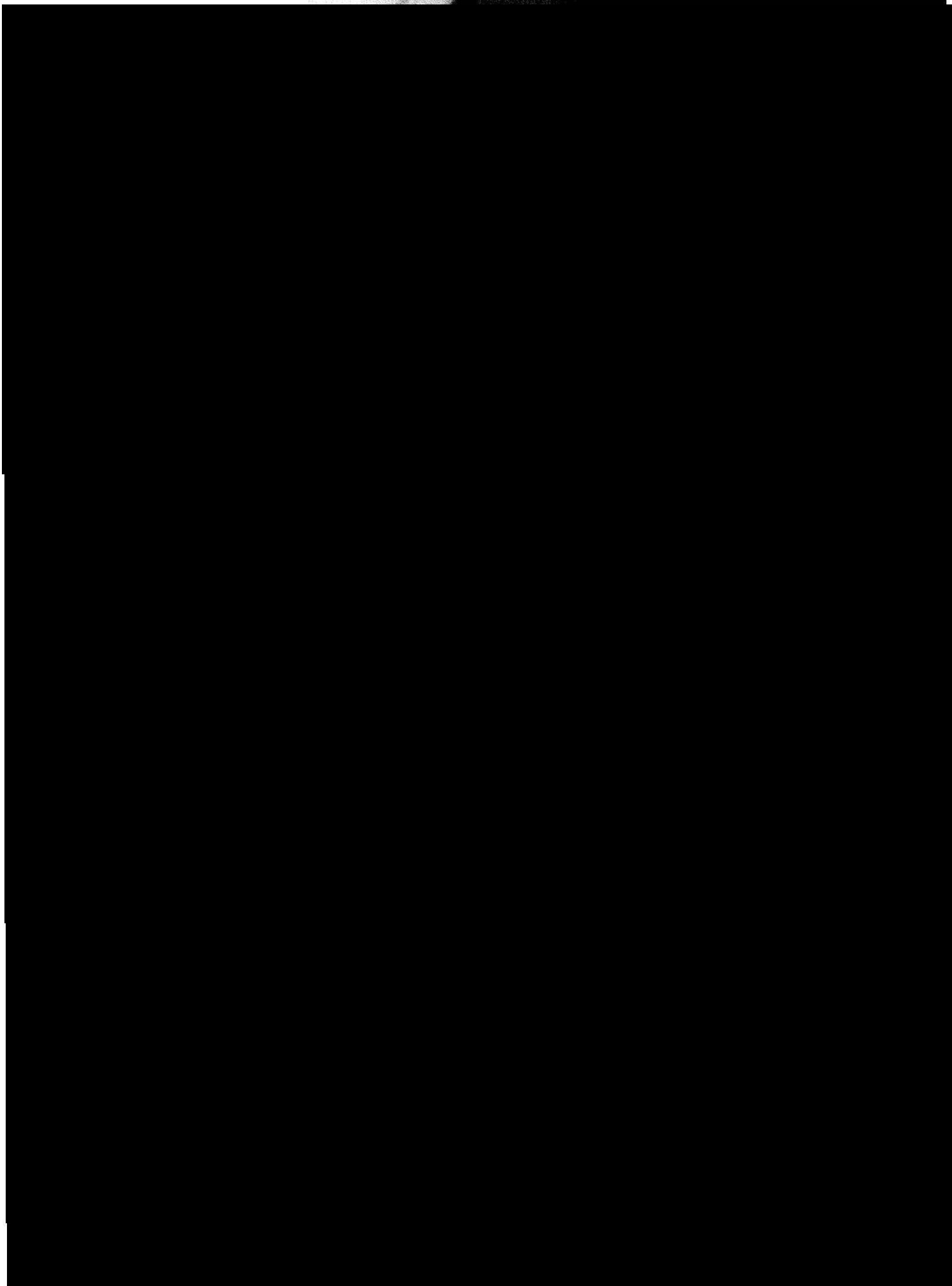
Presumptive testing for blood was positive on:

- Swab from blade (Item E)
- Swab from red substance inside box (Item F)
- Sweatpants (Item H)
- Swab from dildo (Item J)

COPYING AND DISTRIBUTION OF THIS REPORT IS THE RESPONSIBILITY OF THE SUBMITTING AGENCY
The laboratory reserves the right to choose the items which will be tested and the methods which will be used to test them.



A



CONFIDENTIAL REPORT OF LABORATORY FINDINGS

Crime Laboratory - Madison

Blood was not detected on:

- Swabs from red substance on bedroom light switch (Item G)

Presumptive testing for saliva was positive on:

- Penile swabs from Shad Thyron (Item I)

Sperm cells were not identified on:

- Penile swabs from Shad Thyron (Item I)

The below listed sample(s) were prepared for analysis under the indicated sub-designations:

Sample	Item	Sub-designation
Buccal swab standard from Taylor Schabusness	A	A1
Right hand swabs from Taylor Schabusness	B	B1
Left hand swabs from Taylor Schabusness	C	C1
Oral swabs from Shad Thyron	D	D1
Swab from blade	E	E1
Swab from red substance inside box	F	F1
Swabs from red substance on bedroom light switch	G	G1
Swabbing of a reddish-brown stain on the right leg of the sweatpants	H	H1
Swabbing of a reddish-brown stain on the left leg of the sweatpants	H	H2
Swabbing of a reddish-brown stain on the left leg of the sweatpants	H	H3
Swabbing of a reddish-brown stain on the right leg of the sweatpants	H	H4
Penile swabs from Shad Thyron	I	I1
Swab from dildo	J	J1

DNA Analysis

Differential extraction was performed on the following item(s), resulting in a non-sperm fraction (.NS) and sperm fraction (.S) for each sample:

- Penile swabs from Shad Thyron (Item I1)

The below listed item(s) underwent attempted DNA isolation and further testing as described:

Sample	Human DNA	Male DNA	Further Testing
A1	Present	Not Applicable	Autosomal STR
B1	Present	Present	Autosomal STR
C1	Present	Present	Autosomal STR
D1	Present	Present	Autosomal & Y-STR
E1	Present	Present	Autosomal STR
F1	Present	Present	Autosomal STR
G1	Present	Present	Autosomal STR
H1	Present	Present	Autosomal STR
H2	Present	Present	Autosomal STR
H3	Present	Present	Autosomal STR
H4	Present	Present	Autosomal STR
I1.NS	Present	Present	Autosomal STR
I1.S	Present	Present	Not Selected
J1	Present	Present; High Ratio	Autosomal & Y-STR



DR
4/1/2022

KS 4/1/22
KRT
04/01/2022

Autosomal STR DNA Results and Conclusions

Buccal swab standard from Taylor Schabusiness (Item A1)

- Single source female profile
 - Entered into the Quality Assurance Index of CODIS.

Oral swabs from Shad Thyron (Item D1)

- Single source male profile
 - Assuming that DNA from Shad Thyron is present on this item, this profile will be used for comparison purposes as the standard from Shad Thyron.
 - Entered into the Quality Assurance Index of CODIS.

Right hand swabs from Taylor Schabusiness (Item B1)

- Three person mixture
 - At least one male
 - Not eligible for entry into CODIS.
- Assuming a three person mixture and the presence of DNA from Taylor Schabusiness, the following propositions were used to assess the mixture profile in STRmix™:

The observed DNA profile originates from	H ₁ : Taylor Schabusiness + POI + Unknown H ₂ : Taylor Schabusiness + Unknown + Unknown	
Person of Interest (POI)	Likelihood ratio	Conclusion
Shad Thyron	>1.00x10 ¹⁵	Very Strong Support for INCLUSION
	<i>It is at least one quadrillion times more likely to observe this DNA profile if it is a mixture resulting from H₁ than if it is a mixture resulting from H₂.</i>	

Left hand swabs from Taylor Schabusiness (Item C1)

- Two person mixture
 - One male
 - Not eligible for entry into CODIS.
- Assuming a two person mixture and the presence of DNA from Taylor Schabusiness, the following propositions were used to assess the mixture profile in STRmix™:

The observed DNA profile originates from	H ₁ : Taylor Schabusiness + POI H ₂ : Taylor Schabusiness + Unknown	
Person of Interest (POI)	Likelihood ratio	Conclusion
Shad Thyron	>1.00x10 ¹⁵	Very Strong Support for INCLUSION
	<i>It is at least one quadrillion times more likely to observe this DNA profile if it is a mixture resulting from H₁ than if it is a mixture resulting from H₂.</i>	

Swab from blade (Item E1)

- Single source male profile
 - Shad Thyron is the source.



D02
4.1.2022

KS 4/1/22

KRT

CONFIDENTIAL REPORT OF LABORATORY FINDINGS

Crime Laboratory - Madison

Swab from red substance inside box (Item F1)

- Two person mixture
 - At least one male
- Major male contributor
 - Shad Thyrior is the source.
- Minor contributor
 - Not suitable for comparisons due to the limited amount of genetic information available.

Swabs from red substance on bedroom light switch (Item G1)

- Three person mixture
 - At least two males
 - Not eligible for entry into a Forensic Index of CODIS; however, a portion of the profile was entered into the Quality Assurance Index of CODIS.
- Assuming a three person mixture, the following propositions were used to assess the mixture profile in STRmix™:

The observed DNA profile originates from		H ₁ : POI + Unknown + Unknown
		H ₂ : Unknown + Unknown + Unknown
Person of Interest (POI)	Likelihood ratio	Conclusion
Taylor Schabusbusiness	>1.00x10 ¹⁵	Very Strong Support for INCLUSION
	<i>It is at least one quadrillion times more likely to observe this DNA profile if it is a mixture resulting from H₁ than if it is a mixture resulting from H₂.</i>	
Shad Thyrior	>1.00x10 ¹⁵	Very Strong Support for INCLUSION
	<i>It is at least one quadrillion times more likely to observe this DNA profile if it is a mixture resulting from H₁ than if it is a mixture resulting from H₂.</i>	

Swabbing of a reddish-brown stain on the right leg of the sweatpants (Item H1)

- Two person mixture
 - One male
- Major female contributor
 - Taylor Schabusbusiness is the source.
- Minor male contributor
 - Shad Thyrior is the source.

Swabbing of a reddish-brown stain on the left leg of the sweatpants (Item H2)

- Two person mixture
 - One male
- Major female contributor
 - Taylor Schabusbusiness is the source.
- Minor male contributor
 - Shad Thyrior is the source.

Laboratory Case No. M22-636
Report Number: 1

Page 4 of 8

Analyst Kevin R. Scott



04/01/2022

DR
4.1.2022

CONFIDENTIAL REPORT OF LABORATORY FINDINGS

Crime Laboratory - Madison

Swabbing of a reddish-brown stain on the left leg of the sweatpants (Item H3)

- Two person mixture
 - At least one male
 - Not eligible for entry into CODIS.
- Assuming a two person mixture, the following propositions were used to assess the mixture profile in STRmix™:

The observed DNA profile originates from	H ₁ : POI + Unknown	
	H ₂ : Unknown + Unknown	
Person of Interest (POI)	Likelihood ratio	Conclusion
Taylor Schabusiness	>1.00x10 ¹⁵	Very Strong Support for INCLUSION
	<i>It is at least one quadrillion times more likely to observe this DNA profile if it is a mixture resulting from H₁ than if it is a mixture resulting from H₂.</i>	
Shad Thyron	>1.00x10 ¹⁵	Very Strong Support for INCLUSION
	<i>It is at least one quadrillion times more likely to observe this DNA profile if it is a mixture resulting from H₁ than if it is a mixture resulting from H₂.</i>	

Swabbing of a reddish-brown stain on the right leg of the sweatpants (Item H4)

- Single source male profile
 - Shad Thyron is the source.

Penile swabs from Shad Thyron, non-sperm fraction (Item I1.NS)

- Single source male profile
 - Shad Thyron is the source.

Swab from dildo (Item J1)

- Three person mixture
 - At least one male
 - Not eligible for entry into CODIS.
- Assuming a three person mixture, the following propositions were used to assess the mixture profile in STRmix™:

The observed DNA profile originates from	H ₁ : POI + Unknown + Unknown	
	H ₂ : Unknown + Unknown + Unknown	
Person of Interest (POI)	Likelihood ratio	Conclusion
Taylor Schabusiness	>1.00x10 ¹⁵	Very Strong Support for INCLUSION
	<i>It is at least one quadrillion times more likely to observe this DNA profile if it is a mixture resulting from H₁ than if it is a mixture resulting from H₂.</i>	
Shad Thyron	1.02x10 ¹	Uninformative
	<i>Statistical values in this range have been observed both for individuals known to be in a mixture and known to not be in a mixture. Therefore, no conclusion will be made regarding the presence of DNA from this POI in the mixture.</i>	

Please submit appropriate biological standards from any individuals thought to be involved for further DNA interpretations to be made.

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Analyst Kevin R. Scott



DSZ
4/11/2022

04/01/2022

CONFIDENTIAL REPORT OF LABORATORY FINDINGS

Crime Laboratory - Madison

Y-STR DNA Results and Conclusions**Oral swabs from Shad Thyrior (Item D1)**

- Single source Y-STR profile
 - Assuming that DNA from Shad Thyrior is present on this item, this profile will be used for comparison purposes as the standard from Shad Thyrior.

Swab from dildo (Item J1)

- Mixture of at least two males
 - Additional possible trace alleles were also detected; however, no conclusions will be made regarding these trace alleles.
 - This mixture is suitable for exclusionary purposes only.
 - The possible contribution of DNA from Shad Thyrior is inconclusive due to the complexity of the mixture.

Evidence Disposition

All items addressed in this report have DNA sample(s) and/or extract(s) remaining.

All items addressed in this report are in preparation for return to the submitting agency.

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Analyst Kevin R. Scott *KS 4/1/22**K.R.T.*
04/01/2022*D02*
4/1/2022

Technical Appendix

Revision 10

Screening and biological fluid identification

1. Body fluid identification was not performed unless specifically noted. Testing may be conducted upon request.
2. A **presumptive** screening test is a test which indicates, but does not confirm, the possible presence of a biological fluid.
3. A **confirmatory** screening test is a test which can uniquely identify a specific biological tissue/fluid.
4. Two different methods of presumptive testing may be conducted for semen.
 - a. Detection of Prostate Specific Antigen (PSA), or p30, which is a protein found in semen.
 - b. Detection of acid phosphatase (AP) activity, which is an enzyme present in semen.
5. Presumptive testing conducted for blood detects the activity of hemoglobin, a protein found in blood.
6. Confirmatory testing conducted for blood identifies hemoglobin of humans and higher primates, with known reactivity with some domestic ferrets.
7. Two different methods of presumptive testing may be conducted for saliva. These tests detect salivary α -amylase enzyme or α -amylase enzyme activity.
8. Work contributing to the results of this report may have been performed by individuals other than the report author.

DNA Analysis

9. A **differential extraction** technique separates the cells into two fractions. The first fraction, the non-sperm fraction (.NS), increases the ratio of DNA from non-sperm cells, such as white blood cells and skin cells, to DNA from sperm cells (if present). The second fraction, the sperm fraction (.S), increases the ratio of DNA from sperm cells (if present) to DNA from non-sperm cells.
10. Results of male-specific DNA isolation are not reported for reference standards.
11. **Limited** DNA isolation results indicate that while DNA was detected on the item, the amount of DNA present was not sufficient for further testing based on validated laboratory thresholds.
12. **High ratio** indicates that male DNA was detected at a low quantity relative to total human DNA. If male DNA is probative for a sample, autosomal testing is typically not effective due to the overwhelming presence of female DNA.
13. Samples which are listed as **unsuitable** for further testing do not meet the laboratory's minimum thresholds for DNA processing. The reason a sample may be deemed unsuitable can vary (e.g. point 11 above).
14. Amplifications utilize the polymerase chain reaction (PCR) method. This method generates large numbers of copies of targeted DNA locations from a small starting amount through repeated cycles of copying.
15. An **allele** is a variation of the DNA sequence at a specific location on a chromosome.
16. **STR** (short tandem repeat) analysis targets alleles which contain repeated DNA sequences. The length of these repeats varies between people and can be used to differentiate an individual's DNA.
17. **Autosomal STR** amplification targets human DNA, including both males and females. It is conducted using the Promega PowerPlex® Fusion 6C amplification kit, which amplifies 23 autosomal STR markers, the sex-specific marker amelogenin, and three male-specific Y-STR markers.
18. **Y-STR** (Y-chromosome specific STR) amplification targets DNA from males only. It is conducted using the Promega PowerPlex® Y23 amplification kit, which amplifies 23 STR markers located on the Y-chromosome.

Autosomal STR DNA Conclusions and Statistics

19. A **mixture** is a profile that includes DNA from more than one individual.
20. Profiles reported as "**# person mixture**" are consistent with being a mixture of the reported number of individuals. All further interpretations and conclusions are based on the assumption that the profile originates from the number of contributors reported.
21. Results reported as "**explained by the presence...**" indicate that the alleles obtained are consistent with individual(s) assumed to be present on an item and therefore no further comparisons were made to the data.
22. Possible **trace allele(s)** indicate possible additional contributor(s). The possible allele(s) are detected at a very low level relative to, and do not impact the interpretation of, the primary profile.
23. Statistical calculations were performed using population statistics from databases of unrelated individuals created and maintained by the Federal Bureau of Investigation. (T.R. Moretti et al. *Forensic Science International: Genetics* 25 (2016) 175-181).
24. Any **source** attribution conclusions are the most reasonable scientific explanation for the reported results and are based on the calculated frequency of the STR profile being rarer than 1 in 7 trillion individuals, which is approximately one thousand times the world's population.



CONFIDENTIAL REPORT OF LABORATORY FINDINGS

Crime Laboratory - Madison

25. If an individual has been reported to be the source of a specific evidentiary STR DNA profile, then all other individuals with standard samples examined in this case can be considered to have been compared and excluded as the source of that evidentiary profile.
26. Identical siblings will share the same STR DNA profile.

Autosomal STR DNA - STRmix™ Conclusions and Statistics

27. STRmix™ is a computer program which uses mathematical modeling to perform interpretation, comparison and statistical analysis for DNA profiles based on initial analysis by a trained analyst.
28. Likelihood ratios (LR) evaluate the relative probability of two hypotheses (or propositions). Generally, H₁ evaluates the scenario in which the Person(s) of Interest (POI) is/are real contributors to the profile while H₂ evaluates the scenario in which an individual other than the POI is the real contributor.
29. Unless specifically noted, reported LRs assume unknown contributors in H₂ are unrelated to the POI in H₁.
30. **If interpretations/hypotheses other than those reported are relevant to investigation, additional valid interpretations may be considered upon request, in accordance with WSCL policies.**
31. The following range defines the levels of support which may be reported for STRmix™ calculated likelihood ratios.

LR Value		General Conclusion	Verbal qualifier
$1.00 \times 10^6 \leq$	LR	Inclusion	Very Strong Support
$1.00 \times 10^4 \leq$	LR < 1.00×10^6	Inclusion	Strong Support
$1.00 \times 10^3 \leq$	LR < 1.00×10^4	Inclusion	Moderate Support
1 <	LR < 1.00×10^3	Uninformative	-
LR = 1		Neutral	Uninformative
$1.00 \times 10^{-3} <$	LR < 1	Uninformative	-
$1.00 \times 10^{-4} <$	LR $\leq 1.00 \times 10^{-3}$	Exclusion	Moderate Support
$1.00 \times 10^{-6} <$	LR $\leq 1.00 \times 10^{-4}$	Exclusion	Strong Support
0 <	LR $\leq 1.00 \times 10^{-6}$	Exclusion	Very Strong Support
LR = 0		Exclusion	-

Y-STR DNA Conclusions and Statistics

32. All paternally related male individuals should share the same Y-STR DNA profile. Unrelated male individuals may also share the same Y-STR DNA profile.
33. The Y-STR statistical calculations were obtained from the Y-Chromosome STR-Haplotype Reference Database (YHRD; yhrd.org). Y-STR statistical calculation values may change based upon database size and composition. The size of the database varies as more sample profiles are added and is dependent upon the markers used for interpretation. The U.S. National Database, comprised of individuals from the listed population groups, was used within YHRD.

CODIS

34. CODIS (Combined DNA Index System) is a database maintained by the FBI for searching of DNA profiles.
35. Evidentiary profiles are entered into CODIS in accordance with state and national regulations. Regular searches will be performed. Notification will be issued if there is a hit in the database or if a profile is removed from CODIS at any time in the future.
36. All profiles entered into the Quality Assurance Index of CODIS will be searched against other profiles developed at the respective State Crime Laboratory as part of the quality assurance process and then removed after a period of approximately three months. Any significant matches that would constitute an investigative lead for an agency will be reported to that agency per laboratory policy.

Accreditation

37. The Wisconsin State Crime Laboratories is accredited as a Forensic Testing Laboratory under ISO/IEC 17025:2017 by the ANSI (American National Standards Institute) National Accreditation Board, or ANAB.
38. The DNA Analysis Unit of the WSCL follows the FBI's Quality Assurance Standards for Forensic DNA Testing Laboratories.



STATE OF WISCONSIN - VS - Taylor Denise Schabusbusiness

just generally part of the same course of conduct as counts 1 and 2. Count 3 plainly relates to the two counts Schabusbusiness does not challenge.

For the foregoing reasons, Schabusbusiness' present motion is an untimely challenge to the sufficiency of the complaint and information, and the Court should deny her motion on those grounds.

II. Count Three is Supported by Probable Cause

If the Court wishes to address the probable cause challenge to Count 3, Schabusbusiness' motion still fails. Probable cause refers to whether there are sufficient facts, along with reasonable inferences drawn from those facts, support the conclusion that the defendant probably committed the charged offenses. See, e.g., State v. Dunn, 121 Wis. 2d 389, 397–98, 359 N.W.2d 151 (1984). There is probable cause if “there exists a believable or plausible account of the defendant’s commission” of the charged offenses. Id. at 398.

Schabusbusiness allegedly *admitted* to having oral contact with the victim’s penis, and stated she also put a sex device in the anal opening of the victim. (Doc. 2, 5.) Both acts meet the definition of “sexual intercourse.” See Wis. JI – Criminal 1200B. Even uncorroborated confessions (which the State does not concede, as Schabusbusiness’ various admissions are corroborated in many ways) are sufficient for probable cause and bind over. State v. Fry, 129 Wis. 2d 301, 307, 385 N.W.2d 196 (Ct. App. 1985)

Schabusbusiness also asserts that the victim was not a “person” at the time of the alleged act. (Doc. 178, 3.) Schabusbusiness conspicuously fails to refer this Court to sub. (7) of Wisconsin’s sexual assault statute, which provides: “This section [940.225] applies *whether a victim is dead or alive at the time of the sexual contact or sexual intercourse.*” Wis. Stat. § 940.225(7) (emphasis added). If the plain reading of the statute were not enough, Schabusbusiness also overlooks precedent directly on point:

In sum, by its plain terms, Wis. Stat. § 940.225 prohibits the conduct that the defendants are alleged to have attempted. Section 940.225(3) provides that “[w]hoever has sexual intercourse with a person without the consent of that person is guilty of a Class G felony,” and § 940.225(7) provides that “[t]his section applies whether a victim is dead or alive at the time of the sexual contact or sexual intercourse.” The language of the statute is clear on its face. A reasonably well-informed person would understand the statute to prohibit sexual intercourse with a dead person

State v. Grunke, 2008 WI 82, ¶ 37, 311 Wis. 2d 439, 752 N.W.2d 769.

In sum, the charges in both the complaint and information in this case are sufficiently based upon probable cause. Schabusbusiness motion should also thus be denied on the merits.

STATE OF WISCONSIN - VS - Taylor Denise Schabusiness

III. State's Position on Sealing Document 178

Schabusiness apparently filed Document 178 under temporary seal. The State finds nothing in the motion itself that would warrant a sealing order. And while it is not ideal that Schabusiness is attaching these specific discovery materials to her motion, the State takes no position on sealing Exhibits A and B to her motion.

However, the State is utterly at a loss why the defense felt it necessary to attach Exhibit C to this motion. It is inflammatory, irrelevant, unnecessary, and potentially violative of the crime victims' rights to be treated "with dignity, respect, courtesy, sensitivity, and fairness." Wis. Const. art. I, § 9m(2)(a). While Wisconsin has a "strong presumption in favor of openness for judicial proceedings and records," that presumption can be overcome "by specific statutory or constitutional rights." Doe 1 v. Madison Metropolitan School District, 2022 WI 65, ¶ 19, 403 Wis. 2d 369, 976 N.W.2d 584. Based on Wis. Const. art. I, § 9m, and Chapter 950 of the Wisconsin Statutes, the State would respectfully ask the Court maintain the seal at least with respect to Exhibit C.

Respectfully submitted this 26th day of May, 2023.

Date Signed: 05/26/23

Electronically Signed By:

Caleb J Saunders

Deputy District Attorney

State Bar #: 1094077

STATE OF INDIANA)
)SS:
COUNTY OF CARROLL)

IN THE CARROLL CIRCUIT COURT
CAUSE NO. 08C01-2210-MR-1

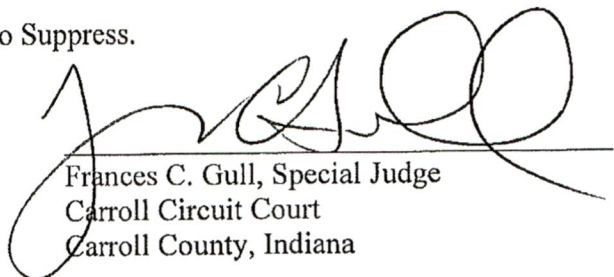
STATE OF INDIANA,)
 Plaintiff,)
)
VS.)
)
RICHARD M. ALLEN,)
 Defendant.)

ORDER OR JUDGMENT OF THE COURT

The Court, having had defendant’s Motion to Quash Subpoena under advisement, now grants the Motion to Quash the Subpoena Duces Tecum directed to Westville Correctional Facility relating to defendant’s mental health records, mental health evaluations and/or exams, medical documentation and/or medical evaluations. The Motion to Quash the Subpoena Duces Tecum directed to Westville Correctional Facility regarding audio/video recordings, written observations, recordings, phone calls, written requests, or other documentation is denied. The Motion to Quash the Subpoena Duces Tecum directed to CVS Headquarters is denied.

The defense Motion to Reconsider and Request for Due Process Hearing ordered set for hearing June 15, 2023, at 10:00 a.m. The hearing currently set on defendant’s request for bail is ordered converted to a hearing on defendant’s Motion to Suppress.

Dated: May 25, 2023



Frances C. Gull, Special Judge
Carroll Circuit Court
Carroll County, Indiana

NOTICE TO BE GIVEN BY: XX COURT CLERK OTHER

PROOF OF NOTICE UNDER TRIAL RULE 72(D)

A copy of this entry was served either by mail to the address of record, deposited in the attorney’s distribution box, or personally distributed to the following persons:

- cc: Bradley Rozzi – Attorney for Defendant
- Andrew Baldwin – Attorney for Defendant
- Prosecuting Attorney Nicholas McLeland
- Sheriff of Carroll County
- Court File

DATED: 5-31-23

INITIAL OF PERSON WHO NOTIFIED PARTIES: JW COURT CLERK