

STATE OF WISCONSIN

CIRCUIT COURT

COUNTY OF MARATHON

STATE OF WISCONSIN

Plaintiff,

DA Case No: 2012MA004340

Court Case No:

[Defendant's ATN]

-vs-

Sean D. Janas
519 1/2 West Street
Wausau, WI 54401
DOB: 03/08/1992

Criminal Complaint

Defendant,

STATE OF WISCONSIN)
)SS
COUNTY OF MARATHON)

Complainant, on information and belief, being first duly sworn on oath states that:

Count 1: MISTREATMENT OF ANIMALS

The above-named defendant between 05-26/2012 and 06/04/2012, in the City of Wausau, Marathon County, Wisconsin, did intentionally treat an animal, to-wit: a German Shepherd/Lab mix dog named Mary, in a cruel manner, resulting in the animal's death, contrary to sec. 951.02, 939.50(3)(i) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 2: EXPOSING A DOMESTIC ANIMAL TO A POISONOUS SUBSTANCE

The above-named defendant between 05-26/2012 and 06/04/2012, in the City of Wausau, Marathon County, Wisconsin, did intentionally expose a domestic animal to a poisonous substance for the purpose of harming the animal, contrary to sec. 951.06, 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both..

Count 3: OBSTRUCTING AN OFFICER

The above-named defendant on or about Tuesday, June 05, 2012, in the City of Wausau, Marathon County, Wisconsin, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority, to-wit: gave false information, contrary to sec. 946.41(1), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Complainant is a law enforcement officer in Marathon County and bases this complaint upon the attached law enforcement reports which your complainant believes are reliable in that they are made by the officer in the routine and ordinary course of the officer's official duties.

Your complainant believes the statements contained within said reports are reliable for the following reasons: They are made by David Rockman, David Benites, Steve Kuick, Lisa Koch, Joseph Kuick, and Cynthia Janas, as a victim and/or witness to criminal activity, insofar as it is based upon personal observations and knowledge. They are made by the defendant contrary to penal interests.

and prays that the defendant be dealt with according to law.

Complainant

Subscribed and sworn to before me,
and approved for filing on this
October 22, 2012.

District Attorney
State Bar No. 1012556
Marathon County, Wisconsin

Narrative

On 06/05/12 at 1452 hours, I was dispatched to a possible animal abuse complaint, that occurred at 519 1/2 West Street. MNSO Dispatch asked that I contact the reporting party, David R. Rockman, (), via telephone.

I made contact with Rockman, who resides at 519 West Street. Rockman said that the upstairs tenants own a dog, and believed the female possibly killed the dog on 06/04/12. The tenants residing in the upstairs apartment were later identified as Sean D. Janas, 03/08/92, and Steven J. Kuick, (). Rockman explained that on 06/04/12 at approximately 1100 hours, he heard Janas yelling inside the apartment at the dog and the dog was crying. Rockman said it was quiet after that and when he left for work around 1300 hours, he noticed a large amount of blood in the yard. Rockman advised he didn't think anything of it at the time, and believed that someone had possibly shot a squirrel.

Rockman said when he was leaving for work this morning, his neighbor, David P. Benites, (), stopped him and told him what he had saw. Rockman explained that Benites said he observed Janas striking the dog with a leash, and believed she had stabbed it with a knife. Rockman said he was scared now for his dog, because he

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received a note from Janas a week ago. Rockman advised the note from the upstairs tenants, asking him to keep the noise from his dog down and how they could hear every noise it made. Rockman said he feared the safety of his dog now, while he was away at work. However, Rockman advised he does keep his dog inside the residence while he is at work, and his apartment is secure.

I responded to 515 West Street, and made contact with Benites. I advised Benites that Rockman had reported the dog residing at 519 1/2 West Street, was injured or killed. I asked Benites to explain what he observed. Benites said at approximately 1230 hours he heard a dog yelping, and observed Janas in the backyard with Kuick's dog, striking it with a leash. Benites advised about five minutes later this started again, and then stopped. Benites said he observed Janas walking towards her house, and she was carrying a shiny metal object. Benites advised he believed Janas was carrying a knife.

Benites said he left his residence after this to run errands, and when he returned home he walked over to the neighbors residence across the street. Benites advised he observed Kuick on the telephone, and walked back home and noticed that Kuick and his father were crying. Benites said he asked Kuick and his father if the dog was dead, and they said yes. Benites advised he told Kuick and his father what he observed, and Kuick's father began to yell at Janas to get out of the house. Benites said when Janas was exiting the apartment, she said that she didn't do anything to Kuick's dog. Benites advised he went back to his neighbors house and when he returned to his home later, Kuick and his father were gone.

Benites explained that Kuick and Janas left their apartment this morning around 0915 hours, and have not returned since. Benites pointed to blankets that were under the stairway of 519 1/2 West Street, and advised when he saw Kuick and his father with the dog, the dog was lying in the blankets. I asked Benites to contact MNSO Dispatch when they returned. I asked Benites if he would provide a written statement, which he agreed to. Benites' statement is attached to this report.

Officer Buchkoski and I walked over to 519 West Street, and I did observe blood on the steps leading up to the apartment. I walked up to the entrance to the apartment, knocked on the door and did not receive an answer. There was a toy or possibly dog sweater lying over the balcony railing near the front door, which had holes in it and blood stains.

I took photographs of the item, and collected it as evidence. Officer Buchkoski then took photographs of the blankets under the stairway, and I separated them for further photos. There was blood on all of the blankets. Officer Buchkoski and I checked the backyard where the tie out was for the dog. I did observe blood on the east side of the garage, and photographs were taken of this.

Officer Buchkoski made contact with the neighbors at 523 West Street to see if they saw or heard anything on 06/04/12, and they said no.

At 1749 hours, Benites contacted MNSO Dispatch and advised them that Janas and Kuick had returned home. At approximately 1945 hours, Lieutenant Heindel and I responded to 519 1/2 West Street, to make contact with Kuick and Janas. Upon our arrival, Kuick was walking down the steps, and stopped to speak with us. Kuick asked me if his mother had called, and I told him she had not. I asked Kuick to explain what happened to his dog on 06/04/12.

Kuick said he left his apartment with his father around 0900 hours, and returned at approximately 1400 hours. Kuick advised when he returned to his apartment, he found his dog lying at the top of the stairs dead, surrounded by a pool of blood. Kuick said his dog had a laceration on its leg, and a small one on its chest. Kuick explained that for the past week, his dog has been very ill and has been puking up blood.

I asked Kuick if Janas told him what happened. Kuick said Janas told him the dog had defecated on the kitchen floor, so she had put his dog out on its tie out and went back into the apartment. Kuick said she heard his dog yelping and came out to see what was wrong, and noticed it was bleeding from the leg. Kuick advised Janas said she walked the dog up to the balcony, and left it to lie down. Kuick said she was the last she checked on it.

I explained to Kuick what Rockman and Benites told me, and he said he was already aware of that. Kuick said he does not believe that Janas would hurt his dog. Kuick brought me to an area in the back yard where the weeds were over grown, but the dog's leash could reach. Kuick pushed some of the weeds aside, and there were rocks

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inside and one had a spot of blood on it. Inside the weeds was also a metal guard used to protect plants, that was resting on its side. Kuick said his dog liked to chase rabbits, and he believed his dog had ran into the weeds chasing something, and possibly ran into the sharp end of the guard and poked itself. Kuick was emotional while we had contact with him.

I asked Kuick if he could get Janas, so we could speak with her. Kuick went upstairs and Janas came out of the door, and said she needed to go back inside because she had the flu and was going to vomit. A few minutes later, Janas exited the apartment and asked what was going on.

I asked Janas if she could explain what happened with Kuick's dog on 06/04/12. Janas said Kuick's dog had defecated on the kitchen floor, so she brought it outside and put it on its tie out. Janas advised she went back into the apartment, and approximately 30 minutes later heard the dog yelping. Janas said she went outside to check on the dog, and noticed there was a laceration on the dogs leg. Janas advised she walked the dog up the steps, and tried to clean the wound off and gave the dog treats. Janas said she left the dog on the balcony area, and didn't know anything was wrong until Kuick returned home.

I asked Janas if she struck the dog when she was outside near it, and she said no. I explained to Janas what Rockman and Benites had told me, and she said she had been yelling at the dog inside the apartment due to it defecating inside. Janas said she never took the leash and struck the dog. Janas explained that when she went to attach the leash to the dogs collar, the dog rolled on its back and was clawing at her. Janas said she was bitten on the hand by the dog while putting the leash on, but she didn't strike it. Janas had two small red marks on her fingers, where she said the dog bit her.

I asked Kuick what happened to the dog, and he said he took it to the VCA clinic on N 6th Street. Kuick said the vet examined his animal, and told him she didn't suspect anything. Kuick advised his dog was to be sent out to be cremated. Kuick said his dog's name was Mary, she was a German Shepherd/Lab Mix and was 4 1/2 years old.

Kuick again explained that the dog had been sick for the past week, and had been vomiting blood. Kuick pointed to a pile of oval shaped pills that appeared to be blue in color, near his neighbors steps. Kuick said his dog had thrown up those pills approximately one week ago, and he was unsure what they were. I did collect one of the pills.

Lieutenant Heindel and I made contact with Janas again. We told Janas that we believed something else happened with the dog, and that she wasn't being truthful. I told Janas I had planned on collecting Kuick's dog as evidence, and if it was learned the dog was poisoned or stabbed, she would be taken into custody. Janas continued to deny any involvement with the dog's death, but openly admitted that she hated dogs due to have being bit by two of them. At this point we ended our contact with Kuick and Janas.

I attempted contact with the VCA clinic, but received their voicemail. I left a message explaining that we are investigating the death of Kuick's dog, and that if they still had the dog to hold it.

I responded back to the police department, and placed the dog toy and pill into temporary evidence locker #4.

A copy of this report should be forwarded to the Humane Society, due to possibly needing their assistance if the dog is still at VCA.

Narrative

On 06/12/12 at 1530 hours, I responded to VCA Companion Care Animal Hospital, 1501 N 6th Street, to speak with a veterinarian, regarding this incident.

Upon my arrival, I made contact with Lisa A. Koch, (), a veterinarian with VCA. I advised Koch I was investigating this incident, and asked if she had any information. Koch said that on 06/06/12, they did receive my voicemail requesting Mary's body be saved if possible. Koch advised they called the facility that does the cremating, and they were too late and Mary had already been cremated.

Koch explained that she was not the doctor that examined Mary when she was brought in, but she was familiar with the case and did look at her that day. Koch retrieved Mary's chart, and advised she needed to contact Kuick and get his permission to release any information. A short time later, Koch returned and advised Kuick said she could release any information.

Koch went through the chart with me, and advised Mary had three lacerations on her body. Koch said Mary had an irregular laceration on her left hip, which was 3 cm wide and was 3-4 cm deep. Koch advised there was another cut on the left side of Mary's chest, which was 3 cm wide, and 2-3 cm deep. Koch said there was also a irregular laceration on the left side of Mary's throat. Koch provided me with photographs of Mary that were taken the day she was brought in.

Koch explained that Mary's mucus membranes were white, which is very unusual if a dog just died. Koch said this typically means the dog was bleeding internally, which can be caused by the dog being poisoned, or having

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heartworm or tick disease. Koch advised they did test Mary's blood, and it came out negative for having the heartworm or tick disease. Koch said Kuick and his father, did not wish to pay for further testing, so it is unknown if Mary was poisoned.

Koch said they were unable to determine if foul play was involved, but felt the wounds on Mary's body were from a knife. Koch advised that Kuick had said the wounds on Mary's body were from running into a metal plant guard. Koch explained that the only way this was possible, was if the dog ran into the metal spike at over 40 mph. Koch said the metal points on the plant guards are small, and if the dog ran into it, it would deflect off the dogs chest and bend.

Koch also mentioned that on 04/11/12, Mary was brought into their clinic by a citizen. Koch said Mary was found wandering in the street, dragging her leash and bleeding from her head. Koch advised she treated Mary for a puncture wound on the top of her head, and a large laceration under her nose. Koch said they were able to get a hold of Kuick, and he responded to pick Mary up. Koch advised Kuick told him that the wound on top of Mary's head was a week old, and a television had fallen on her head. Kuick told Koch that there was peanut butter on top of the television, and Mary was attempting to get it and knocked the television down and onto her head. Koch advised the laceration under Mary's nose they believed was from her attempting to escape under a fence. Koch said when she examined Mary that day, she also had hard bruises on her spine, near her mid-back.

I provided Koch with the pill I had found outside of Kuick's apartment. I explained to Koch that Kuick said Mary had vomited the pills, and I was suspicious of what it was. Koch said it was not rat poison, because that did not come in pill form. Koch advised it was not an animal pill, and thought it was something a human would consume.

At approximately 1730 hours, Officer Pierschalla and I responded to 519 1/2 West Street, to make contact with Kuick and Janas. Their vehicle was in the driveway, but they would not come to the door. I attempted contact via telephone with Kuick and Janas, but there was no answer. I left a message on their cell phone requesting they call me back, and I also left a business card in their doorway.

On 06/16/12, I still had not heard back from Janas or Kuick. At approximately 1505 hours, Officer Lee and I responded to their residence. I attempted contact and there was no answer. Their vehicle was in the driveway.

At approximately 2020 hours, Officer Lee and I responded back to Kuick and Janas' residence, and attempted contact again. There was no answer at the door.

On 06/17/12 at approximately 1545 hours, I responded to Kuick and Janas' residence, and attempted contact. There was no answer at the door.

At approximately 2010 hours, Officer Pierschalla and I attempted contact at the residence, and there was no answer.

I made contact with Benites, and he advised they will no longer answer the door for me. Benites said when I attempted contact on 06/16/12, Janas and Kuick were home, and they had just returned home prior to my arrival. Benites advised since this incident occurred, Janas and Kuick are outside very rarely, and it is only to get in and out of their vehicle. Benites also said that Kuick had come to his residence earlier in the week, and asked for \$40.00. Benites said Kuick told him that he needed the money to get away from Janas, because she had slit his dogs throat. Benites advised he gave Kuick the money, and then found out from Rockman that Kuick and Janas were possibly doing drugs, because there were syringe needles all over in the garbage bins. Benites said after he learned this, Kuick came over to his house to borrow a ladder, due to locking himself out of the apartment. Benites advised he told Kuick to get off his property, and never come back. Benites said he hasn't seen him since that time.

I removed the items from temporary locker #4, and placed them into permanent locker #16.

This case is inactive, due to not being able to get in touch with Janas.

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On 10/18/12 at 1030 hours, I received an e-mail from Steven's father, Joseph J. Kuick, regarding this incident.

Joseph advised Steven and Sean were living in his friend's vacant residence in Milwaukee, without anyone's knowledge and both were recently arrested. Joseph said they were clearing out Steven and Sean's property on 10/17/12, and came across Sean's diary. Joseph advised Sean had detailed admissions in her diary about poisoning Steven's dog, Mary.

Joseph said they have Sean's diary, and had also attached a scanned copy of one of the pages. Joseph advised Sean had court today at 1400 hours at the Marathon County Courthouse for a different matter, so she would be in the city.

I requested Joseph mail Sean's diary to the Wausau Police Department to my attention, and he said he would do this on 10/19/12.

I printed the attached forms in the e-mail of the scanned copies of Sean's diary. The first page of the diary has typed: "This journal belongs to: " Written in the space below it is "Sean Janas & no one else".

The second scanned page appears to be from a journal entry marked "May 26th 9:15 p.m." Sean writes about possible drug use and then begins to write about Mary: "I hate his dumb fucking dog she keeps throwing up all over my floor everyday & it's getting on my nerves." There was another sentence that was written, and scribbled out, which read "I need to find a way to kill her without it looking like I killed her. I've done lots" The entry then continued "of things already. I've given her drano, bleach & a lot of pain pills lol one night she got all tweaked out because of it, it was so funny. I beat the living shit out of her a few days ago & shes got a huge like sack on her head & she won't stop puking on everything. So imma give her more pills & hopefully that dumb bitch dies. Because Steve thinks she ate something outside & that's why shes sick.

Sean then writes about something drug related, and continues to write about Mary. "And this fucking dog man I'm going to loose my fucking mind. She's so fucking stupid. I just wanna beat her till she fucking dies. Which I mean I have beat her I mean. I tell you I don't care how long it takes I'm just gonna keep feeding her pills & shit till she croaks because shes already sick & we don't have any money to take her to the vet so hopefully she just dies so I don't have to ever see her dumb ass again. I have never hated an animal so much in my life, much less hate one or beat one. But the pleasure I get from watching her whimper in pain & cry out for help as I shove drano & bleach down her throat is like no other."

I made contact with MNSO Jail staff, and was advised Sean was released from MNSO Jail at 1500 hours. Sean provided her mother's address, Cynthia D. Janas, 720 N 5th Avenue, as her current address.

At 2030 hours, Officer Pierschalla and I responded to 720 N 5th Avenue, and made contact with Cynthia. I asked Cynthia if Sean was at the residence, and she said no, and advised she should be in jail. I told Cynthia Sean was released at 1500 hours. Cynthia was upset by this news, and said Sean needed help with her drug habit and thought she would get some assistance in Jail. Cynthia allowed us to enter the residence.

I asked Cynthia if Sean ever wrote in a journal or diary, and she said yes. Cynthia said Sean kept a journal, and would write in it when she was having dark feelings or thoughts. I showed Cynthia the front page of the journal and a portion of the second page that was provided to me, and asked her if that was Sean's handwriting. Cynthia immediately said yes, and stated "that's definitely her hand writing".

I asked Cynthia if she knew what happened to Steven's dog, and she said she was aware it died. I asked Cynthia if Sean ever mentioned what happened to the dog, and she said no. Cynthia said Mary was a very nice dog, and she had met her when she went to Steven and Sean's apartment for the first time on West Street. Cynthia advised she remembered Mary was missing some hair on the top of her head, and had a few stitches. Cynthia recalled Steven telling her Sean had taken a bottle and struck Mary over the head, which was why she needed stitches.

I asked Cynthia if she knew where Sean was, and she said no. Cynthia said there were not a lot of people that spoke with Sean anymore. I provided Cynthia with my information, and asked her to contact me or MNSO Dispatch if she located Sean.

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