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SUPPLEMENT TO UNIFORM TRAFFIC CITATION P5900020

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

STATE OF WISCONSIN

**TRAFFIC  
CRIMINAL COMPLAINT**

-vs-

Kayla Mary Bower  
1322 N 14th Street  
Sheboygan, WI 53081  
DOB: 07/06/1992  
Sex/Race: F/H

DA Case No.: 2011SB002752  
Assigned DA/ADA: James A Haasch  
Agency Case No.: C11-07677  
Court Case No.: 2011

Defendant,

Kristine Thurs, Sheboygan Police Department, being first duly sworn on oath deposes and says on information and belief:

**Count 1: HIT AND RUN - GREAT BODILY HARM**

The above-named defendant on Saturday, August 06, 2011, in the City of Sheboygan, Sheboygan County, Wisconsin, did operate a motor vehicle involved in an accident with an attended vehicle resulting in great bodily harm to a person and failed to remain at the scene of the accident until the operator fulfilled the following requirements, to-wit: give her or her name, address, and the registration number of the vehicle she or she is driving to the person struck or to the operator or occupant of or person attending any vehicle collided with; and, upon request and if available, exhibit her or her operator's license to the person struck or to the operator or occupant of or person attending any vehicle collided with; and render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(c), 939.50(3)(e) Wis. Stats.

**Upon conviction for this offense, a Class E Felony, the defendant may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.**

**And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(i), the Department shall revoke the defendant's operating privilege for two (2) years.**

**Count 2: HIT AND RUN - INJURY**

The above-named defendant on Saturday, August 06, 2011, in the City of Sheboygan, Sheboygan County, Wisconsin, did operate a motor vehicle involved in an accident resulting in personal injury and failed to remain at the scene of the accident until she fulfilled the following requirements, to-wit: give her name, address, and the registration of the vehicle she was operating to the person struck and/or render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person, contrary to sec. 346.67(1), 346.74(5)(b) and 346.74(5)(e) Wis. Stats.

**Upon conviction for this offense, a Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000) or imprisoned for not more than nine (9) months or both.**

**Count 3: HIT AND RUN - RESULTING IN DEATH**

The above-named defendant on Saturday, August 06, 2011, in the City of Sheboygan, Sheboygan County, Wisconsin, being the operator of a vehicle involved in an accident resulting in death to Barbara J Janke, did fail to immediately stop her own vehicle at the scene of said accident, or as close thereto as possible, and failed to remain at the scene of said accident until she fulfilled the following requirements, to-wit: provide name, address and the registration number of the vehicle she is driving to the person struck or to the operator or occupant of or person attending any vehicle collided with; upon request and if available, exhibit her operator's license to the person struck or to the operator or occupant of or person attending any vehicle collided with; or render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person, contrary to sec. 346.67(1) and 346.74(5)(d), 939.50(3)(d) Wis. Stats.

**Upon conviction for this offense, a Class D Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.**

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**And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(j), the Department shall revoke the defendant's operating privilege for five (5) years.**

**Count 4: INJURY BY INTOXICATED USE OF A VEHICLE**

The above-named defendant on Saturday, August 06, 2011, in the City of Sheboygan, Sheboygan County, Wisconsin, did cause great bodily harm to Marisa C Mallmann, by the operation of a vehicle while under the influence of an intoxicant, contrary to sec. 940.25(1)(a), 939.50(3)(f) Wis. Stats.

**Upon conviction for this offense, a Class F Felony, the defendant 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 the Department shall revoke the defendant's operating privilege for two (2) years.**

**Count 5: OPERATING WHILE INTOXICATED CAUSING INJURY - 1ST OFFENSE, PAC < 0.15**

The above-named defendant on Saturday, August 06, 2011, in the City of Sheboygan, Sheboygan County, Wisconsin, did cause injury to Katrina N Lulow by the operation of a vehicle while under the influence of an intoxicant, contrary to sec. 346.63(2)(a)1, 346.65(3m) Wis. Stats.

**Upon conviction for this offense, a Misdemeanor, the defendant shall be fined not less than Three Hundred Dollars (\$300) nor more than Two Thousand Dollars (\$2,000), and may be imprisoned for not less than thirty (30) days nor more than one (1) year in the county jail.**

**And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(e), upon conviction, the department shall revoke the defendant's operating privilege for not less than one (1) year nor more than two (2) years. In addition, the defendant will be required to undertake an alcohol and drug abuse assessment, and follow through with treatment recommendations as a condition of reinstatement.**

**Count 6: HOMICIDE BY INTOXICATED USE OF A VEHICLE**

The above-named defendant on Saturday, August 06, 2011, in the City of Sheboygan, Sheboygan County, Wisconsin, did cause the death of Barbara J Janke, by the operation of a vehicle while under the influence of an intoxicant, contrary to sec. 940.09(1)(a), 939.50(3)(d) Wis. Stats.

**Upon conviction for this offense, a Class D Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.**

**And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(c), upon conviction, the department shall revoke the defendant's operating privilege for five (5) years.**

The basis of complainant's charge of such offense is: Official reports prepared by Officers Jonathan Smith, Ryan Schmitt, Charlet Endsley, and Brent Vreeke, of the Sheboygan Police Department, which reports indicate that on August 6, 2011, at approximately 11:30 p.m. Officer Smith was dispatched to St. Nicholas Hospital, in the City of Sheboygan, County of Sheboygan, State of Wisconsin, in reference to a hit and run accident where two of the victims were being sent.

Upon arrival at the hospital a woman, who was identified as Barbara J. Janke, d.o.b. 09/19/50, was brought to the hospital and placed in an emergency room. Officer Smith was unable to question her as she was not responsive, had severe facial lacerations and the officer could see that her clothes were soaked in blood. Officer Smith could also see scrapes and cuts up and down her legs and in speaking with one of the emergency medical services personnel that were on scene they said it appeared as if she had suffered some brain damage and also possibly internal injuries because it was difficult to try to use a breathing bag on her as it did not seem as if her lungs wanted to fill up. Medical staff were struggling to intubate her.

Officer Smith then made contact with a younger female alleged victim, who was identified as Katrina Lulow. Officer Smith went into an emergency room that she was brought into and started questioning her about what had happened. Officer Smith knew from hearing over the radio that three individuals were struck down by Kiwanis Park by a blue Dodge Neon and that one of the people was

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crushed underneath the car at one point. Officer Smith knew from radio transmissions that the vehicle then fled the scene of Kiwanis Park, which is located in the City of Sheboygan, County of Sheboygan, State of Wisconsin. Officer Smith tried to question Katrina about the events to see if she could give officers any information or a better description of the vehicle or the driver and she indicated that she did not remember anything. She did not know why she was in the hospital and did not recall ever being hit by a car. The only thing she recalled was earlier in the day her dad had brought her to Brat Days but she doesn't remember anything after that.

Officer Smith then discovered from medical personnel that Katrina Lulow must have hit her head because she had a fairly large cut on the back of her head and had some other bumps and scrapes on her body and a possible broken leg. Officer Smith also reports that she was approximately five months pregnant.

At that particular point Katrina's dad, Mark A. Lulow, then entered the room and in asking Mark Lulow if he knew who Katrina was with that day he stated that earlier in the day he did bring her to Brat Days. She later was going to meet up with a friend of hers that he thinks is named Marissa and Marissa's mother, identified as Barbara. Officer Smith then went and asked Katrina again if she recalled who she was with down at Brat Days and she stated that she remembered that her dad brought her there but other than that she did not remember with whom she was during the day. During the time that the officer was with Katrina she kept asking the same questions over and over again. She would ask if her unborn child was okay, where was she, did she get hit by a car, and similar questions. Katrina Lulow was unable to give any further information.

Officer Smith was later advised by medical staff that the female who was in critical condition was unable to speak, and was in fact Barbara J. Janke. Officer Smith went to Barbara's room to attempt to collect her clothes for evidence but she was already put on a Flight for Life to St. Vincent Hospital in Green Bay.

Officer Smith then took several items as evidence and made a trip to the Sheboygan Police Department and then went back to St. Nicholas Hospital to collect Barbara Janke's clothes. Once the officer arrived back at St. Nicholas Hospital the officer saw that hospital personnel had done as he requested and each article of clothing was placed into a separate paper bag and stapled shut. While he was there he spoke with a nurse who had spoken with doctors at St.

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Vincent Hospital about Barbara Janke's condition. They were informed that it appears that she had some severe head trauma and severe spleen trauma. Doctors also advised that she had stomach trauma, a broken leg and opposite knee that was broken, both of her shoulders were broken and she had several broken ribs on both sides of her chest. The surgery that she would have to undergo would be very long and extensive and if she did live doctors advised that she would have to go through multiple surgeries after that today.

Officer Smith then was able to proceed to an address on South 22nd Street to speak with two witnesses of the crash and upon arrival made contact with Kathryn Hoffmann and Douglas L. Hoffmann, who advised that they were only a few cars back from where the accident had occurred. Kathryn indicated that they were a couple of cars back heading northbound on 17th Street by Kiwanis Park, in the City of Sheboygan, County of Sheboygan, State of Wisconsin, and they were stopped in traffic. She then saw a vehicle which appeared to be moving very fast coming southbound on 17th Street with no headlights on. The next thing she knew she saw one body wearing a white top flying over the passenger side of the offending vehicle and another person flying over the driver's side of the vehicle. She said the vehicle never slowed down.

As it passed she saw that it was a compact dark blue car and she thought maybe it could be a Dodge but wasn't sure. As it drove down the hill the car still had its headlights off and she never saw the car's headlights come on.

Douglas said he wasn't really paying attention when suddenly his wife got his attention by screaming something and he looked up and saw a compact blue car with no headlights passing by their car at a high rate of speed. Douglas thought that it was best that they just go home and call the police when they got home because they saw a massive crowd gathering around the victims and they wanted to get out of the way when medical staff and police arrived.

Said reports of Officer Endsley indicated that on August 6, 2011, a little after 11:00 p.m. she heard officers being dispatched to the area of 17th and Niagara Avenue in reference to a hit and run accident. Dispatch advised that witnesses said that a blue vehicle with severe windshield damage fled the scene and was last seen going southbound on 17th Street towards New Jersey Avenue, in the City of Sheboygan, County of Sheboygan, State of Wisconsin. Officer Endsley headed towards the area looking for the vehicle and while enroute dispatched provided a plate of 341PSH on a blue 2003 Dodge Neon,

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4-door, registered to Eva Shaw. Officer Endsley heard Officer Schmitt responding to Ms. Shaw's residence so Officer Endsley continued to New Jersey Avenue near Kiwanis Park and began checking parking lots in the area for the vehicle.

Officers eventually located the vehicle parked on the south side of Austin Foundry in the 800 block of Wildwood Avenue. Officers Kunding and Endsley examined the exterior of the vehicle and noticed that there were two distinct impacts on the windshield and the windshield was pushed in towards the interior of the vehicle and there was a smaller dent on the front passenger side hood. Officers also noted that within the shattered glass of the windshield on the passenger side there were fragments of skin and hair and on the driver's side of the vehicle officers observed hair on the front windshield as well as the driver's side window. Officers assisted Officer Kunding in collecting evidence from outside and inside the vehicle.

Said reports of Officer Vreeke then indicate that on August 6, 2011, at approximately 11:03 p.m. Officer Vreeke overhead officers being sent to the area of 17th and Niagara, in the City of Sheboygan, County of Sheboygan, State of Wisconsin, reference a hit and run personal injury accident. At that time the officer remained south of the location and attempted to locate the vehicle, which was described as a blue Neon with a broken windshield.

Several minutes later Officer Vreeke was sent to Sheboygan Memorial Medical Center to make contact with one of the three victims and upon arrival at Sheboygan Memorial Medical Center made contact with a victim identified as Marissa Mallmann. Marissa was being treated for an upper right arm injury by a nurse and the officer observed several lacerations on her right arm, elbow and bicep area. In speaking with Marissa she stated that she and her mother, who was identified as Barbara Janke and her friend, later identified as Katrina Lulow were leaving Kiwanis Park that evening. While crossing 17th Street Marissa stated that the three subjects had been struck by a car that had been traveling southbound on 17th Street. Officers did ask Marissa if she had any details on the vehicle and she stated that she did not.

Marissa stated that she did look across the street several times before attempting to cross the street in the cross walk. While looking several times she did not see any vehicles approaching where she had attempted to cross and advised that she did remember being struck by a car type vehicle on the right portion of her body.

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Marissa stated that she did not see the vehicle but remembered hearing somebody saying it was a blue Neon.

Marissa stated that she could not believe that somebody could hit three people with their vehicle and speed away.

Finally, the reports of Officer Schmitt indicate that on August 6, 2011, Officer Schmitt overheard officers being dispatched to an injury accident in the area of 17th and Niagara Avenue, in the City of Sheboygan, County of Sheboygan, State of Wisconsin. Officer Schmitt was keeping himself updated via the radio with updates coming from officers on the scene and eventually there was information given out that there was a blue small vehicle involved with a license plate of 341PSH on a 2003 Dodge Neon.

Said reports indicate that a home address was given out for this vehicle of 1322 North 14th Street. Officer Schmitt was able to proceed to that location and as he was in the alley he saw a female step outside and the female was later identified as Eva Shaw. The officer could see that she was on a cordless phone and that she was yelling into the phone. Officer Schmitt overheard Eva Shaw yelling that a person identified as Kayla, later identified as the defendant Kayla Bower, needed to tell her where she was. Officer Schmitt recognized Kayla as a name being associated with the vehicle plate of 341PSH.

Officer Schmitt approached Ms. Shaw asking if she was on the phone with Kayla and she confirmed that she was, stating that her daughter Kayla M. Bower was somewhere in the area of Brat Days and that something bad had happened.

While waiting on scene Officer Schmitt spoke with Ms. Shaw further about what had happened. She explained she had gone for a walk with her dog and upon returning she found that her vehicle was no longer there. She attempted to call Kayla and was unable to get a hold of her and just recently received a frantic phone call from Kayla stating that she had been involved in an accident and that she was in trouble.

Officer Schmitt remained on the scene and a short time later asked Ms. Shaw if they could go into the residence to escape the rain. While inside the residence and in speaking with Ms. Shaw the front door opened and the defendant, Ms. Bower came in. Kayla Bower was visibly upset, crying and appeared to have clothes that were wet. She was wearing a white t-shirt that had dirt marks on the lower



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abdomen area on the left as well as blue jeans that appeared to be wet. She had a back pack with her as well as what appeared to be a blue and yellow baseball cap which she sat down on the couch. Kayla was upset, crying and at times was whimpering and appeared not to be able to talk.

Officer Schmitt asked Kayla to provide an initial statement of what had happened, indicating to her that he needed to find out what exactly had happened. She indicated that she had gone to the Brat Days parade when she was driving the vehicle by herself and when she left she was driving southbound on 17th Street when she struck people. She indicated she was unsure exactly if she had struck people but that she was driving, looked to her left and to her right then heard a loud noise and the windshield cracking. She indicated that she was frightened and drove off because she was unsure what to do. She then proceeded southbound on South 17th Street before turning around, cutting through Wildwood Cemetery and abandoning her vehicle somewhere near PJ's Party Zone skate park, in the City of Sheboygan, County of Sheboygan, State of Wisconsin, and then ran home in the rain. Officer Schmitt indicates that the defendant was then placed under arrest for hit and run causing injury and was transported to Sheboygan Memorial Medical Center to have a legal blood draw.

While enroute to the hospital the defendant asked where they were going and it was explained that they were enroute to the hospital for a legal blood draw. After explaining the Implied Consent law she started to cry and then made a comment that she had been drinking beer at which point the officer was able to notice a slight odor of intoxicants while on the way. Once at the hospital the officer placed her in an examination room and eventually had the phlebotomist respond. The officer then read Kayla the Informing the Accused form and she stated that she would provide a blood sample. While she was having her blood drawn she made the comment to the phlebotomist that "you're going to see a lot of marijuana, I smoke a lot of pot", referring to the blood that was taken and the test results from it.

Once blood was obtained the officer transported Kayla back to police headquarters where he had her sit in an interview room. Officer Schmitt explained to Kayla that she was in custody and read her a Miranda Warning and Waiver form to her and she consented to speak with the officer. The officer asked her to explain what had happened and she provided a verbal account, stating that she was at her residence and left with a group of friends whom she refused to

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name and had driven around town. She described drinking three Keystone beers and then returning to her residence a short time later. Once she was at her residence she walked to a friend's house before again returning to her residence and then retrieved the key of the vehicle and proceeded to go down to the Brat Days festival.

She described being down at the Brat Days festival for approximately two hours and parking the vehicle on a dead-end street just to the side of the park. In walking around the festival grounds she described meeting up with a friend who had the first name of Alicia and walked with Alicia for a period of time before separating ways and returning to her vehicle. Kayla stated that she did a u-turn with the vehicle heading back again to 17th Street before turning southbound. She described leaving the area with a full rain fall and traveling approximately 20 mph. She stated that she looked to each side and before she knew it the front windshield was broken and she had struck someone. She was unsure what to do and concerned with the fact that she was a suspended driver and had been drinking and proceeded to leave the area. Once she left the area she was unsure what to do and proceeded back through the cemetery before parking the vehicle next to the skate park and then proceeded home on foot. Kayla indicated that while at Brat Days she did not consume any intoxicants but walked around before meeting up with her friend Alicia.

Complainant indicates that she received information from Lt. Michael Williams that medical personnel from the St. Vincent Medical Facility in Green Bay informed him that on August 8, 2011, the victim identified as Barbara Janke was brain dead and that subsequently she passed.

Subscribed and sworn to before me  
this 9th day of August, 2011  
and approved for filing on:

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Assistant District Attorney  
Sheboygan County, Wisconsin

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Complainant