

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

STATE OF WISCONSIN

CRIMINAL COMPLAINT

-VS-

Kou Yang
1814 N 10th Street
Sheboygan, WI 53081
DOB: 11/12/1990
Sex/Race: M/A
Alias:

DA Case No.: 2012SB000063
Assigned DA/ADA: Joel Urmanski
Agency Case No.: C12-00457
Court Case No.: 2012CF

Defendant.

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

Count 1: FIRST DEGREE RECKLESS HOMICIDE, REPEATER

The above-named defendant on Sunday, January 08, 2012, in the City of Sheboygan, Sheboygan County, Wisconsin, did recklessly cause the death of Pheng Lee, under circumstances which show utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 939.62(1)(c) Wis. Stats.

Upon conviction for this offense, **a Class B Felony, the defendant may be sentenced to a term of imprisonment not to exceed sixty (60) years.**

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., **because the defendant is a repeater**, having been convicted of at least 1 felony during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, **the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.**

Count 2: FIRST DEGREE RECKLESS INJURY, REPEATER

The above-named defendant on Sunday, January 08, 2012, in the City of Sheboygan, Sheboygan County, Wisconsin, did recklessly cause great bodily harm to Cheng Lung Moua, under circumstances which show utter disregard for human life, contrary to sec. 940.23(1)(a), 939.50(3)(d), 939.62(1)(c) 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 further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., **because the defendant is a repeater**, having been convicted of at least 1 felony during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, **the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.**

Count 3: POSSESSION OF A FIREARM BY A FELON, REPEATER

The above-named defendant on Sunday, January 08, 2012, in the City of Sheboygan, Sheboygan County, Wisconsin, did possess a firearm subsequent to the conviction for the felony, contrary to sec. 941.29(2)(a), 939.50(3)(g), 939.62(1)(c) Wis. Stats.

Upon conviction for this offense, **a Class G Felony, the defendant 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)(c) Wis. Stats., **because the defendant is a repeater**, having been convicted of at least 1 felony during the five year period immediately preceding the commission of this offense, which conviction(s) remain of record and unreversed, **the maximum term of imprisonment for the underlying crime may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 6 years if the prior conviction was for a felony.**

The basis of complainant's charge of such offense is: Official reports prepared by Officer Joel Hendrikse and Detectives Cameron Stewart, Joel Clark and Matthew Walsh, all of the Sheboygan Police Department, which reports indicate that on January 8, 2012 at approximately 12:33 a.m., officers were dispatched to the Wal-Mart store located at 3711 South Taylor Drive, in the City of Sheboygan, County of Sheboygan, State of Wisconsin, regarding a weapons complaint.

Upon Officer Hendrikse's arrival, he observed a group of individuals in the west parking lot gathering around a person laying on the ground who was later identified as Pheng Lee, d.o.b. 03/18/91.

Officer Hendrikse walked into the store, observing a subject in a wheelchair, identified as Chenglung Moua, d.o.b. 08/23/90. Chenglung had his mouth covered with several paper towels and was bleeding from his mouth area. He had what appeared to have been two wounds to his cheek, later determined to be entrance and exit wounds from a bullet. Officers later learned that Chenglung was also shot in the leg area. He was transported from the scene to a local hospital for treatment.

Officer Hendrikse followed Chenglung to the hospital. While emergency room personnel were attending Chenglung, Officer Hendrikse tried to gain some information from him as to who shot him. Through a muffled voice, Chenglung advised that Kou Yang, later identified by officers as Kou Yang, d.o.b. 11/12/90, was the one who shot him. He described Kou as having a black pistol and shooting him two times while in the Wal-Mart parking lot. Chenglung indicated that he was approximately six to eight feet away from Kou when Kou shot him.

Chenglung was later transported to Froedtert Hospital. Officer Hendrikse made contact with several staff members at Froedtert Hospital, who advised that Chenglung was in the process of surgery to reconstruct his jaw. Officers later found several teeth at the scene and it was determined that Cheng had a bullet travel through his cheek, knocking out several of his teeth.

Detective Clark made contact with Shawn Lamb, a Loss Prevention employee at the Wal-Mart at 3711 South Taylor Drive. Lamb provided officers a copy of the store video surveillance showing the inside of the store, as well as the shooting that occurred in the parking lot. While watching the video, Detective Clark was able to see Chenglung checking out at a register with his wife and two children. Behind him in line was Kou; Kou's wife, Cha Xiong; and a third party later identified by officers as Peter G.C., d.o.b. 09/07/95. As Chenglung was checking out at the register, he was clearly seen on his phone. Officer's later learned that he was calling his brother, Kurt Moua, asking Kurt to come to the Wal-Mart just in case there was trouble. Chenglung was observed in the video leaving the store with one of his children with his wife and other child following shortly thereafter. All four went to Chenglung's vehicle in the parking lot. Video showed Kou, Cha, and Peter made purchases and then left the store, proceeding to their vehicle in the parking lot.

Video surveillance of the parking lot showed that after Chenglung, his wife and two kids finished putting items inside of their vehicle, a Mitsubishi Gallant pulled into the parking lot, parking directly to the west of Chenglung's vehicle. It was later determined that Pheng Lee was the driver of the Mitsubishi Gallant

and two passengers inside were Kurt Moua, and A Yang. Pheng, Kurt and A exited the Gallant and made contact with Chenglung. The four walked across the parking lot towards Kou's vehicle. Kou, Cha, and Peter had been inside the vehicle when the group approached. Chenglung was the primary contact person and was seen in the video beginning to speak with Kou. Chenglung informed Detective Walsh that he made contact with Kou to tell him to leave him alone. Kou was observed on video surveillance exiting his vehicle and talking to the group. Shortly thereafter, the video showed Pheng, Chenglung, A, and Kurt begin to back away from Kou. After what appeared to have been a minute of conversing back and forth, Kou began to shoot a firearm. Chenglung appeared to have been shot and fell to the ground. It appeared that Kou then fired a second shot at Chenglung before turning the gun in the direction of Pheng Lee. The video showed reactions from Pheng, indicating that he had been shot, later falling as he was attempting to run away. Kou was observed entering his vehicle, backing out of a parking stall and traveling in a northerly direction away from the store.

Detective Walsh made contact with Kurt Moua. Kurt advised that he had been at a friend's residence near Sheridan Park when his brother, Chenglung, called him. Kurt advised that Chenglung told him that Kou Yang was at Wal-Mart. His brother then requested that he arrive at Wal-Mart just in case there was trouble. Kurt, A, and Pheng then traveled to Wal-Mart in a Mitsubishi Gallant.

Kurt described that upon arrival at Wal-Mart, Chenglung was coming out of the store. They pulled up and parked next to Chenglung, made contact with him and then went over and talked to Kou. Kurt described Chenglung as talking with Kou and shortly thereafter, at the beginning of the conversation, Kou pulled out a firearm and started firing. Kurt described Kou as having drawn his gun in about two to four seconds and started shooting approximately 20 seconds later. He stated that his brother was shot in the face and that he observed Pheng run for a short while and then collapse on the pavement. Kurt ran inside Wal-Mart to get help. When asked what Chenglung said upon making contact with Kou, Kurt advised that his brother asked, "What's up with you?" When asked if any of the parties that arrived at Wal-Mart had any weapons, Kurt stated no. When asked why he did not run when he observed Kou pull out the gun, Kurt stated that he did not want to run and face getting shot in the back. Kurt advised that he nor Pheng, Chenglung, or A had any weapons with them.

Detective Stewart made contact with Cha Xiong. When asked about her whereabouts during the shooting, Cha stated that she had gone to the store, describing the store as Wal-Mart. She advised that it was

she and Kou that went to the store, denying they had been with anyone else. She verified that she and Kou made purchases at the store and then walked out to their vehicle in the parking lot. When they went to their vehicle, she stated that five to six guys came and approached their vehicle while they were in the car. Kou exited and she heard Kou saying that he did not approach you in Wal-Mart because you were with your wife and kid. She stated there was a lot of yelling when the door was open and she basically ignored the situation and after the altercation, they went home. When asked to describe what occurred during the altercation, Cha advised that she really did not want to talk about it, as she did not like to live bad memories. When asked where the gun was located, Cha advised that she did not know where it is. Cha claimed to have heard no gunshots and did not see Kou in possession of a firearm. Cha verified that they took off rapidly from their parking spot. She advised there was no talk about a gun and that after they left Wal-Mart, they drove straight home. She also stated that when Kou got back into the vehicle, he made no statements as to being afraid of the individuals that approached the car and he made no mention of them having a gun, knife, bat, or anything that would hurt him.

On January 10, 2012, Detective Walsh made contact with Peter G.C. After initially denying that he had been at Wal-Mart during the time of the shooting, Peter stated that he had been picked up by Kou and Cha and that they went to Wal-Mart. When asked if he saw anyone that he knew inside Wal-Mart, Peter said no. When asked if anyone in his group saw anyone that they knew, Peter said that Kou saw someone. Peter said the guy that Kou knew was straight in front of them and identified the person as Chenglung. Peter went on to state that when he, Kou, and Cha left Wal-Mart, Chenglung had gone to his vehicle, which had been parked approximately two rows behind where their vehicle had been parked. Chenglung had the trunk open and was loading groceries. Peter saw another vehicle arrive and had been watching the other group. He described Kou as having his door open, bent over tying his shoe. Peter watched four guys walk over and confront Kou and then heard yelling. Peter advised that he heard Chenglung say, "Sup dog." Kou then got out of the car and Peter heard screaming. When asked what he heard, Peter said that he heard back and forth saying of what up, what are you gonna do. He then heard a gun go off. When asked who fired the gun, Peter stated that he did not know. When asked how many gunshots he heard, Kou stated five. Officers later located 5 casings of 9mm ammunition at the scene.

Peter stated that after the gunshots, Kou got back in the car and they drove off. Peter described them as driving into the country

and pulling over to the side of the road for Kou to pee into a ditch. Peter advised that he did not think Kou pulled over to pee. After returning to the vehicle, Kou asked Cha if they should go back to the house. It was agreed that they should go back to the home because the kids were home alone. He advised that they later returned to Sheboygan via Highway 42, passed the north side Wal-Mart, with Kou and Cha taking him to his residence.

Peter advised that he knew it was a bad situation at the Wal-Mart because Kou drove fast, seemed stressed, and was smoking cigarettes one right after another. When asked if Kou said anything about the other four individuals having a gun, knife, bat, or any type of weapon, Peter said no. Peter advised that he did see Cheng with a length of chain that had been wrapped around his hand and wrist. Officers report that they located within Chenglung's property was a dog leash. The leash was approximately three to four feet in length. The chain links were heart-shaped and each was approximately less than half the size of a penny. Chenglung informed Detective Walsh that he just bought the "puppy leash" and was going to take it to his cousin's house because the two of them raised dogs together.

On January 9, 2012, Detective Stewart was present as Forensic Pathologist Mark Witeck performed an autopsy of Pheng Lee. It was determined that Pheng was shot with a hemorrhagic wound track through the heart and right lung with massive a hemorrhage into the right chest cavity. The entrance of the bullet was to Pheng's left front chest, with an exit wound on the right side of his back. The wound trajectory was from front to back, left to right, and downward. The preliminary findings of cause of death was perforating gunshot wound of the chest.

Your complainant is informed by Assistant District Attorney Joel Urmanski that a review of records maintained on the CCAP System, which records the Sheboygan County District Attorney's Office relies on to accurately reflect court proceedings, indicate that Kou Yang, d.o.b. 11/12/90, has been convicted of the following felony offense within the preceding five years: Child Abuse - Recklessly Cause Harm, in violation of section 948.03(3)(c) of the Wisconsin Statutes, in Sheboygan County Case No. 2010CF9. CCAP records

reflect that plea and sentencing occurred in the case on March 26, 2010. Said felony conviction remains of record.

Subscribed and sworn to before me
this 12th day of January, 2012
and approved for filing:

Assistant District Attorney
Sheboygan County, Wisconsin

Complainant