

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

STATE OF WISCONSIN

**CRIMINAL COMPLAINT**

-VS-

Cody E Abraham  
2506 N 15th Street  
Sheboygan, WI 53081  
DOB: 03/09/1988  
Sex/Race: M/W

DA Case No.: 2013SB000526  
Assigned DA/ADA: Nathan F Haberman  
Agency Case No.: MEG13-570-1  
Court Case No.: 2013 CF

Defendant.

Sgt. Eugene Wielgosh, Sheboygan County Sheriff's Department, being first duly sworn on oath deposes and says on information and belief:

**Count 1: POSSESSION WITH INTENT TO DELIVER HEROIN (<=3G), POSSESSION WITH INTENT TO DELIVER/DISTRIBUTE A CONTROLLED SUBSTANCE ON OR NEAR A PARK**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, did possess with intent to deliver a controlled substance, to-wit: Heroin , in an amount of 3 grams or less, contrary to sec. 961.41(1m)(d)1, 939.50(3)(f), 961.49(1m)(b)1 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 further, invoking the provisions of sec. 961.49(1m)(b)1 Wis. Stats., because the above offense occurred within 1000 feet of a park, End Park, the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

**Count 2: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did

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intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

**Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.**

**Count 3: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

**Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.**

**Count 4: MAINTAINING A DRUG TRAFFICKING PLACE**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, did maintain a dwelling which is resorted to by persons using controlled substances in violation of chapter 961 Wis. Stats., contrary to sec. 961.42(1), 939.50(3)(i) Wis. Stats.

**Upon conviction for this offense, a Class I Felony, the defendant 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.**

**And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.**

**Count 5: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

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Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 6: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 7: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, did recklessly endanger the safety of DA, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 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.

**Count 8: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 9: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 10: FIRST DEGREE RECKLESSLY ENDANGERING SAFETY**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, did recklessly endanger the safety of XA, under circumstances which show utter disregard for human life, contrary to sec. 941.30(1), 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.

**Count 11: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 12: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

**Count 13: CHILD NEGLECT**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, being a person responsible for the welfare of a child, through his or her actions , did intentionally contribute to

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the neglect of a child, contrary to sec. 948.21(1)(a), 939.51(3)(a) Wis. Stats.

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

**Count 14: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

**Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.**

**Count 15: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

**Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.**

**Count 16: POSSESSION OF DRUG PARAPHERNALIA**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, did knowingly possess drug paraphernalia with the primary intent to use, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or a controlled substance analog in violation of law, contrary to sec. 961.573(1) Wis. Stats.

**Upon conviction for this offense, a Misdemeanor, the defendant may be fined not more than Five Hundred Dollars (\$500), or imprisoned for not more than thirty (30) days, or both.**

**And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.**

**Count 17: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

**Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.**

**Count 18: FELONY BAIL JUMPING**

The above-named defendant on Tuesday, February 12, 2013, Sheboygan County, Wisconsin, having been charged with a felony and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b), 939.50(3)(h) Wis. Stats.

**Upon conviction for this offense, a Class H Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.**

The basis of complainant's charge of such offense is: Official reports prepared by Investigator Justin Daniels of the Sheboygan County MEG Unit, which reports indicate that on February 12, 2013, members of the Sheboygan County MEG Unit did execute a search warrant on 2506 North 15th Street in the City of Sheboygan, County of Sheboygan, State of Wisconsin. Investigator Daniels took the lead investigation on this case and had advised that this was the residence of Cody E. Abraham, d.o.b. 03-09-88. Upon entering the residence officers did conduct a security sweep and at that point located several persons inside the residence.

Detective Dassler did act as the evidence technician in this case and logged the drugs that were located in the residence. Detective Dassler did search the northwest bedroom on the second floor which was identified as Nicholas J. Richter's, d.o.b. 07-09-89. Inside this room Detective Dassler located a hypodermic needle on top of a children's book located on the desk in the room. He also located on top of the desk a plastic baggie containing various pills. The pills included four orange pills which were identified as Adderall

containing amphetamine. Also located in that baggie were two peach colored round tablets which were identified as Methylphenidate, which commonly known as Ritalin, a stimulant. Also located in the same bag was one Alprazolam tablet, which is a Schedule IV substance. Also located in the desk in the middle drawer was a partial roll of aluminum foil.

On the night stand directly next to the bed was a glass marijuana pipe blue in color. On the floor of the north side of the doorway to the bedroom was a plastic baggie containing a green leafy matter which had the odor of marijuana. Detective Dassler did test this utilizing a NARCO II pouch test kit which returned a positive test result indicating the presence of THC. It did weigh later at .6 grams without packaging. When Nicholas Richter was removed from the scene he was searched by Officer Pacey of the Sheboygan Police Department who was assisting. Officer Pacey had located \$370.00 in U.S. currency from his pants pocket. Also located on the night stand directly next to the bed was a aluminum foil bundle which contained a brown, tan chunky substance. Utilizing a NARCO II pouch test kit it test positive for the presence of heroin. This did weigh .1 grams. There were also identifiers for Nicholas Richter located in the top dresser drawer.

Also in this same room was a safe that was mounted to the desk. Inside the safe was a plastic baggie corner tie off containing an off-white powder substance. It did weigh .3 grams without packaging. Detective Dassler did test this substance utilizing a NARCO pouch test which came back inconclusive.

Detective Dassler then also searched the southwest bedroom which was the bedroom identified as Cody Abraham's. Located in this room was a Fusion band digital that was silver in color found in a desk. On a nightstand Detective Dassler located brown, chunky substances which were found on a digital scale. This was later weighed at 1.3 grams without packaging. This did test positive for the presence of heroin utilizing a NARCO II pouch test kit, which was done by Detective Dassler. On the nightstand was a digital scale. It should be noted that there were two digital scales located in this room. Also located on the nightstand was a metal spoon with a dried cotton ball and charring on the spoon. There was a plastic baggie with white residue in it and two razor blades with residue on them. These were all located on top of the nightstand. On top of the nightstand was also five pink caplets which were in a cigarette cellophane wrapper. These were identified by Detective Dassler utilizing the Ident-A-Drug website as Dormin, an antihistamine. Your complainant is informed by Investigator Daniels of the Sheboygan County MEG Unit that Dormin is commonly used as a cutting

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agent with heroin in order to increase the quantity of heroin that a drug dealer would use to sell.

Also located in the bedroom on top of the nightstand was a brownish, tan powder which had been formed into lines on top of a mirror. This powder was scrapped into a bag. Detective Dassler was not able to obtain a measurable weight of this powder but did utilize a NARCO pouch test kit for the powder, which tested positive for the presence of heroin. Also white powder was located on the mirror on top of the nightstand with a pink caplet next to it. The pink caplet appeared to be open and a caplet Dormin which was broken open.

Also located in the room were identifiers for Cody Abraham. Located in the drawer of a dresser was multiple syringes, plastic baggie corner tie-offs, and small pieces of aluminum foil.

Detective Dassler made his way to the dining room area where he was directed by Lt. Williams of the MEG Unit, to a charred spoon that was wrapped in aluminum foil. This was located on top of a cabinet on the west wall.

Detective Dassler then made his way to the kitchen where he was directed by Officer McKay of the Sheboygan Police Department, to a plastic baggie on the floor next to the island in the kitchen containing a metal spoon, syringe, and book of matches. Also located in the kitchen were a spoon and syringe that were in a drawer on the north wall of the kitchen.

On the northeast bedroom of the second floor, which was identified according to Cody Abraham, as Jessica Mott's room. Investigator Wimmer pointed a pill bottle with Jessica's name on it. The prescription on the pill bottle was a brand of Vyvanse. Detective Dassler is aware through the Ident-A-Drug website that this is a Schedule II stimulant. However, there were no Vyvanse pills in the bottle. He did locate, however, several other pills including 2 1/2 tablets of Alprazolam, which is a Schedule IV drug. There was one green table of Alprazolam as well as two peach colored tablets of Xanax. Finally, there was three Suboxone Sublingual film. These are items that were in their original sealed packages. It should be noted that these were a version of Suboxone which is a Schedule III drug.

Investigator Daniels had conducted an investigation by listening to jail phone calls which prompted the execution of this search warrant. In listening to one of these phone calls he was able to observe the voice of Cody Abraham speaking to Mary Boreman



indicating that the day she went to jail he started to get help. The "getting help" was a reference to getting supplied with heroin from other people based on the context of the conversation. During that conversation Abraham further advises that he took 1/2 a Xanax that day and was "fucking jacked." He also stated that he was so high that Nick had to watch his kids.

Investigator Daniels did assist in the execution of the search warrant and when he did he did locate Nicholas Richter in the residence. He observed that Richter appeared to be under the influence of a drug. His pupils were very dilated and he was sweating profusely. He was even taken outside, during winter, and he continued to sweat profusely.

While at the residence, Investigator Daniels did interview Cody Abraham. Cody stated that Ariel Garbisch, d.o.b. 05-15-91, who was also located inside the residence, had arrived there to purchase heroin from Richter.

Investigator Wimmer of the Sheboygan County MEG Unit also did assist in the execution of the search warrant. As Investigator Wimmer and other members of law enforcement were approaching the residence they did observe Ariel Garbisch walk up the front steps. They did allow her to enter the residence and upon doing so officers then entered the residence pursuant to the search warrant. She was taken into custody. While clearing the residence Investigator Wimmer did observe that there were several issues with the home. He observed that there two small children within the residence identified by the initials of X.A., d.o.b. 06-25-08 and D.A., d.o.b. 11-26-11, who were Cody Abraham's children he had in common with Mary Boreman. D.A. is a toddler and X.A. is a bit older. Both of these children, according to Investigator Wimmer, were able to walk on their own. They were able to crawl up onto chairs, couches and beds.

Investigator Wimmer is the Drug Endangered Children's Officer for the MEG Unit and noted that there were many dangers in the home for children. He ultimately contacted CPS to have them respond and investigate. In addition, he had recommended to the Housing Authority to have the house condemned. Investigator Wimmer notes that various individuals of law enforcement located various drugs and drug paraphernalia in the living room in a drawer that was on the first level. He observed also on the first level that the home was un-kept and there was garbage riding throughout the first level. The garbage piles according to Investigator Wimmer would pose a risk to small children running through the residence. He also observed that there was one bathroom in the residence which was unusable. The toilet was filled to the top with black sewage water and

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appeared to be unusable for a significant period of time. The kitchen area was cluttered. Movement around the kitchen was very difficult. There was rotting garbage and maggot infested food found in open view in the kitchen. Investigator Wimmer went to the basement area where there was a strong smell of urine. He observed that it appeared as if people had been using the basement area to urinate on the floor. There was a floor drain in the basement that appeared to be the main area for urinating. Investigator Wimmer was unable to locate anywhere in the home where occupants would be able to conduct a bowel movement. There were multiple bags of garbage and clothing in the basement area as well as an empty refrigerator with an overpowering odor emanating from it.

Investigator Wimmer did observe that there were three bedrooms in the residence. Bedroom one was identified as Cody and Mary's bedroom which according to X.A. is the room where he and his sister slept. Bedroom two belonged to Nicholas. Bedroom belonged to Jessica Mott and Thomas Parkman. In bedrooms one and two there was children's clothing, toys and children's sleeping bags. There was nothing in bedroom three that would indicate that children slept there.

In bedroom one, in Cody and Mary Boreman's bedroom, to the left of the bed was an end table. There was a large piece of broken glass on that table. On the glass were lines of heroin which were cut in preparation for snorting. There was also a scale with unpackaged heroin sitting upon it. There was also an open dresser drawer in the room approximately four feet from the floor. In that drawer were numerous items of syringes, some of which were uncapped. Cody did acknowledge that this was his room and that his children some time sleep in the room with him or they will sleep in the room adjacent with Nick. The crib that was in the bedroom was overflowing with clothes and children's toys and other miscellaneous items and therefore was unusable.

In room two, which was identified as Nicholas Richter's room, there was a nightstand that was approximately three feet from the floor. On it was heroin. Also located on the dresser sitting on top of children's book was a heroin needle and cap. There was marijuana located on the floor in this bedroom. Also located in bedroom three, Jessica Mott's room, there were prescription medications. Some of these were in containers with child protective covers although some were not. These would have all been easily reachable for small children.

Also located in the residence were multiple piles of dog feces. Some of these feces were in tact while some had been obviously

stepped in. Investigator Wimmer did observe on pile that had been stepped in by a small child's foot.

Investigator Wimmer also notes that they assisted in the execution of several other search warrants. Upon

Subscribed and sworn to before me  
this \_\_\_\_\_ day of February, 2013  
and approved for filing:

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Assistant District Attorney  
Sheboygan County, Wisconsin

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Complainant