

FILED

06-05-2023

Clerk of Circuit Court

Outagamie County

2023CF000556

**STATE OF WISCONSIN      CIRCUIT COURT      OUTAGAMIE COUNTY**

STATE OF WISCONSIN

Plaintiff,

vs.

LOLIHWAKAYU NMI HILL

W1225 Fish Creek Road

Oneida, WI 54115

DOB: 06/14/1987

Sex/Race: M/I

Eye Color: Brown

Hair Color: Black

Height: 6 ft 0 in

Weight: lbs

Alias: Also Known As Lolihwakayu

Hill

Defendant.

DA Case No.: 2023OU002223

Assigned DA/ADA: Julie M. DuQuaine

Agency Case No.: T23005778

Court Case No.:

ATN:

**CRIMINAL COMPLAINT***For Official Use*

The undersigned, being first duly sworn, states that:

**Count 1: NEGLECTING A CHILD - SPECIFIED HARM DID NOT OCCUR AND CHILD UNDER 6 YEARS OF AGE, REPEATER**

The above-named defendant on or about Sunday, June 4, 2023, in the Town of Oneida, Outagamie County, Wisconsin, being a person responsible for the welfare of a child, ONH, DOB 11/04/2021, through his failure to take action, for reasons other than poverty, did negligently fail to provide necessary care so as to seriously endanger the physical, mental, or emotional health of the child, and the natural and probable consequences of this violation would be harm under 948.21(3) par (a), (b), (c) or (d), Wis. Stats., although the harm did not actually occur, and the child had not attained the age of six years when the violation was committed, contrary to sec. 948.21(2) and (3)(e), 939.50(3)(i), 939.62(1)(b), 973.046(1r), 973.047(1f) 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.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of a felony, which conviction(s) remain of record and unreversed, the maximum term of imprisonment of more than one year but not more than 10 years may be increased by not more than 2 years if the prior convictions were for misdemeanors and by not more than 4 years if the prior conviction was for a felony.

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a

biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

**PROBABLE CAUSE:**

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is a sworn law enforcement officer and bases this Complaint upon the investigation of the officers named below, who are presumed truthful and reliable as sworn law enforcement officials.

Officer Woelfel of the Oneida Police Department reported that on June 4, 2023 he was on routine patrol on County Highway H, near the intersection with Fish Creek Rd. in the Town of Oneida, Outagamie County, WI. At about 1:45 p.m. he observed a very young child walking alone in the middle of County Trunk Highway H. The speed limit in that area on County Trunk H is 55 miles per hour. There was no adult presence near the child at the time.

Officer Woelfel stopped his squad car and was able to have the child come to him and Officer Woelfel secured the child from any further danger. Officer Woelfel then, while holding the hand of the child, had him walk to the driveway located at N6080 County Highway H. While Officer Woelfel was stopping and having his initial contact with the child he never heard anyone calling out for the child nor did he see anyone looking for the child.

After Officer Woelfel entered the driveway referred to above the defendant came from behind the house located at N6080 County Highway H. The defendant identified the child as ONH with a date of birth of 11/4/21 making the child 19 months old. The defendant stated that he is the father of ONH and that he, ONH's sister who is 4 years old and a cousin of the defendant were in the back yard. The defendant admitted to drinking that day. A PBT by Sgt. Ness of the Oneida Police Department showed the defendant had an alcohol level of .118 at the time. The defendant was the person in charge of the welfare of ONH at the time that ONH was found walking in the middle of a road with a 55 mile per hour speed limit.

According to the records of CCAP, which your affiant has found to be reliable in previous matters, the defendant was convicted of a felony, to wit Child Abuse, in Brown County Case number 22CF2074 on May 8, 2023 which conviction is still of record and unreversed on appeal. At all times material ONH was under the age of six. The natural and probable consequences of ONH walking in the middle of a road with a 55 mile per hour speed limit put ONH at risk of death or great bodily harm. All of the above occurred in the Town of Oneida, Outagamie County, Wisconsin.

Subscribed and sworn to before me on 06/05/23

Electronically Signed By:

David G. Been

Special Prosecutor

State Bar #: 1028236

Electronically Signed By:

Michael Velie

Complainant