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01-04-2019

CLERK OF CIRCUIT  
COURT

MARATHON COUNTY  
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STATE OF WISCONSIN      CIRCUIT COURT      MARATHON COUNTY

STATE OF WISCONSIN

Plaintiff,

DA CASE NO: 2018MA004804

**COURT CASE NO:**

**AGENCY CASE NO: 2018-012217**

**VS.**

Marissa M. Tietzsort

Wausau, WI 54403

DOB: 04/30/1990

Defendant.

**CRIMINAL COMPLAINT**[illegible]

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

**Count 1: FIRST DEGREE INTENTIONAL HOMICIDE, REPEATER**

The above-named defendant on or about Thursday, October 18, 2018, in the City of Wausau, Marathon County, Wisconsin, did cause the death of Victim , with intent to kill that person, contrary to sec. 940.01(1)(a), 939.50(3)(a), 939.62(1)(c) Wis. Stats., a Class A Felony, and upon conviction shall be sentenced to imprisonment for life.

And further, invoking the provisions of sec. 939.62(1)(c) Wis. Stats., because the defendant is a repeater, having been convicted of three or more misdemeanors, during the five year period immediately preceding the commission of this offense excluding time which the defendant spent in actual confinement while serving a criminal sentence, 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 for complainant's charge of such offenses is: complainant is a law enforcement officer in Marathon County and makes the complaint based upon his review of police reports drafted by Officer Shawn Fritsch and Detective Jennifer Holz, of the Wausau Police Department. Your complainant believes that said reports can be relied upon as a basis for probable cause because each of the aforementioned officers purports to have investigated the matters related herein and to have prepared said report in the regular course of duty as law enforcement officers. Moreover, your complainant has found each of said officers to be truthful and accurate in the performance of their respective professional duties.

This complaint is further based upon defendant statements, believed to be truthful and reliable as they are made against her penal interests. This complaint is further based upon statements of citizen witnesses, believed to be truthful and reliable as made by citizen witnesses to the facts related.

This complaint is further based upon your complainant's review of Wisconsin Circuit Court records via Wisconsin Circuit Court Access website (CCAP). Said court records, which are believed to be truthful and reliable, as said records are generated and maintained in the normal course of business. Said records indicate that the defendant was either previously convicted and/or charged with and released on bond for the following criminal offenses, which either remain unreversed and of record or open:

Court Case #	Crime	Date Convicted
Langlade 2014CM258	Misdemeanor Bail Jumping	2/11/15
Shawano 2014CM421	Obstructing an Officer	3/6/15
Langlade 2014CM215	Obstructing an Officer	2/11/15
Langlade 2014CM215	Misdemeanor Bail Jumping	2/11/15

Based upon your complainants review of reports, your complainant knows the following information:

On October 18, 2018, at 9:45pm, Wausau Police Officer Shawn Fritsch responded to a dispatch to Northway Coin Laundry, 923 N. 3<sup>rd</sup> Avenue, Wausau, for a report of a child that was pulseless and not breathing. Upon arrival, Officer Fritsch observed an adult female, identified hereinafter as Victim's Mother, performing chest compressions on a male infant that was lying on a table. Officer Fritsch observed that the infant had an ashen skin tone, his jaw was clenched and his lips were blue. Victim's Mother identified the infant as her son, hereinafter referred to as Victim, with a date of birth of July 31, 2018. Victim's Mother stated that earlier that day, Victim had been with a babysitter, Marissa Tietz, at [REDACTED] #1, Wausau, Marathon County, Wisconsin. Victim's Mother said she dropped off Victim and her other child at Tietz's on October 18, 2018, at approximately 3:30pm-4:00pm and Victim was awake. Tietz's boyfriend, Adam Borchardt, was not home when Victim's Mother dropped off Victim. Victim's Mother said later in the afternoon she received a text from Tietz at 5:57 pm which stated that Tietz's name was on the Wausau Pilot and Review, a local internet news source. Tietz said she was on the website because she was charged with child abuse. Tietz informed Victim's Mother that Tietz was not to be in contact with children and asked that Victim's Mother not tell anyone that Tietz was watching Victim's

Mother's children. Victim's Mother said she picked up Victim and her other child from Tietstort's residence at approximately 9:20 pm and Victim was in his car seat with a hat pulled over Victim's eyes. Victim's Mother thought Victim was sleeping as he would normally be sleeping at that time of the day. When Victim's Mother arrived at the Laundry, Victim's Mother removed Victim from the car seat and found that he was not breathing and was cold to the touch. Victim's Mother immediately began CPR and her sister called 911 for help. When Victim was removed from the car seat, his legs were rigid and remained in a seated position, bent at the knee. At 9:50pm, Victim's Mother's sister sent a text message to Tietstort stating, "You killed my sister's [REDACTED] baby."

At 4:15 am, Wausau Police officers located Tietstort at the Plaza Hotel in Wausau, Wisconsin. Tietstort confirmed to Detective Jennifer Holz of the Wausau Police Department that she babysat Victim earlier that day. Tietstort said that she was home alone with Victim, his brother and her child before her boyfriend returned around 6:30pm. Tietstort said that she did not kill Victim but she did admit that Victim died in her care before her boyfriend arrived home. She stated that Victim felt cold and she knew he was dead. She said she did not check for a pulse, she did not reach out for help and she did not perform any resuscitation efforts. Tietstort admitted that she put the Victim's lifeless body on the floor in the hallway of her home, grabbed his snowsuit from the car seat, dressed him in the snowsuit and then placed his body in the car seat with his blankets. Tietstort said that she did not tell her boyfriend that Victim was dead when he returned home. She said she buckled Victim into his car seat, put his seat into her car and they, Tietstort, her boyfriend, Victim's brother and Tietstort's son, went to McDonald's where they ate and remained for 15 minutes. Tietstort said that when Victim's Mother came to pick up her son, she did not tell Victim's Mother that her son was dead and she let Victim's Mother unknowingly take her deceased son. Tietstort said that she purposefully put a hat over Victim's eyes so that Victim's Mother would not realize her son was dead. Tietstort said after

she returned Victim to his mother, she came to the Plaza Hotel to go swimming with her boyfriend and son.

On October 19, 2018, Forensic Pathologist Dr. Robert Corliss with University of Wisconsin Hospital performed an autopsy on Victim. Dr. Corliss determined that Victim died of blunt force head injuries with multiple impacts to the head. Victim's manner of death was a homicide. Based on Dr. Corliss's medical training and experience as a forensic pathologist and his examination of Victim's body at autopsy, he opined the following: Victim had at least three separate blunt force injuries to his head. All three impacts to Victim's head occurred at or around the time of his death. The blunt force impact to his head was significant and resulted in traumatic injuries with one or more of the three impacts causing his death. The trauma to Victim's head resulted in Victim being immediately incapable of interactive activity such as eating, crying or eye contact. Victim also had a fractured coccyx, or tailbone. The tailbone was fractured, broken off, and displaced, indicating a significant amount of force was used. Dr. Corliss opined based on his medical training and experience, that the medical findings in this case also support that the fracture of Victim's tailbone occurred at or around the time of his death. After death, Victim's muscles stiffened and became fixated, a process known as rigor mortis. Visible or appreciable rigor takes at least two hours to appear. The fixation of Victim's legs in a seated position after being removed from his car seat at the Laundry is appreciable rigor indicating that Victim had died at least 2 hours before those observations.

On October 20, 2018, Detective Holz re-interviewed Tietzort regarding the death of Victim. Tietzort confirmed that she was the only adult present when the Victim died.