

FILED
06-24-2019
Circuit Court, Iowa Co
Lia N. Leahy, Clerk
2019CF000099

STATE OF WISCONSIN	CIRCUIT COURT	IOWA COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2018IO000604 Assigned DA/ADA: Matthew C. Allen Agency Case No.: 1800477 Court Case No.: ATN:	
vs.		
LAURIE D. BARRY 1049 Miller Road Mineral Point, WI 53565 DOB: 03/06/1969 Sex/Race: F/W Eye Color: Blue Hair Color: Blonde Height: 5 ft 03 in Weight: 155 lbs Alias: Defendant.	CRIMINAL COMPLAINT	

For Official Use

Your complainant, being first duly sworn, states that:

Count 1: FIRST DEGREE RECKLESS HOMICIDE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Thursday, May 31, 2018, in the Town of Mineral Point, Iowa County, Wisconsin, as a party to a crime, did recklessly cause the death of Selah F.Q. Kaden, under circumstances which show utter disregard for human life, contrary to sec. 940.02(1), 939.50(3)(b), 939.05 Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

PROBABLE CAUSE:

Your complainant is Sheriff Steven R. Michek, of the Iowa County Sheriff's Office, who in said capacity has read and reviewed the law enforcement reports prepared by Iowa County Sheriff's Office Detective Lana Bowers and Detective Brian Fitzsimons, various treatment records of Selah Kaden, the coroner docket of Iowa County Coroner Wendell Hamlin, and the final autopsy report prepared by Dr. Michael A. Stier, forensic pathologist at the UW Health Anatomic Pathology Laboratory.

Detective Lana Bowers of the Iowa County Sheriff's Office reports that she conducted multiple interviews of witnesses over the course of her investigation of the May 31, 2018, death of Selah F.Q. Kaden (d.o.b. 10/23/04). Included among those interviewed were David Kaden, Lisa Kaden, Jesse Barry, Laurie D. Barry (d.o.b. 03/06/69), and Alexis E. Barry (d.o.b 07/17/91).

On the basis of the interviews conducted, Detective Bowers reports that David and Lisa Kaden currently reside in North Carolina. They adopted Selah Kaden on May 17, 2006, when she was approximately nineteen months old. The Kadens stated that at the time of her adoption, Selah was lacking proper nutrition and had been neglected. Because of this trauma, she had difficulty developing trusting relationships, so David and Lisa Kaden engaged in therapeutic parenting techniques to help address Selah Kaden's behaviors.

David Kaden and Lisa Kaden met Jesse Barry and Laurie Barry in approximately 2000 when their children attended the same school in Madison, Wisconsin. The families got to know each other as they both homeschooled their children, and they had family functions together. The Kadens moved to North

Carolina in 2011, but they maintained some contact with the Barrys. From approximately February 2014 to November 2014, the Barry family provided respite care and housing to one of the Kadens' older children, Jane Doe #1. Upon Jane Doe #1's return, the Kadens did not have any concerns with the care the Barrys had provided to her.

Detective Bowers reviewed records which reflect that in June 2014, Selah Kaden began counseling in North Carolina for various behavioral and emotional problems. Beginning in April 2017, Selah Kaden also started to receive formal psychiatric care in North Carolina, including medication management. Despite these interventions, the Kadens observed in the latter part of 2017 that Selah Kaden's behavior at home was worsening. In August 2017, the Kadens retained a North Carolina respite care provider to provide a day of respite care services for Selah Kaden.

In early 2018, the Kadens' youngest daughter, Jane Doe #2, was experiencing significant medical issues that required out-of-state surgical intervention, which would then give way to the need for longer term care. In March 2018, considering the ongoing escalating behavior of Selah Kaden and the need to address Jane Doe #2's medical issues, the Kadens again explored out-of-home respite care options for Selah Kaden. The North Carolina respite care provider previously utilized by the Kadens was unable to commit to longer term care of Selah Kaden. For that reason, the Kadens again looked to the Barry family to provide respite care, this time for Selah Kaden.

In interviews with Detective Bowers, the Barrys stated they moved from the Madison area to 1049 Miller Road in the Town of Mineral Point, Iowa County, Wisconsin, beginning in March 2018, and as of May 31, 2018, they were still in the process of moving into the residence. They knew that Selah Kaden's behaviors were worsening, and they offered their home up for respite care while David Kaden and Lisa Kaden attended to Jane Doe #2's medical needs. The Barrys agreed to take Selah Kaden for the summer, but the end of April was the earliest they could take her. The Barrys did not ask for, need, or require payment to watch Selah Kaden for the summer, but David Kaden offered to pay \$1,000 per month to cover the cost of food and their time.

David Kaden brought Selah Kaden to the Barry residence on April 24, 2018, and he returned home the next day. Lisa Kaden and Laurie Barry had agreed they would let Selah Kaden be the one to initiate calls home. Lisa Kaden spoke with Selah Kaden on Mother's Day, May 13, 2018. They spoke again on May 17, 2018, the anniversary of Selah Kaden's adoption, for which the Kadens also mailed Selah Kaden a care package with photos, cards, and other items. The last call Lisa Kaden had with Selah Kaden was on May 24, 2018. Laurie Barry stated that after the phone call with Lisa Kaden on May 24, 2018, Selah Kaden's behaviors worsened. However, there was no contact between the Barrys and the Kadens regarding the behaviors of Selah Kaden from that call on May 24, 2018, until the afternoon of May 31, 2018.

At the time of her arrival, the Barrys stated that Selah Kaden had pick marks on her arms, hands, and legs, and small bruises. While at the Barry residence, Selah Kaden shared a bedroom with Alexis Barry and another of the Barry's daughters. Jesse Barry did not interact with Selah Kaden much due to his work schedule.

Laurie Barry stated that she knew of Selah Kaden's behaviors and had planned with her parents and therapist to respond to it. Rules for Selah Kaden had been discussed between the Kadens and Barrys. The Barrys stated they were told that if they thought spanking was appropriate, they could spank Selah Kaden. Over the course of her stay, Laurie Barry stated that Selah Kaden was spanked on the butt three times, described as 10 taps with a spoon over the clothing on each occasion, once at the end of the first

week of Selah Kaden's stay, once approximately two weeks prior to May 31, 2018, and once approximately one week before May 31, 2018. Laurie Barry stated there was no other physical discipline administered to Selah Kaden during the course of her stay.

The Barrys stated that Selah Kaden would steal things around the Barry residence and sneak around; she would get very angry if she was caught doing something, especially lying, and would try to figure out how to do things without getting caught. The Barrys had animals on the farm, and Selah Kaden seemed to relax around them. Selah Kaden would assist with animal chores.

Laurie Barry stated that Selah Kaden faked a fainting episode in the Barrys' dining room for the first time approximately two weeks after her arrival at the Barry residence, possibly right before Mother's Day. Up until May 24, 2018, Selah Kaden would engage in periodic behaviors like fake fainting or throwing herself on the ground, sometimes not at all for a few days, and sometimes up to five incidents a day. When this happened, it was always dramatic, not realistic, and it would never happen unless in the presence of someone. Laurie Barry stated there were dozens of falls, which would happen sporadically. Approximately halfway through her stay, Selah Kaden did a controlled tumble down approximately twelve wooden stairs of the outdoor deck. By the last week of May, Laurie Barry stated that Selah Kaden had a bunch of marks on her body; her knees and elbows looked like she had fallen, bumping down stairs.

Laurie Barry stated that Selah Kaden injured her left wrist at some point between May 27 and May 29, 2018, and Selah Kaden explained to her this was the result of catching herself when she fake fainted. Although the wrist was swollen and bruised, Laurie Barry did not think it was fractured, and she treated it with ice. Laurie Barry stated that this and other injuries Selah Kaden had sustained were all first-aid level injuries that did not require medical attention.

Laurie Barry stated that on Memorial Day, May 28, 2018, Selah Kaden fell multiple times, including in the house, on the deck, in the yard, and in the pasture. Selah Kaden hit her head hard on the deck on one of those occasions. On May 29, 2018, Laurie Barry stated that Selah Kaden threw herself onto the floor in the dining room, and when she got up said she was mad at her parents and was going to show them they were wrong for sending her to the Barrys. Selah Kaden then fell down again and was laying down differently than she had in the past, without making noise. Laurie Barry did a sternum rub, and Selah yelled "quit it."

Laurie Barry stated that on May 30, 2018, Selah Kaden threw herself twice onto the gravel and slid down the stairs to the backyard. Laurie Barry stated that she pleaded with Selah Kaden regarding what she was doing to herself, noting more bruising, and she had Selah Kaden look at herself in the mirror. In addition, she stated that Selah Kaden had reported sneaking out to the barn at night; she noted that Selah Kaden's behavior with the animals had changed and that the animals were avoiding or chasing her.

Alexis Barry also stated that Selah Kaden's behaviors worsened as she got more comfortable with the Barry family, but that had been expected. Alexis Barry heard that Selah Kaden had fake fainted on Memorial Day, May 28, 2018, but she did not personally witness it. Alexis Barry was away from the residence most of the day on May 29, 2018, but upon her return, Laurie Barry pointed out marks on her arm where Selah had bitten her. On Wednesday, May 30, 2018, Alexis was in and out of the residence a lot, but she observed two instances of Selah Kaden fake fainting in which she would fall backwards and look to see if anyone was watching. Laurie Barry stated that May 30, 2018, was a long day with constant fainting spells and yelling, and that bedtime for Selah Kaden that night was after 11:00 p.m.

Alexis Barry stated that on May 31, 2018, she and Selah Kaden awoke around 10:30 a.m. Alexis Barry stated she was in the kitchen area between 10:30 and 11:00 a.m. when Selah Kaden fell backwards, falling harder than she meant to and hitting her head pretty hard on the floor or possibly the bookshelf, but she stood right back up and was responding to Laurie Barry. Around an hour later, between 11:30 a.m. and noon, Selah Kaden went down again, this time laying herself down gently. Selah Kaden watched Alexis Barry as she walked past, but when Alexis Barry would turn to look at her, Selah Kaden shut her eyes and flipped her head. Laurie Barry left the room to make a phone call and asked Alexis Barry to watch Selah Kaden, who would watch where Alexis Barry was and flip back whenever she looked at her.

Alexis Barry stated that Selah Kaden was checked on continually during the afternoon of May 31, 2018; her color and breathing were the same, and Alexis Barry observed her scratch her leg with her opposite foot. At some point, Alexis Barry recalled Laurie Barry lifting Selah Kaden up by the arms, and she bore her own weight. When Laurie Barry again left the room, Alexis Barry observed Selah Kaden shift herself into a comfortable sleeping position. Laurie Barry would check on Selah Kaden every 10-15 minutes, and she also was in contact with the Kadens. Laurie Barry noticed that Selah Kaden's shoulder and bare feet were cold in the air-conditioned room, so she held her on her lap with a blanket. When Laurie Barry took a phone call, Alexis Barry held Selah Kaden, at which time her color was fine and she was breathing. Alexis Barry and Laurie Barry checked Selah Kaden's capillary reflex just as Jesse Barry arrived home. Shortly after his arrival, Jesse Barry checked Selah Kaden's pulse and heart rate. Jesse Barry stated he heard heart sounds when he listened to Selah's chest, and he then called 911. Selah Kaden was in the lap of Alexis Barry when EMS arrived.

Laurie Barry also described the afternoon of May 31, 2018, to Detective Bowers. Sometime after 11:30, Laurie Barry stated she was with Selah Kaden in the living room when she started to fake faint in front of the bookshelf/television. Selah Kaden went back somewhat controlled, but her leg came out from under her and her head whipped back, hitting the floor or possibly the bookshelf. Laurie Barry stated that Selah Kaden sat up and said that she hurt her head. Between two and ten minutes later, Selah Kaden got up and walked toward the recliner chair when she again fell with a moan, this time more controlled, setting herself down gently. At various times that afternoon, Laurie Barry reported that Selah Kaden tracked her when she walked across the room, she observed Selah Kaden relax her arm when she commented on its muscle tone, she witnessed Selah Kaden's fingers ball up when she checked her capillary reflex, and she observed Selah Kaden standing on her own when she picked her up under the arms and let go.

Phone records reflect that on May 31, 2018, Laurie Barry texted Lisa Kaden at 1:41 p.m. and David Kaden at 1:49 p.m. In response to the text, David Kaden spoke with Laurie Barry by telephone for approximately 40 minutes, during which time she described Selah Kaden's behaviors and why she believed Selah Kaden was faking injury. David Kaden stated that during this call, he did not detect panic or urgency in the voice of Laurie Barry; he was not surprised that Selah Kaden's behavior had been escalating, but David Kaden stated that Selah Kaden had not shown behavior of this type in the past.

Laurie Barry also spoke with Lisa Kaden by phone on May 31, 2018, for approximately 18 minutes beginning at 3:33 p.m., during which time Lisa Kaden reported Laurie Barry sounded very professional, and Lisa Kaden was not worried. Laurie Barry spoke with Lisa Kaden again at 4:27 p.m. for approximately 23 minutes; during this call, Lisa Kaden reported that Laurie Barry sounded afraid, she reported that something was wrong, and she stated that Jesse Barry had called an ambulance. Laurie Barry spoke with Jesse Barry on multiple occasions the afternoon of May 31, 2018. Laurie Barry stated

to Detective Bowers that nothing had changed in Selah Kaden's condition until right before Jesse Barry returned to the residence, at which point Selah Kaden's color began to look different. The Kadens stated that their conversations with Laurie Barry on May 31, 2018, were the first time they had heard of Selah Kaden's falling behaviors.

At 4:39 p.m., Jesse Barry called 911 to request medical assistance for Selah Kaden. During the call, Mr. Barry reported to the dispatch operator that Selah Kaden had thrown a fit that morning and threw herself on the floor, she had been laying down for awhile, and she did not look well. He further stated they were unable to wake Selah Kaden but that it was not uncommon for her to fake being unconscious for long periods of time to get her way.

Mineral Point rescue squad records reflect that the EMT unit was dispatched to the Barry residence at 4:44 p.m. on May 31, 2018. The rescue squad arrived at the scene at 4:51 p.m., and EMTs entered the residence approximately thirty seconds after their arrival to find Selah being held by a female adult in a living room recliner. EMTs noted that Selah Kaden was pulseless, not breathing, cold to the touch, and had a visible bruise on her upper chest. Selah Kaden was moved to the floor, and CPR was initiated. Selah Kaden was transferred to the ambulance for transport to Upland Hills Health, with the rescue squad departing from the Barry residence at 4:56 p.m. Her clothing was cut while enroute to apply defibrillator patches, at which time EMTs noted additional bruising to her chest and arms. Abnormal posturing of Selah Kaden's body was noted, and EMTs were unable to place an oral airway because her teeth were clenched. The rescue squad arrived at Upland Hills Health at 5:13 p.m.

Iowa County Detective Brian Fitzsimons reports he was dispatched to the Upland Hills Emergency Room on May 31, 2018, where he conducted interviews of EMTs Danielle McKinley and Steven Simmons. During the interviews, EMT McKinley indicated that the reactions of Selah Kaden's caregivers at the scene were suspicious, as they did not seem concerned with the condition of the child, and EMT Simmons also noted the caregivers did not show much urgency or concern for what was happening with the patient.

Detective Fitzsimons examined the body of Selah Kaden and observed that it was covered in bruises and abrasions. He stated the abrasions appeared to be at different stages of healing. The entire buttocks of Selah Kaden appeared bruised and had a fresh abrasion, and Detective Fitzsimons noted bruising on the face, neck, wrists, knees, and other areas of her body.

Detective Fitzsimons reviewed the report of Dr. Russell Sharpswain, the emergency room physician. Dr. Sharpswain noted that upon arrival at Upland Hills, Selah Kaden was pulseless, apneic, her pupils were fixed, she was cold, and her limbs were rigid. It was the clinical impression of Dr. Sharpswain that Selah Kaden had been dead for at least a few hours, and when her temperature was checked, it was very low at 91 degrees. Efforts to resuscitate Selah Kaden continued, but she was pronounced dead at 5:25 p.m.

Detective Fitzsimons states that he returned to the Barry residence at 10:22 p.m. on the evening of May 31, 2018, and he contacted the Wisconsin Crime Lab's Crime Response Team for assistance in processing the scene. On June 1, 2018, Detective Fitzsimons returned to the Barry residence at 9:45 a.m. and executed a search warrant with the assistance of the Response Team, during which time they secured potential evidence and took a large number of photographs at the residence.

Complainant states he has read and reviewed the Iowa County Coroner Docket prepared by Iowa County Coroner Wendell Hamlin on May 31, 2018, in which Coroner Hamlin initially identified the cause of death as "pending."

Dr. Michael A. Stier, a forensic pathologist at the UW Health Anatomic Pathology Laboratory, performed an autopsy on the body of Selah Kaden Kaden at 10:35 a.m. on the morning of June 1, 2018. Dr. Stier performed additional examinations of Selah's body on June 2 and June 4, 2018. Complainant has reviewed the final autopsy report of Dr. Stier concerning the death of Selah Kaden, and the findings of that report.

Among his findings, Dr. Stier observed acute and mixed blunt head trauma, including multifocal scalp contusions along with facial contusions and abrasions, but no brain trauma or hemorrhage. Dr. Stier noted severe thoracic trauma, including multiple cutaneous impacts to the front and back, intra-thoracic acute hemorrhage to the heart and right lung, and pattern injury to the upper chest, consistent with a blackjack or similar device. He also observed extensive limb trauma on Selah Kaden's body, including contusions and abrasions, an acute fracture of the left wrist, and extensive subcutaneous hemorrhage in the left forearm. Dr. Stier observed contusion and abrasion to the buttocks of Selah Kaden that was inconsistent with falling, and he noted possible restraint marks about both wrists. In addition, he observed the following features of manual smothering/homicidal suffocation: a multiplicity of acute lacerations to the buccal and lip mucosa, extensive epicardial and subpleural petechiae, and the extension of thoracic hemorrhage into the neck. Dr. Stier observed a lack of significant chronic or remote injury.

On the basis of his findings, Dr. Stier opined that the death of Selah Kaden was due to homicidal smothering/suffocation and blunt force patterned beating. Dr. Stier further opined that lethal blunt trauma to the head was not present and that the constellation of lesions observed on Selah Kaden's body was in no way consistent with self-sustained injury. He opined that more than one perpetrator was likely involved in causing Selah Kaden's death and that post mortem findings strongly suggested a delay in reporting the fatality at the scene.

In review of the above facts, your complainant states that the conduct of Alexis Barry and Laurie Barry, as the joint care providers for Selah Kaden at the Barry home on May 31, 2018, was a substantial factor in producing her death. That conduct, as described by Dr. Stier, created an unreasonable and substantial risk of death or great bodily harm to Selah Kaden, and considering the age of Selah Kaden, Alexis Barry and Laurie Barry must have been subjectively aware of that risk. The nature and pattern of injuries described on the body of Selah Kaden further demonstrate an utter disregard for human life.

Complainant believes the information provided by all officers mentioned herein to be reliable, as they are law enforcement officers who have on prior occasions provided information to complainant and other law enforcement agencies that has been substantiated and confirmed to be accurate.

Subscribed and sworn to before me on 06/24/19

Electronically Signed By:

Matthew C. Allen

District Attorney

State Bar #: 1046620

Electronically Signed By:

Sheriff Steven R Michek

Complainant

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STATE OF WISCONSIN	CIRCUIT COURT	IOWA COUNTY
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Alexis Barry stated that on May 31, 2018, she and Selah Kaden awoke around 10:30 a.m. Alexis Barry stated she was in the kitchen area between 10:30 and 11:00 a.m. when Selah Kaden fell backwards, falling harder than she meant to and hitting her head pretty hard on the floor or possibly the bookshelf, but she stood right back up and was responding to Laurie Barry. Around an hour later, between 11:30 a.m. and noon, Selah Kaden went down again, this time laying herself down gently. Selah Kaden watched Alexis Barry as she walked past, but when Alexis Barry would turn to look at her, Selah Kaden shut her eyes and flipped her head. Laurie Barry left the room to make a phone call and asked Alexis Barry to watch Selah Kaden, who would watch where Alexis Barry was and flip back whenever she looked at her.

Alexis Barry stated that Selah Kaden was checked on continually during the afternoon of May 31, 2018; her color and breathing were the same, and Alexis Barry observed her scratch her leg with her opposite foot. At some point, Alexis Barry recalled Laurie Barry lifting Selah Kaden up by the arms, and she bore her own weight. When Laurie Barry again left the room, Alexis Barry observed Selah Kaden shift herself into a comfortable sleeping position. Laurie Barry would check on Selah Kaden every 10-15 minutes, and she also was in contact with the Kadens. Laurie Barry noticed that Selah Kaden's shoulder and bare feet were cold in the air-conditioned room, so she held her on her lap with a blanket. When Laurie Barry took a phone call, Alexis Barry held Selah Kaden, at which time her color was fine and she was breathing. Alexis Barry and Laurie Barry checked Selah Kaden's capillary reflex just as Jesse Barry arrived home. Shortly after his arrival, Jesse Barry checked Selah Kaden's pulse and heart rate. Jesse Barry stated he heard heart sounds when he listened to Selah's chest, and he then called 911. Selah Kaden was in the lap of Alexis Barry when EMS arrived.

Laurie Barry also described the afternoon of May 31, 2018, to Detective Bowers. Sometime after 11:30, Laurie Barry stated she was with Selah Kaden in the living room when she started to fake faint in front of the bookshelf/television. Selah Kaden went back somewhat controlled, but her leg came out from under her and her head whipped back, hitting the floor or possibly the bookshelf. Laurie Barry stated that Selah Kaden sat up and said that she hurt her head. Between two and ten minutes later, Selah Kaden got up and walked toward the recliner chair when she again fell with a moan, this time more controlled, setting herself down gently. At various times that afternoon, Laurie Barry reported that Selah Kaden tracked her when she walked across the room, she observed Selah Kaden relax her arm when she commented on its muscle tone, she witnessed Selah Kaden's fingers ball up when she checked her capillary reflex, and she observed Selah Kaden standing on her own when she picked her up under the arms and let go.

Phone records reflect that on May 31, 2018, Laurie Barry texted Lisa Kaden at 1:41 p.m. and David Kaden at 1:49 p.m. In response to the text, David Kaden spoke with Laurie Barry by telephone for approximately 40 minutes, during which time she described Selah Kaden's behaviors and why she believed Selah Kaden was faking injury. David Kaden stated that during this call, he did not detect panic or urgency in the voice of Laurie Barry; he was not surprised that Selah Kaden's behavior had been escalating, but David Kaden stated that Selah Kaden had not shown behavior of this type in the past.

Laurie Barry also spoke with Lisa Kaden by phone on May 31, 2018, for approximately 18 minutes beginning at 3:33 p.m., during which time Lisa Kaden reported Laurie Barry sounded very professional, and Lisa Kaden was not worried. Laurie Barry spoke with Lisa Kaden again at 4:27 p.m. for approximately 23 minutes; during this call, Lisa Kaden reported that Laurie Barry sounded afraid, she reported that something was wrong, and she stated that Jesse Barry had called an ambulance. Laurie Barry spoke with Jesse Barry on multiple occasions the afternoon of May 31, 2018. Laurie Barry stated

to Detective Bowers that nothing had changed in Selah Kaden's condition until right before Jesse Barry returned to the residence, at which point Selah Kaden's color began to look different. The Kadens stated that their conversations with Laurie Barry on May 31, 2018, were the first time they had heard of Selah Kaden's falling behaviors.

At 4:39 p.m., Jesse Barry called 911 to request medical assistance for Selah Kaden. During the call, Mr. Barry reported to the dispatch operator that Selah Kaden had thrown a fit that morning and threw herself on the floor, she had been laying down for awhile, and she did not look well. He further stated they were unable to wake Selah Kaden but that it was not uncommon for her to fake being unconscious for long periods of time to get her way.

Mineral Point rescue squad records reflect that the EMT unit was dispatched to the Barry residence at 4:44 p.m. on May 31, 2018. The rescue squad arrived at the scene at 4:51 p.m., and EMTs entered the residence approximately thirty seconds after their arrival to find Selah being held by a female adult in a living room recliner. EMTs noted that Selah Kaden was pulseless, not breathing, cold to the touch, and had a visible bruise on her upper chest. Selah Kaden was moved to the floor, and CPR was initiated. Selah Kaden was transferred to the ambulance for transport to Upland Hills Health, with the rescue squad departing from the Barry residence at 4:56 p.m. Her clothing was cut while enroute to apply defibrillator patches, at which time EMTs noted additional bruising to her chest and arms. Abnormal posturing of Selah Kaden's body was noted, and EMTs were unable to place an oral airway because her teeth were clenched. The rescue squad arrived at Upland Hills Health at 5:13 p.m.

Iowa County Detective Brian Fitzsimons reports he was dispatched to the Upland Hills Emergency Room on May 31, 2018, where he conducted interviews of EMTs Danielle McKinley and Steven Simmons. During the interviews, EMT McKinley indicated that the reactions of Selah Kaden's caregivers at the scene were suspicious, as they did not seem concerned with the condition of the child, and EMT Simmons also noted the caregivers did not show much urgency or concern for what was happening with the patient.

Detective Fitzsimons examined the body of Selah Kaden and observed that it was covered in bruises and abrasions. He stated the abrasions appeared to be at different stages of healing. The entire buttocks of Selah Kaden appeared bruised and had a fresh abrasion, and Detective Fitzsimons noted bruising on the face, neck, wrists, knees, and other areas of her body.

Detective Fitzsimons reviewed the report of Dr. Russell Sharpswain, the emergency room physician. Dr. Sharpswain noted that upon arrival at Upland Hills, Selah Kaden was pulseless, apneic, her pupils were fixed, she was cold, and her limbs were rigid. It was the clinical impression of Dr. Sharpswain that Selah Kaden had been dead for at least a few hours, and when her temperature was checked, it was very low at 91 degrees. Efforts to resuscitate Selah Kaden continued, but she was pronounced dead at 5:25 p.m.

Detective Fitzsimons states that he returned to the Barry residence at 10:22 p.m. on the evening of May 31, 2018, and he contacted the Wisconsin Crime Lab's Crime Response Team for assistance in processing the scene. On June 1, 2018, Detective Fitzsimons returned to the Barry residence at 9:45 a.m. and executed a search warrant with the assistance of the Response Team, during which time they secured potential evidence and took a large number of photographs at the residence.

Complainant states he has read and reviewed the Iowa County Coroner Docket prepared by Iowa County Coroner Wendell Hamlin on May 31, 2018, in which Coroner Hamlin initially identified the cause of death as "pending."

Dr. Michael A. Stier, a forensic pathologist at the UW Health Anatomic Pathology Laboratory, performed an autopsy on the body of Selah Kaden Kaden at 10:35 a.m. on the morning of June 1, 2018. Dr. Stier performed additional examinations of Selah's body on June 2 and June 4, 2018. Complainant has reviewed the final autopsy report of Dr. Stier concerning the death of Selah Kaden, and the findings of that report.

Among his findings, Dr. Stier observed acute and mixed blunt head trauma, including multifocal scalp contusions along with facial contusions and abrasions, but no brain trauma or hemorrhage. Dr. Stier noted severe thoracic trauma, including multiple cutaneous impacts to the front and back, intra-thoracic acute hemorrhage to the heart and right lung, and pattern injury to the upper chest, consistent with a blackjack or similar device. He also observed extensive limb trauma on Selah Kaden's body, including contusions and abrasions, an acute fracture of the left wrist, and extensive subcutaneous hemorrhage in the left forearm. Dr. Stier observed contusion and abrasion to the buttocks of Selah Kaden that was inconsistent with falling, and he noted possible restraint marks about both wrists. In addition, he observed the following features of manual smothering/homicidal suffocation: a multiplicity of acute lacerations to the buccal and lip mucosa, extensive epicardial and subpleural petechiae, and the extension of thoracic hemorrhage into the neck. Dr. Stier observed a lack of significant chronic or remote injury.

On the basis of his findings, Dr. Stier opined that the death of Selah Kaden was due to homicidal smothering/suffocation and blunt force patterned beating. Dr. Stier further opined that lethal blunt trauma to the head was not present and that the constellation of lesions observed on Selah Kaden's body was in no way consistent with self-sustained injury. He opined that more than one perpetrator was likely involved in causing Selah Kaden's death and that post mortem findings strongly suggested a delay in reporting the fatality at the scene.

In review of the above facts, your complainant states that the conduct of Alexis Barry and Laurie Barry, as the joint care providers for Selah Kaden at the Barry home on May 31, 2018, was a substantial factor in producing her death. That conduct, as described by Dr. Stier, created an unreasonable and substantial risk of death or great bodily harm to Selah Kaden, and considering the age of Selah Kaden, Alexis Barry and Laurie Barry must have been subjectively aware of that risk. The nature and pattern of injuries described on the body of Selah Kaden further demonstrate an utter disregard for human life.

Complainant believes the information provided by all officers mentioned herein to be reliable, as they are law enforcement officers who have on prior occasions provided information to complainant and other law enforcement agencies that has been substantiated and confirmed to be accurate.

Subscribed and sworn to before me on 06/24/19

Electronically Signed By:

Matthew C. Allen

District Attorney

State Bar #: 1046620

Electronically Signed By:

Sheriff Steven R Michek

Complainant