

| STATE OF WISCONSIN                                                                                | CIRCUIT COURT                                                  | OZAUKEE COUNTY          |
|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------|
| STATE OF WISCONSIN<br>Plaintiff,                                                                  | DA Case No.: 2024OZ000217<br>Assigned DA/ADA: Benjamin Lindsay |                         |
| vs.                                                                                               |                                                                |                         |
| HOLLY ROSE HERBST<br>4433 Lakefield Rd<br>Cedarburg, WI 53012<br>DOB: 10/22/1982<br>Sex/Race: F/W | Court Case No.: 2024CM                                         |                         |
| Defendant(s).                                                                                     | <b>CRIMINAL COMPLAINT</b>                                      | <i>For Official Use</i> |

The undersigned law enforcement officer being first duly sworn, states that:

**Count 1: MISTREATING ANIMALS - INTENTIONAL OR NEGLIGENT VIOLATION**

The above-named defendant from February to April 2024, in the Town of Grafton, Ozaukee County, Wisconsin, did negligently treat an animal, in a cruel manner, contrary to sec. 951.02, 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

**Count 2: FAILURE TO PROVIDE PROPER DRINK TO CONFINED ANIMALS**

The above-named defendant from February to April 2024, in the Town of Grafton, Ozaukee County, Wisconsin, being the owner of animals,, did negligently fail to supply water in sufficient quantity for the health of the animals, contrary to sec. 951.13(2), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

**PROBABLE CAUSE**

This complaint is based upon the reports of Det. Matthew Haas of the Ozaukee County Sheriff's Office. Det. Haas was alerted on January 25, 2024, of reports from volunteers of neglect at the Autumn Farm Sanctuary, located at 4433 Lakefield Road in the Town of Grafton, County of Ozaukee. The farm was reported to previously have been a thriving and well-kept farm animal sanctuary, but the condition of the farm began to deteriorate in 2022 and 2023. The owners, Alyssa Herbst and the above-named defendant, also separated and by January 2024 were in the process of divorcing. The defendant was the only owner that continued to reside on the property.

Volunteers reported that the farm was struggling financially and relying heavily on a limited remaining number of unpaid volunteers to care for the animals and maintain the property. One of those volunteers reported that the animals were not receiving veterinary care, and often went without food and water for long periods of time. The barn was also reported to be filthy with no straw.

The executive director of the Milwaukee Area Domestic Animal Control Commission (MADACC) learned of these reports and informally reached out to discuss rehoming the animals on the farm. Alyssa Herbst was receptive to this plan, but the defendant was resistant to any offers of assistance.

Det. Haas conducted interviews with three current or former volunteers at the Autumn Farm Sanctuary. These volunteers reported consistently finding empty water bowls and extremely low amounts of food

for the animals. One volunteer reported that the defendant sent her a text message demanding that water not be put in the animals bowls because they would dump the bowls and spill the water.

The volunteers also reported a large pig named "Bluey" that was very aggressive and repeatedly attacked and injured other animals. These injuries never received treatment. "Bluey" also attacked and killed a goat. A plan was developed to rehome "Bluey" but the defendant became upset and threatened to call the police if anyone set foot on the property. The pig was not rehomed.

The volunteers reported that many of the animals were suffering from medical conditions that went untreated and that several of the animals died or were euthanized due to their untreated conditions. The volunteers also specifically noted that the animals hooves were not being trimmed which was causing at least one of the animals to have difficulty walking.

On February 7, 2024, Ozaukee County law enforcement officers conducted an unannounced visit at the farm along with a veterinarian with MADACC. Det. Haas had obtained a search warrant for the farm, but ultimately Alyssa Herbst voluntarily allowed officers and the veterinarian on the farm. The veterinarian conducted an assessment of the animals and noted that some of the animals were thin, but not emaciated. All of the bins in the feed room were empty or had very little feed leftover. The primary concern raised was regarding the lack of adequate fresh clean water inside and outside the barn. The veterinarian did not observe access to clean fresh water at the time of the walk-through and emphasized that animals require 24/7 access to fresh water.

The veterinarian also noted that several of the pigs had overgrown hooves that needed to be trimmed. Further, several of the animals had injuries sustained from Bluey that were in need of treatment.

Ultimately, the veterinarian did not believe that the animals needed to be seized. However, he did observe negligence in providing food, water, and shelter. The veterinarian found that there were too many animals on site and highly recommended rehoming some of the animals to maintain a manageable farm population.

Det. Haas and the veterinarian discussed their concerns with Alyssa Herbst on February 7, 2024. Alyssa reported that there was now a plan in place to rehome "Bluey." Alyssa admitted that they were in over their heads with the care of the animals and the expense of operating a farm of this size.

On February 16, 2024, Det. Haas came back to the farm and met with the defendant. Det. Haas noted an improvement in the conditions at the farm and that there was fresh water out for the animals and feed in the store bins. However, Det. Haas also noted that the defendant received notice several days in advance that he would be coming by for a visit.

Det. Haas discussed the veterinarian's concerns with the defendant. The defendant expressed concern with providing access to water in the stalls overnight and stated that the animals will just knock over the bowls and spill the water. The defendant stated that "Bluey" was still on the farm and claimed that the rescue she had lined up was no longer calling her back. Det. Haas offered to meet with the defendant, Alyssa Herbst, and MADACC representatives to discuss rehoming the animals and creating a sustainable amount of animals on the farm.

Det. Haas warned the defendant that conditions needed to improve on the property, specifically with food, access to water, and fresh hay being put down, or she could face legal consequences. The defendant was defensive and told Det. Haas, "That's a battle I will fight all day."

After the meeting, Det. Haas received a call from the defendant who reported that one of the injuries on one of the pigs had become infected to the point where the vet recommended that the pig be euthanized. The defendant said that she would be willing to meet with Alyssa Herbst and MADACC, but asked that Det. Haas not be present so she did not feel "ganged up on."

The defendant and Alyssa Herbst met with the executive director of MADACC. The defendant and Alyssa Herbst agreed to rehome all of the sheep, cows and most of the chickens. The owners were going to keep the pigs on the farm for six months and then evaluate whether they should be rehomed. Det. Haas was later informed that the owners relinquished only a few of the animals.

In late March and early April, the Sheriff's Office received additional reports of ongoing animal neglect at the Autumn Farm Sanctuary. On April 20, 2024, Det. Haas and other law enforcement officers executed a second search warrant at the property. The same veterinarian from MADACC accompanied officers in order to conduct another assessment of the animals' condition. This visit was unannounced in order to accurately assess the conditions and quality of animal care.

In the barn, Det. Haas observed three unopened bags of feed, however the majority of the food bins were completely empty or had little left in them. The barn had empty food and water bowls. The bowls that did have water in them were filthy with mud and feces, and the water was not potable. There had been hay spread in one part of the barn, but was barely enough to cover the concrete floor and not sufficient for animal bedding. Det. Haas noted that the conditions of the barn had not improved since the last visit in February. In particular, Det. Haas observed that one of the pigs to have more pronounced ribs than the last time they were out there. That pig's hooves were also severely overgrown, and it was affecting the pig's ability to walk around.

The MADACC veterinarian evaluated the animals and conditions of the farm and recommended that the animals be seized for their own welfare. The Sheriff's Office seized "Bluey" (the large pig), two turkeys, 34 chickens, 3 goats, 3 ducks, and 2 pot-belly pigs. Det. Haas was subsequently informed by the Farm Bird Sanctuary which was caring for chickens seized by law enforcement that several of the chickens died or had to be euthanized due to untreated illnesses or infections.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me on 04/29/24

Electronically Signed By:

Benjamin Lindsay

Assistant District Attorney

State Bar #: 1079445

Electronically Signed By:

Det. M. Haas

Complainant