

STATE OF WISCONSIN,

Petitioner,

v.

Case No. 09-CF-\_\_\_\_\_

AMY LYNN KLINE,  
DOB: 08/24/1978 W/F,  
1119 South 18th Street,  
Manitowoc, WI 54220,

Defendant.

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**CRIMINAL COMPLAINT**

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Complainant, David C. Vorpahl, being duly sworn upon oath, states the following:

**COUNT 1: FIRST DEGREE RECKLESS HOMICIDE**

On or about July 26, 2007, in the city of Manitowoc, Manitowoc County, Wisconsin, the defendant, Amy L. Kline, did cause the death of John Michael Sciortino, DOB: 07/28/1976, by the delivery of a Schedule II controlled substance, Methadone, in violation of Wis. Stat. § 961.41, and that Amy L. Kline knew or believed the substance she delivered was Methadone and which John Michael Sciortino used, dying as a result of that use, contrary to Wis. Stat. §§ 940.02(2)(a) and 939.50(3)(c), a Class C Felony.

Upon conviction of this offense, a Class C Felony, the defendant may be imprisoned for not more than 40 years, and/or fined not more than \$100,000, or both, pursuant to Wis. Stat. § 939.50(3)(c).

## FACTUAL BASIS

Your complainant, David C. Vorpahl, is a detective for the city of Manitowoc Police Department, states that the information is based upon his investigation, records, and files of the city of Manitowoc Police Department. Your complainant has relied upon those files and records in the past, and has found them both to be true and reliable. Those records and files indicate the following:

1. Officer Garber reports that on July 26, 2007, at approximately 6:21 a.m., he was dispatched to 1450 North 7th Street, Apt. C, in the city of Manitowoc, county of Manitowoc, Wisconsin, for an EMS call that a person was in distress and not breathing. Upon arrival, the Fire Department and Rescue Squad were attending to a male subject, later identified as John M. Sciortino (Sciortino). Amy L. Kline (Kline) stated to Officer Garber that Sciortino had taken some medication and showed a small green prescription bottle that was empty. The prescription belongs to Brad Scheibe (Scheibe), the lessee of the apartment.

2. Scheibe stated to Officer Garber that he has a Methadone prescription which is used for back pain. Scheibe said he usually takes about 10 pills with him to work in a small Ibuprofen bottle and uses them as needed. The main prescription is in a larger bottle and is kept in his apartment.

3. On March 20, 2008, Scheibe was interviewed by Detective Vorpahl. Scheibe told Detective Vorpahl that when Scheibe was getting ready for work on July 25, 2007, he decided to take the main prescription bottle to work because he did not feel comfortable leaving it at home.

4. On May 5, 2009, Detective Vorpahl made contact with Pharmacist Holly Dewane at Lakeshore Pharmacy in the city of Manitowoc, Wisconsin. Pharmacist Dewane provided Detective Vorpahl with a printout of Scheibe's medical expenses for the month of July 2007,

which showed Scheibe filled a 30-day Methadone HCL 10 mg 240 tablet prescription on July 18, 2007.

5. Detective Sgt. Brian Swetlik made contact with Kline on July 27, 2007. Kline stated that she and Toni Sciortino (Toni) went to the Replay Bar on the evening of July 26, 2007, where they met up with Sciortino. Kline told Swetlik that Sciortino appeared to have been drinking. At the Replay Bar, Kline and Sciortino got into an argument; Kline left the bar and went to Saucy's Bar where she met up with Jackie Messiner (Messiner). Messiner stated to Detective Vorpahl, that while at Saucy's Bar, Kline received a telephone call from Sciortino. Kline and Messiner then left Saucy's Bar and picked Sciortino up somewhere near Washington or Marshall Street. Messiner stated that Sciortino was drunk because he had intoxicants on his breath, was loud and belligerent. Then Kline, Messiner, and Sciortino went to Scheibe's apartment. Messiner stated that she had walked into the kitchen and Kline had a white Kleenex in her hand. Inside the Kleenex were white pills which Messiner described as rectangular in size. Messiner stated to Detective Vorpahl that Kline said Scheibe gave her the pills and had asked her to get an eight-ball of cocaine. Kline also said to Messiner that if she could get the eight-ball by tomorrow Scheibe would give her the rest of his bottle of Methadone.

6. Kline stated to Officer Garber, that at approximately 5:55 a.m. on July 26, 2007, the alarm was going off and Sciortino never got up. Kline went to shut the alarm off and attempted to wake Sciortino up. Kline said that Sciortino would not wake up despite her actions to shake and poke him. Kline says that Sciortino was breathing at the time. Kline then left the apartment to pick up Scheibe at work. When Kline and Scheibe arrived back at the apartment, Sciortino was still in bed and did not appear to be breathing, was very pale looking, and his lips were blue. Scheibe told Kline to call 911, and she did this.

7. Officer Garber reports that on July 26, 2007, Sciortino was unconscious and in serious condition. Sciortino was later transferred to Aurora Bay Care Hospital where his BAC was taken and reported to be 0.121. According to the Manitowoc County Coroner's Office, Sciortino died on August 1, 2007, at 09:59 hours.

8. An autopsy was preformed on Sciortino by Dr. P. Douglas Kelley, Medical Examiner from the Fond du Lac County Medical Examiner's Office on August 2, 2007. Dr. Kelley determined Sciortino's cause of death as multidrug toxicity (methadone and ethanol). Detective Vorpahl's September 20, 2007, report states that on July 26, 2007, blood samples were collected from Sciortino and sent to the St. Louis University Toxicology Laboratory for analysis. The St. Louis University Toxicology Laboratory determined that Sciortino's blood sample showed positive for: Alcohol (ethanol) 0.103 gm% (103 mg/dl) and Methadone 0.22 micrograms/ml (Methadone metabolite EDDP: 0.22 micrograms/ml). On September 20, 2007, Detective Vorpahl met with Coroner No. 116 from the Manitowoc County Coroner's Office. Coroner No. 116 stated that the level of Methadone found in Sciortino's system probably was enough to cause his death.

9. On August 2, 2007, Detective McCue made contact with Danielle Tegelman (Tegelman). Tegelman stated that on July 31, 2007, she had a small gathering at her residence. At the party, Kline stated that she felt bad because she gave Sciortino the nine Methadone and told him to take them. Kline also stated that she laid down with Sciortino and Sciortino's body started to shut down. Kline then stated that she got up and noticed that Sciortino was not breathing and called 911. According to Tegelman, Kline also said that now her kids would be set for life.

**WHEREFORE**, your complainant asks that the defendant be dealt with according to law.

Dated this \_\_\_\_\_ day of August, 2009.

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DAVID C. VORPAHL  
Detective, Manitowoc Police Department

Subscribed and sworn to before me  
and approved for filing, this  
\_\_\_\_\_ day of August, 2009.

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David J. Wambach  
Assistant Attorney General and  
Special Prosecutor for Manitowoc County  
State Bar No. 1014837