

State of Wisconsin

Racine County

State of Wisconsin, plaintiff,  
versus

**CRIMINAL COMPLAINT**

**Linda M VanDeWater, DOB: 12/11/1962**

Circuit Court File No: 2011CM00

Brookfield, WI 53105

F W Blonde Green Weight: 150 lbs Height: 5 ft 7 in  
defendant(s).

DA Case No: 2011RA001713  
Status: Summons for March 30, 2011 at 2:30 pm  
Prosecutor: Michael E. Nieskes  
Agency: Caledonia Police Department 11-000667  
Officer(s): Brian K Wall # 9198, of the Caledonia Police Department

TRAFFIC COURT  
FILED  
MAR 25 2011  
CLERK OF CIRCUIT COURT  
RACINE COUNTY

The defendant did:

**Count 1: DISORDERLY CONDUCT**

The above-named defendant on or about Sunday, January 16, 2011, in the Village of Caledonia, Racine County, Wisconsin, while in a public place, did engage in otherwise disorderly conduct, under circumstances in which such conduct tended to cause a disturbance, contrary to sec. 947.01, 939.51(3)(b) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

The official records and files of the Racine County District Attorney's Office, the Wisconsin Department of Justice and/or Department of Transportation reflect that the defendant has the following record of convictions:

The complainant, being first duly sworn on oath, on information and belief, alleges and states that in the County of Racine, State of Wisconsin, the defendant(s) did commit the above described offense(s) and prays that said defendant(s) be dealt with according to the laws of the State of Wisconsin.

The complainant states that he or she is an adult citizen and has reviewed the official law enforcement reports prepared under the above mentioned complaint numbers by the above stated officer(s), whose reports your complainant relies upon as truthful and accurate inasmuch as they were prepared during the course of an official law enforcement investigation. The complainant relies upon the statements of the mentioned witnesses inasmuch as they are citizens and their statements are based on personal knowledge or eyewitness observations; the complainant relies upon the statements of the defendant(s), if any, inasmuch as they are contrary to the defendant's penal interests and are, therefore, to be believed.

The complainant thereby informs the court that the basis for the above charge(s) is as follows:

Inv. Brian Wall of the Caledonia Police Department reports that he was assigned follow-up on January 17, 2011, to continue an investigation in Caledonia Police Department Complaint # 11-000667 regarding an incident that occurred on January 16, 2011 in the 4900 Block of Pine Tree Circle, in the Village of Caledonia, County of Racine, State of Wisconsin. Inv. Wall reports that he met with Mary Pettit at her residence at 4918 Pine Tree Circle, in the Village of Caledonia, on January 17, 2011. Mary Pettit stated that at 2 a.m. on January 16, 2011 at her residence, she was asleep when she awakened by frantic knocking on her front door and constant doorbell ringing. She went to her front window and saw a woman looking into her home through the front window. Pettit said that the porch light was not on but her interior hallway was and she observed a white female, approximately 50 years of age, with blonde Mi-length hair, approximately 5'6", wearing a puffy black jacket, red plaid pajama pants tucked into boots. She said she had never seen the woman before and did not know who she was. Pettit said she asked the woman, "What wrong?" and the woman said, "Please open the door" and "please help me". The woman asked twice to have Pettit open the door. Pettit said upon opening the door, the woman asked, "Is Dr. Stone here?" She assumed that the woman was looking for her husband. She stated that the woman was angry, frantic, but determined. She did not smell any intoxicants or observe any injuries.

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Pettit stated that she told the woman that Dr. Stone was not there. The woman then said that his car is parked in front of Pettit's house. Dr. Stone is a cardiologist and Pettit is a cardiology nurse at St. Luke's in Milwaukee but does not know Dr. Christopher Stone. She stated that she told the woman several times that Dr. Stone was not there. Pettit said that the woman then asked if she could use Pettit's cell phone. Pettit gave her the phone. The woman could not dial the number and asked Pettit to dial a number, dictated by the woman.

A review of the phone showed that that number lists to Dr. Christopher Stone and the call was made on January 16, 2011 at 2:23 a.m. She stated she never let the woman in the house and once the call was made, the woman said, "Chris, you better come out now!" in a very determined voice. Pettit dialed the number a second time and the woman repeated the statement for Chris to come outside. After the calls, Pettit told the woman she could not help her and the woman began to walk south towards the street. Pettit stated she went to the upper loft area of her home and looked out the window. She saw the woman go to the front door of 4921 Pine Tree Circle. The woman was at the front door for a few minutes, then went back across the street where three cars were parked.

Pettit said there was a Ford SUV, a red PT Cruiser, and then a Lexus sports car. She stated the woman approached the Lexus, kicked it four times, once in the tail light area, once in the driver's side panel, once in the driver's door, and once in the front side panel. She stated at that point, she called 9-1-1 and the woman walked eastbound. A few moments later, she saw a dome light go on in the Lexus and she saw a white male exit 4921 from the side door of the garage. She knows this to be a mother-in-law suite in the basement that has access by the side door next to the garage. She believes a woman of approximately 30 years of age rents this suite. The male got into the Lexus and began making a Y-turn, at which point the woman who had been at her door came running back west on the street and jumped on the hood of the car, lying across the hood, screaming at the driver. The driver opened the driver's door and the woman went around the door and tried to get at the driver, flailing her arms at the driver, trying to get to him. The driver was able to push the woman enough to close his car door and then went east on Pine Tree Circle. The woman got in her SUV and followed the Lexus. The SUV then came back westbound at a high rate of speed, which Pettit estimated at 35-45 mph in a residential area.

Pettit was asked by Inv. Wall to make a written statement. As he was getting the statement, Pettit saw a photograph of the woman and immediately identified Linda VanDeWater's photograph as the woman she had observed in the incident at her front door.

Off. Thomas of the Caledonia Police Department states that on January 16, 2011, he responded to the 9-1-1 call in the 4900 Block of Pine Tree Circle and that he made contact with Erin Makutz, who resides at 4921 Pine Tree Circle. She was asked by Off. Thomas if she knew Dr. Christopher Stone. She stated that he had just left, that he was a heart surgeon for hospitals in the area. She stated that while they were in bed, Dr. Stone had gotten a call to come in to work. She stated she had been dating Dr. Stone on and off for the last two or three years. She provided a phone number for Dr. Stone. She stated the only other girlfriend she was aware of was an ex-girlfriend being Linda VanDeWater, a judge for Waukesha County.

Off. Thomas contacted Dr. Stone. Dr. Stone was not cooperative. He stated that he had just been called into surgery and could not talk. Off. Thomas stated he was trying to figure out who the female party that Dr. Stone had the confrontation with. Off. Thomas reports he again contacted Dr. Stone while at the Caledonia Police Department and asked again about the incident on Pine Tree Circle. He asked who the woman was and Dr. Stone declined to give any information, stating that he had surgery to perform in a few hours and needed to get to sleep. He said he would contact him tomorrow and would not provide the female's name.

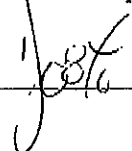
On January 18, 2011, Inv. Wall interviewed Erin Makutz. She stated that she was asleep when Dr. Stone received several phone calls after 2 a.m. She could hear a woman stating hello very loudly and thought it was a nurse calling. Dr. Stone stated he needed to return to the hospital and left the residence. She did not witness any of the events that occurred outside in the street. She states she is aware now that VanDeWater had an altercation with Dr. Stone after he left the residence. Makutz states that Dr. Stone was driving a black

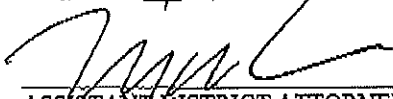
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BMW and that Dr. Stone had told her that the vehicle had a dent, which was caused by Linda VanDeWater. She stated that on January 17, 2011 at approximately 11 a.m., she was called by her neighbor, Scott Mack. Mack stated a white female with blonde curly hair was in her back yard. Mack stated he confronted the woman and she asked Mack if Mack knew who lived in the house east of the house at 4907 Pine Tree Circle. Mack stated that the woman was trying to determine exactly where Makutz lives. Scott Mack looked up Linda VanDeWater on the Internet and upon doing so, observed a photograph of Linda VanDeWater. Mack stated to Makutz that the photo of VanDeWater was the woman he saw in her yard.

Makutz stated that on the 17<sup>th</sup>, she was also having dinner with Dr. Stone around 7 p.m. at Mitchell's Fish Market in Brookfield, Wisconsin. Makutz stated that during the dinner, Linda VanDeWater confronted them, walking up to the table. She recognized her because Linda VanDeWater had attended a funeral for Dr. Stone's mother in November of 2010. VanDeWater had asked Makutz, "And who might you be?" Makutz said she introduced herself. VanDeWater responded, "Well of course you're Erin." Makutz stated that VanDeWater was making a scene and attracting attention to them. Makutz then asked VanDeWater if she was in her yard earlier that day. VanDeWater rolled her eyes and stated, "Enjoy him, he's all around!" and then left the restaurant.

Subscribed and sworn to before me and approved for filing on the 24 day of March, 2011.

  
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COMPLAINANT

  
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ASSISTANT DISTRICT ATTORNEY

Michael E. Nieskes, District Attorney, State Bar No. 01002564  
730 Wisconsin Ave., Racine, WI 53403 (262) 636-3172