



Rebels bounce back  
Sports, Page 10

Art park on the way  
Local News, Page 3



# THE NORTHWOODS RIVER NEWS

Oneida County ambulance proposal causes a stir

Local News, Page 3

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## Overdose death trial delayed due to witness issues

By Heather Schaefer  
OF THE RIVER NEWS

The trial of the Rhinelander woman accused of providing the illicit substance that ended the life of a Town of Pelican man last year has been postponed at the request of the Oneida County district attorney's office.

In a letter to Oneida County circuit judge Mary Burns filed June 21, assistant district attorney Mary Sowinski asked that Jasmine Lariviere's reckless homicide trial be adjourned.

Lariviere, 24, was scheduled to stand trial next month in connection with the death of Dylan Polinski back in April 2022. However, while preparing for a motion hearing in the case, Sowinski explained that she discovered information that required her to request an adjournment.

In court Friday morning, during what was scheduled to be a hearing on a pair of defense motions, Sowinski explained that witness availability issues prompted her request for postponement.

See **Overdose**. . . page 7



## 'I never saw this coming'

Father sentenced to 15 years for causing brain injury to infant son

By Heather Schaefer  
OF THE RIVER NEWS

Several times during his sentencing hearing in Oneida County Circuit Court Friday afternoon, 37-year-old Clayton T. Kuehl of Woodruff repeated the phrase "I never saw this coming."

Similarly, before handing down a

sentence of 15 years confinement to be followed by 10 years extended supervision, Oneida County circuit judge Mike Bloom repeated the words "why" and "how".

The sentencing hearing took place one



Kuehl

month after Kuehl entered a guilty plea to a single felony count of physical abuse of a child (repeated acts causing great bodily harm) and approximately 15 months after he admitted to swinging, squeezing and holding down his infant son in an attempt to stop him from crying.

See **Kuehl**. . . page 7



BOB MAINHARDT FOR THE RIVER NEWS

## THE GREAT HODAG CHASE

Kids take off in pursuit of the Hodag during the 16th Annual YMCA of the Northwoods Hodag Run For Your Life Saturday, June 24 at Hodag Park in Rhinelander. The annual Chase the Hodag race for kids age 12 and under capped off a morning that also featured a 5K and 10K run. More than 160 runners, ranging from age 5 to 80, took part in the event, which benefits the YMCA of the Northwoods annual support campaign. "As you're striving, running, sprinting, walking, remember that you're lifting up another person who can't afford the Y fully, who just wants to come in and be a better person, take care of themselves, connect with their family and just be a happy place," YMCA of the Northwoods CEO Linda May told the assembled crowd in her opening remarks prior to the race. "Thank you, again, we're extremely grateful that you've chosen to be here this morning and helping uplift the Y." See **page 13** for more photos and results from the race.

## Man self-inflicts fatal gunshot at pawn shop

BY RIVER NEWS STAFF

The Oneida County sheriff's office investigated a fatal shooting Thursday morning at a Rhinelander area pawn shop.

According to a press release issued by sheriff's captain Tyler Young, a call was received at approximately 11:35 a.m. Thursday reporting a shooting at Hodag Gun and Loan, 2262 Lincoln Street, in the Town of Pelican.

Upon arrival, law enforcement located a deceased male, the release said.

Authorities stressed that there was no threat to the community but asked the public to avoid the area as it was an active crime scene.

Less than three hours later, Young issued a follow-up statement clarifying what took place.

"Upon further investigation it has been discovered that the deceased male suffered an intentional self-inflicted gunshot wound," he said. No other information was released.



RIVER NEWS PHOTO

The scene outside Hodag Gun and Loan Thursday afternoon, June 22, 2023, following a report of a shooting. According to the sheriff's office, the victim suffered a self-inflicted gunshot wound.

## Kuehl

From page 1

According to the criminal complaint, he was charged in late February 2022 after the child stopped breathing and was taken to a hospital. Doctors diagnosed the baby with an anoxic brain injury and multiple rib fractures. A child abuse specialist later determined that the injuries were consistent with “non-accidental trauma” and found evidence of older injuries, the complaint said.

According to Oneida County district attorney Mike Schiek, the child is now approximately 18 months old but, due to the brain injury he suffered at the hands of his father, his neurological function remains that of a 3 or 4-month-old.

The child is blind and unable to swallow. As a result, he must be fed via feeding tube (a process that consumes approximately 6 hours of his mother’s day every single day) and will not “receive the benefits of a normal childhood,” the prosecutor added.

“How someone can do something like this to their own child is beyond me,” Schiek said, describing Kuehl’s conduct as “indefensible” and “as aggravated as can be.”

Schiek candidly admitted that when he was first informed of the severity of the child’s injuries, he believed the boy would not survive. He also noted the mother’s strength and devotion in providing care to her children.

“How she does this I don’t know,” he said. “She’s one of the strongest people I’ve ever met emotionally. She’s

been able to deal with this, regardless of the last 16 months she’s stood by that child’s side and done everything asked of her.”

He also noted the couple has an older child who also suffers due to the level of care and attention her sibling requires.

He recommended a 25-year sentence, 15 years confinement and 10 years extended supervision.

For her part, public defender attorney Elizabeth Svehlek stressed that Kuehl is highly educated, very intelligent, hard-working and in just about every way very different from most of the defendants the court sentences.

She stated that he chose to plead guilty because he wanted to take responsibility for his actions and spare his family the agony of a trial. She described Kuehl as a very driven individual who has always held himself to a high standard. He became overwhelmed by what he believed were his responsibilities as a man and his thinking was impacted by mental illness, she said.

Kuehl, she told the court, was hearing voices and was “delusional” as to the impact of his actions on the child. He thought he was “soothing” the child, she added before going into detail as to her client’s diagnoses and treatment.

She also noted that Kuehl admitted his culpability immediately, explaining to investigators that he had a particular “routine” for calming the child down that he now realized was “too rough.”

Svehlek recommended a sentence of 8 years confinement to be followed by 10 years extended supervision.

“I truly don’t know how this happened,” Kuehl said when given a chance to address the court. “I’ve always put my effort forward, my best intentions forward, in everything that I’ve done and I don’t know how this happened. I got overwhelmed. Everything became too much. It was a perfect storm of everything.”

“People talk about mental health but they don’t understand it. They don’t understand that it’s real and that it’s pervasive and that it sneaks up on you,” he added. “I never saw this coming. I can’t understand how it happened. I don’t understand how it happened. I don’t understand how it happened.”

He went on to describe his elation when his children were born and how he felt “so ready” for his son’s arrival.

“I was so ready for him to come and I was so proud,” he said. “I never saw this coming.”

He finished his statement by thanking the doctors who saved his son’s life. He also thanked Schiek for the work he has done on behalf of his wife and son.

“They needed good representation and they got it and I thank (Schiek) for that,” he said. “I’m very sorry for what I’ve done. I never saw this coming and I’m very sorry.”

Bloom agreed with both attorneys that this case and this defendant are “very different” from most of the criminal cases before him. He spoke of his own experiences years ago as a young father raising two small children while coping with the stress of a high-pressure job and the normal rigors of life.

“I know the benefits, motivations, joys, ambitions, the bright future, that can flow from a (family) scenario like that,” he said.

He stated that the only explanation that has been offered for what happened is that the sound of the child’s crying “got under (Kuehl’s) skin” and added that Kuehl could have alerted his wife that he couldn’t handle the situation or closed a door and allowed the baby to cry in his crib.

“But that’s not what happened. Something inside of the defendant caused him to do what he did,” the judge said.

“How did it come to this,” he asked aloud at one point. “Why? How?”

“Those of us that have children know the smallness, the delicacy, the fragility of an infant child. And the fact that there is something within Mr. Kuehl that caused him to exert the degree of force in the manner that he did against a three-month-old infant child, his own son, is indefensible,” he continued. “It’s incomprehensible and the presence of mental health issues, which I know are real and challenging, in my experience are not so powerful as to cause a person, even those who suffer from mental illness, to not comprehend that the small three-month-old child that they are holding in their hands likewise is real.”

He then followed the prosecutor’s recommendation and sentenced Kuehl to 15 years confinement and 10 years extended supervision.

Kuehl will receive credit for 488 days served.

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## Political

From page 4

### Baldwin helps bring home \$10.2M to strengthen electric grid

Last week Democratic U.S. Sen. Tammy Baldwin announced that Wisconsin is receiving \$10.2 million in federal funds to help strengthen the electric grid to reduce the impacts of extreme weather and natural disasters.

The funding comes from the Grid Resilience State and Tribal Formula Grants program, an initiative supported by the Baldwin-supported Bipartisan Infrastructure Law.

“I am proud to have worked with my Democratic and Republican colleagues to pass the bipartisan Infrastructure Law to—along with fix our roads, repair our bridges, and expand access to high-speed internet—invest in a resilient energy grid,” Baldwin said. “This investment will help Wisconsin communities get the power they need, create local jobs, and be better prepared for the next extreme weather event.”

Wisconsin will award the funds to a diverse set of projects across the state to help ensure residents have power sector reliability, Baldwin said. She said the investment will help in the modernization and hardening of the state’s electric grid to protect it from current and future threats.

Selected projects will increase the skilled workforce and support partnerships with training providers, including registered apprenticeships and other joint labor-management training programs.

## Ruling

From page 3

The residents, the decision states, then tried to “force the board to take action” by way of direct legislation.

“The town did not act upon the petition, and it argues that it was not required to do so because §9.20 is not applicable to towns,” the decision states. “In contrast, the Residents argue that §9.20 is applicable to the Town based on its adoption of village powers under Wis. Stat. §§60.10(2)(c) and 60.22(3) and pursuant to Wis. Stat. §61.342. After the Town refused to act on the Residents’ petition, the Residents sought a writ of mandamus in the circuit court.”

The court of appeals concluded Milanowski’s decision to deny the residents’ petition for a writ of mandamus was appropriate.

“None of the statutes upon which the Residents rely give them the authority to petition the Town for direct legislation, and the Town had no duty to act upon the Residents’ petition, even though the Town has adopted village powers under Wis. Stat. §§60.10(2)(c) and 60.22(3),” the decision states. “Thus, under the circumstances, the Residents have no clear right under the direct legislation statute to compel the Board to take action on their petition, and the Town did not have a plain and clear duty to approve the proposed ordinance or place it on the ballot.”

Presque Isle resident Jeff Meessmann, who is part of The Last Wilderness Alliance, told The Lakeland Times he and the other petitioners are disappointed in the court of appeals’ decision and an appeal to the Wisconsin Supreme Court is being considered.

*Trevor Greene may be reached via email at trevor.greene@lakelandtimes.com.*

## Overdose

From page 1

A key investigator is scheduled to be out of the country to attend a wedding and another witness is expected to travel out of the area to participate in a training session, she said.

In addition, Sowinski noted that the DNA analysts on the state’s witness list are scheduled to testify in other trials next month, thus their availability for this trial cannot be confirmed.

Sowinski stressed that she wanted to try the case as scheduled but cannot “in good conscience” move forward without all of the necessary witnesses.

Lariviere is one of two individuals charged with first-degree reckless homicide (drug delivery) related to Polinski’s death.

Her codefendant, Malik Jones, 24, is serving a prison sentence of 3 1/2 years, to be followed by eight years extended supervision, after accepting a plea agreement with the Oneida County district attorney’s office in April.

Pursuant to the plea agreement, Jones pled guilty to the first-degree reckless homicide charge as well as possession of narcotics and schedule IV drugs with intent to deliver.

As part of the agreement, he also agreed to testify truthfully should Lariviere’s case go to trial.

The two were charged last September after toxicology results showed Polinski, 29, died from fentanyl toxicity.

Fentanyl is a synthetic opioid analgesic 50 to 100 times stronger than morphine.

According to the criminal complaints, shortly after Polinski died police received information indicating a crime may have occurred and that

Jones and Lariviere might have been involved. Law enforcement later obtained a warrant to place a GPS device on the couple’s vehicle and track their movements.

The two were arrested in early May 2022 following a traffic stop. At the time, they were under bond and/or probation conditions prohibiting them from having any contact.

Various amounts and types of illicit substances were found in the vehicle during the traffic stop, including pills located inside Lariviere’s purse. According to the complaints, the pills matched the description of the pill Lariviere and Jones told police they delivered to Polinski. The pills were sent to the state crime lab for testing and came back positive for the presence of fentanyl, according to the complaint.

According to testimony offered during Jones’ preliminary hearing, Jones and Lariviere purchased what they were told were Percocet pills from a contact outside of the area and traveled to Oneida County to deliver one of the pills to Polinski.

The police interviews indicate Jones and Lariviere believed the pills were Percocet but were aware that there were “fake Percocet” pills circulating at the time.

Earlier this month, defense attorney Antoni Apollo filed two motions in advance of the trial. In a motion to suppress, the defense is seeking to bar prosecutors from using statements Lariviere made to police following the May 2022 traffic stop. In the second motion, the defense is seeking to be allowed to argue that a third-party perpetrator gave Polinski the drugs that ended his life. That motion names two individuals described as associates of Polinski.

In court Thursday, Burns granted Sowinski’s request to adjourn the trial

but stated that she does intend to preside over the motion hearing and rule on the motions.

“I do think that I should hear these motions because I’ve been on the case from the beginning,” she said.

The motion hearing is now scheduled for 1:30 p.m. July 18.

Burns will not preside over the trial, whenever it is rescheduled, because she is leaving office in a matter of weeks. She was appointed to fill the remainder of Judge Patrick O’Melia’s term which ends on July 31. O’Melia retired last summer after 15 years on the bench.

Burns sought to hold on to the seat but Oneida County district attorney Mike Schiek prevailed when the two ran against each other in the April election. Schiek was the lead prosecutor in the Lariviere case until this month when Sowinski took over so that he can prepare to take the bench on Aug. 1.

During Thursday’s hearing, Sowinski advised the court that Polinski’s family was strongly opposed to the adjournment of the trial. She also stated that the family had requested the issue of bond be revisited given the delay.

While the defense had no objection to the postponement of the trial, Apollo strongly opposed any type of bond modification. He stressed that Lariviere has been present for all court appearances and there is no cause to make a change.

With no evidence of a violation, Burns said she would not modify the \$5,000 cash bond previously posted.

The hearing ended with Sowinski requesting that the process of assigning a new judge to preside over the trial be expedited if at all possible.

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