

The individuals who summoned law enforcement said they found the box in a field near the trailer park at approximately 11:05am. Two of them carried the box toward the road, not knowing what was inside. When they opened the box they removed the black garbage bag with blue tie strings from the box, set the bag down, opened it and emptied the contents of the bag. When they saw that what was inside the box was a baby, wrapped in a shirt, they called 9-11.

According to reports written by City of Whitewater Detective Brock, on 3/4/23 he arrived on scene at approximately 12:15pm. He noted the infant was wrapped in a blood-stained shirt. The umbilical cord was still attached. The infant's eyes were closed and still had remnants of blood from birth on his body. The umbilical cord was long and was not clamped. The placenta was in another bag inside the black garbage bag with blue tie strings. Two black hairs were found on the infant, one long and one shorter.

The infant was taken by the funeral home for future transport to the Milwaukee Medical Examiner's Office for autopsy.

According to reports written by Whitewater Police Detective Heilberger, on 3/6/23 he attended the autopsy at the Milwaukee Medical Examiner's Office performed by Dr. Linert. Dr. Linert was not able to determine a cause of death.

On 3/23/23 Det. Heilberger received photographs from the Wisconsin State Crime Lab that resulted from forensic imaging of the shipping label on the cardboard box the infant was found in. The address was visible. Using Department of Transportation records, Det. Heilberger was able to find an individual associated with that address, Witness 1¹. He was also able to determine Witness 1's place of employment.

On 3/24/23 Det. Heilberger went to Witness 1's place of employment and DCI Special Agent Juanez interviewed Witness 1, with Det. Heilberger present. Witness 1 said Witness 1's father believed Witness 1's mother was pregnant by another man and accused Witness 1's mother of having an abortion. Witness 1's mother is Santos Asucena Caseres Cruz, the defendant herein.

On 3/24/23, the defendant was also interviewed at approximately 10:55am in a Department of Criminal Investigations (DCI) van outside of the defendant's place of employment. DCI Special Agent Juanez and Det. Heilberger were present. SA Juanez speaks Spanish. As the defendant only speaks Spanish, SA Juanez conducted the interview.

SA Juanez told Det. Heilberger the defendant said she was not pregnant, and did not conceal a newborn infant in a field. She said she would never do that to a baby. She said the accusations by her ex-husband, who was abusive, were untrue.

The defendant provided a buccal swab. She also consented to law enforcement searching her residence and her car. She said the garbage would contain bloody female hygiene pads because she had her period.

Special Agents found a black garbage bag with blue straps, consistent with the bag the infant was found in, in the defendant's vehicle. Nothing of evidentiary value was found in the defendant's home.

On 3/24/23 at approximately 1:45pm, SA Juanez and Det. Heilberger talked to Witness 2, another one of the defendant's children. Witness 2 said the defendant was in the bathroom on 1/27/23 suffering from stomach pain. There was a lot of blood. Witness 2 believed her mother, the defendant, was suffering from hemorrhaging.

¹ The identity of the victim/witness will be disclosed to the defendant through discovery and under seal through the Victim/Witness key pursuant to Article I, §9m of the Wisconsin Constitution and Wis. Stat. §§950.04(1v)(dr) & (2w)(dm) & §85.103(1), Wis. Stats.

On 3/24/23 at approximately 5:50pm SA Juanez and Det. Heilberger went to the defendant's home to conduct an interview. According to reports written by SA Juanez, the defendant was advised of her rights and agreed to make a statement. The defendant asked how much "time" she'd serve for doing this. SA Juanez told her he did not know and could not tell her that.

The defendant said she was previously pregnant. On 1/27/23 at approximately 6pm she was having a lot of pain in her stomach. She was a few days away from her due date and believed she was going to give birth. She did not tell her children because she did not want to lose contact with them because she was pregnant with a different man than their father.

The defendant said she laid in the bathtub and labored for approximately an hour. She said that Witness 2 came to the door and asked if she was okay. The defendant told Witness 2 she was suffering from vaginal hemorrhaging.

The defendant said she gave birth to a baby boy. When the baby was born, he was not breathing and was not moving. The baby did not cry. She believed the baby was deceased. She continually checked to see if the baby was breathing, but never felt him move or breathe. She said after the placenta came out, she wrapped the baby in a shirt, and placed him and the placenta in a white plastic bag. She left the bag open in case the baby started to breathe. She hid the baby in the under the sink cabinet.

The defendant said she did not believe the baby took a breath. She modified her previous statement and said she knew the baby was alive when it was first born, but was possibly choking. When she gave birth to her other children, she had other people there with her. She knows that sometimes when babies are born, if they don't come out fast enough, they start to drown inside the mom. They come out purple and if nothing is done immediately the baby will die. When her baby was born, he had to have been alive and she did not do anything so that is how he might have died. After the baby was born he started getting purple. His face started getting purple first, then as the night went on, his body, then his arms and hands. She never helped the baby. She did not call 911 because she was scared of her children finding out she was pregnant.

The defendant said she then cleaned the bathtub with disinfectant and water. She let Witness 2 come into the bathroom as she was cleaning.

The defendant said approximately half an hour after she gave birth and set the baby under the sink in the plastic bag, her other children were asleep and quiet. She retrieved the baby from inside the cabinet, wrapped the baby in a pink sweatshirt and put the baby inside a cardboard box. She placed the box on her bed and cried all night.

The defendant said that at approximately 4:30am she removed the baby from the bag, cut the umbilical cord using a scissors and separated the baby from the placenta by placing the baby in a black garbage bag and putting the placenta in the bag the baby was originally in. She put the placenta bag in the black garbage bag with the infant into a cardboard box. At approximately 5:00am she drove to a field near the trailer park and left the baby behind.

She said she checked on the box every day and cried.

Subscribed and sworn to before me on 03/28/23

Electronically Signed By:

Monica J Hall

District Attorney

State Bar #: 1049039

Electronically Signed By:

Anthony Heilberger

Complainant