

FILED

12-16-2020

Ozaukee County, WI

For Official Use

Mary Lou Mueller CoCC

2020CF000420

STATE OF WISCONSIN	CIRCUIT COURT	OZAUKEE COUNTY
STATE OF WISCONSIN	DA Case No.: 2020OZ001808	
Plaintiff,	Assigned DA/ADA: Jeffrey A. Sisley	
	Agency Case No.: 20-007224	
vs.		
FREDERICK JAMES MUSCAVITCH	Court Case No.: 2020CF000420	
N6765 County Rd E		
DePere, WI 54115	ATN:	
DOB: 03/13/1999		
Sex/Race: M/I		
TORIA ANGEL NECONISH	Court Case No.: 2020CF000419	
1127 Berner St		
Green Bay, WI 54302	ATN:	
DOB: 01/02/1996		
Sex/Race: F/I		
Defendant.		
AMENDED CRIMINAL COMPLAINT		

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

Count 1: POSSESSION OF NARCOTIC DRUGS (As to defendant Frederick James Muscavitch)

The above-named defendant on or about Monday, November 30, 2020, in the Village of Saukville, Ozaukee County, Wisconsin, did knowingly possess Heroin, a controlled substance included in Schedule I or Schedule II which is a narcotic drug,, contrary to sec. 961.41(3g)(am), 939.50(3)(i) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 2: CARRYING A CONCEALED WEAPON (As to defendant Frederick James Muscavitch)

The above-named defendant on or about Monday, November 30, 2020, in the Village of Saukville, Ozaukee County, Wisconsin, not being a peace officer or other person defined in s. 941.23(2), did go armed with a concealed and dangerous weapon, firearm, contrary to sec. 941.23(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.

Count 3: POSSESSION OF TETRAHYDROCANNABINOLS (THC) - AS A PARTY TO A CRIME (As to defendant Frederick James Muscavitch)

The above-named defendant on or about Monday, November 30, 2020, in the Village of Saukville, Ozaukee County, Wisconsin, as a party to a crime, did knowingly possess a controlled substance, Tetrahydrocannabinols (THC), contrary to sec. 961.41(3g)(e), 939.05 Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned for not more than six (6) months, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 4: RECEIVING STOLEN PROPERTY (<\$2500) (As to defendant Frederick James Muscavitch)

The above-named defendant on or about Monday, November 30, 2020, in the Village of Saukville, Ozaukee County, Wisconsin, did knowingly receive stolen property having a value of less than \$2,500, contrary to sec. 943.34(1)(a), 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 5: POSSESSION OF DRUG PARAPHERNALIA (As to defendant Frederick James Muscavitch)

The above-named defendant on or about Monday, November 30, 2020, in the Village of Saukville, Ozaukee County, Wisconsin, did knowingly possess with primary intent to use, pipe to ingest a controlled substance, contrary to sec. 961.573(1) Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned for not more than thirty (30) days, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 6: POSSESSION OF THC (TETRAHYDROCANNABINOLS) - 2ND AND SUBSEQUENT OFFENSE - AS A PARTY TO A CRIME (As to defendant Toria Angel Neconish)

The above-named defendant on or about Monday, November 30, 2020, in the Village of Saukville, Ozaukee County, Wisconsin, as a party to a crime, having previously been convicted of a criminal offense relating to controlled substances, did knowingly possess a controlled substance, Tetrahydrocannabinols (THC),, contrary to sec. 961.41(3g)(e), 939.50(3)(i), 939.05 Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 7: POSSESSION OF A FIREARM BY A FELON (As to defendant Toria Angel Neconish)

The above-named defendant on or about Monday, November 30, 2020, in the Village of Saukville, Ozaukee County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

PROBABLE CAUSE:

Complainant alleges that on November 30, 2020, Officer Anjum was on patrol and ran a registration check on a BMW traveling on Green Bay Road at Foster Drive in the Village of Saukville, Ozaukee County, Wisconsin. The check showed that the plate on the BMW was stolen. The BMW pulled into the parking lot of Becks Mobil and the two occupants went inside the store. Those two occupants were later identified as the defendants Frederick Muscavitch and Toria Neconish.

Officer Anjum waited for backup officers to arrive and he was joined by Officers Woepse and Deppiesse. Officer Anjum then went inside the store and met with the defendants. He told both defendants he needed to speak to them and asked them to go outside. Muscavitch walked towards Officer Anjum and put his hands behind his back out of site. Despite Officer Anjum telling Muscavitch to keep his hands in sight, he kept his hands hidden. Officer Anjum then tried to take hold of Muscavitch's arm and Muscavitch physically resisted and pulled his arm away. Muscavitch was then taken to the floor and handcuffed.

Muscavitch was searched. In his back pocket, Officer Anjum located a pouch containing a baggie with a white powdery substance inside. That substance was later tested and tested positive for Heroin. He also located a broken glass pipe with residue. Officer Woepse saw a firearm tucked between the driver's seat and center console of the BMW. Officers Woepse and Deppiesse opened the BMW to retrieve the handgun. It was a Taurus 9mm handgun. As soon as the door was opened, Officer Deppiesse smelled the odor of marijuana coming from inside the BMW. The Officers located a marijuana blunt in the center console of the BMW. The contents later tested positive for THC. There was a backpack on the passenger side floor. Inside the backpack there were two loaded magazines for the Taurus along with one unloaded magazine. There were also boxes of 9mm ammunition in the backpack.

When asked whose plates were on the BMW, Muscavitch claimed he did not know. He said the BMW was his and that he was recently in jail. He claimed that when he went to jail, his BMW had no plates on it and those plates were on it when he got out of jail. Muscavitch told Officer Anjum that the firearm was his and that he did not have a concealed carry permit. Muscavitch said the marijuana blunt was also his. Muscavitch said that Neconish was driving the BMW. Muscavitch said he last used drugs a couple of hours prior to the stop. He said the substance in his pocket was Heroin but he said it didn't feel like it.

Neconish had a warrant out for her arrest from the Department of Corrections and was also taken into custody.

Complainant further alleges that defendant Neconish was previously convicted of an offense under Chapter 961 of the Wisconsin Statutes as shown below by the date of offense, date of conviction, charge, county and case number:

07-03-2017 12-12-2017 Possession Narcotic Drug Brown County 2017-CF-975

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

Date Signed: 12/16/20

Electronically Signed By:

Jeffrey A. Sisley

Assistant District Attorney

State Bar #: 1000017

Electronically Signed By:

Deputy C Webb