

FILED
12-23-2020
Clerk of Circuit Court
Brown County, WI
2020CF002039
Honorable Kendall M.
Kelley
Branch 4

STATE OF WISCONSIN	CIRCUIT COURT BRANCH	BROWN COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2020BR007960 Assigned DA/ADA: Aaron S Linssen Agency Case No.: 20-016551 Court Case No.: 2020CF	
vs.		
FREDRICK JAMES MUSCAVITCH N6765 County Road E De Pere, WI 54115 DOB: 03/13/1999 Sex/Race: M/I Eye Color: Brown Hair Color: Brown Height: 5 ft 11 in Weight: 157 lbs Alias: Also Known As Frederick James Muscavitch Defendant.	CRIMINAL COMPLAINT	
		<i>For Official Use</i>

Complainant, Aaron Linssen, an Assistant District Attorney, being first duly sworn on oath, deposes and says that:

Count 1: POSSESSION OF METHAMPHETAMINE, REPEATER

The above-named defendant on or about Tuesday, December 22, 2020, in the Village of Hobart, Brown County, Wisconsin, did knowingly possess methamphetamine, contrary to sec. 961.41(3g)(g), 939.62(1)(b) 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 further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of four misdemeanors on November 24, 2020 in Brown County cases 20CM869 and 20CM870, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 2 years if the prior convictions were for misdemeanors.

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: BAIL JUMPING, REPEATER

The above-named defendant on or about Tuesday, December 22, 2020, in the Village of Hobart, Brown County, Wisconsin, having been charged with a felony in Ozaukee County Case 20CF420 and having been released from custody under Chapter 969 Wis. Stats., did intentionally fail to comply with the terms of his bond, contrary to sec. 946.49(1)(b),

STATE OF WISCONSIN - VS - Fredrick James Muscavitch

939.62(1)(b) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

And further, invoking the provisions of sec. 939.62(1)(b) Wis. Stats., because the defendant is a repeater, having been convicted of four misdemeanors on November 24, 2020 in Brown County cases 20CM869 and 20CM870, which conviction(s) remain of record and unreversed, the maximum term of imprisonment for the underlying crime may be increased 2 years if the prior convictions were for misdemeanors.

Complainant is an Assistant District Attorney with the Brown County District Attorney's Office and knows of the above offense(s) on information and belief based upon:

PROBABLE CAUSE:

The complainant, being duly sworn on oath, swears that he has had the opportunity to review the police reports from Officers Ninham and Powless of the Oneida Police Department, and other documents supporting this complaint referenced herein, which are the types of reports and documents kept in the ordinary course of business, which complainant believes to be truthful and reliable because they have proven to be truthful and reliable on numerous occasions in the past.

The complainant further asserts that based upon his/her review of the referenced reports and/or supporting documents, the incidents alleged occurred in Village of Hobart, Brown County, Wisconsin.

1. Your complainant reviewed the report of Officer Powless of the Oneida Police Department which indicates the following information:

On December 22, 2020, at approximately 2:16 PM, I, Officer R. Powless #819, was off duty traveling east bound on Hwy 172, Village of Hobart, Brown County, when I visually identified Frederick James Muscavitch, (DOB 03/13/1999) from prior police contacts walking east bound on Hwy 172. I believed Frederick to have a Warrant due to previous contacts. I notified Oneida dispatch and was advised Frederick had a Felony Warrant. I pulled over to the side of the road and watched Frederick to see if any vehicles would pull over to pick him up until officer's arrived on scene.

2. Your complainant reviewed the report of Officer Ninham of the Oneida Police Department which indicates the following information:

On Tuesday, December 22, 2020, at approximately 2:16 PM, I, Officer Cletus Ninham #816, was on duty as a Police Officer for the Oneida Police Department. I was dispatched to E/B STH 172 at S Overland Rd, Village of Hobart, Brown County, for a male with a warrant. Off-Duty Oneida Police Officer Ralph Powless #819 observed a male, who he recognized from prior interactions as Frederick James Muscavitch, (DOB 03/13/1999), walking E/B on STH 172 at S Overland Rd, Village of Hobart, Brown County. Officer Powless provided a clothing description of a black hat, black hoodie and blue jeans. While in route to the location, Oneida Dispatch confirmed Frederick had a warrant. Sergeant Nathan Ness #807, Officer Dustin Muenster #825 and I, responded to the location.

STATE OF WISCONSIN - VS - Fredrick James Muscavitch

Upon arrival, I observed a male matching the description provided by Officer Powless. I observed Officer Powless' vehicle stopped on the E/B side of STH 172 as I passed his location. I activated my squad's emergency lights and initiated contact with the male subject., who was later identified as Frederick J Muscavitch, (DOB 03/13/1999). I observed Frederick throw an item to the ground with his right hand. The item was green in color. From my position, I was able to see, in plain view, where the item landed on the ground. As I exited my squad, I identified myself as a Police Officer for the Oneida Police Department. Frederick had stopped walking, moved his hands out away from his body and turned to his left. I was able to visually confirm Frederick's identity from my prior interactions with him after he turned towards me. I gave Frederick verbal instructions to face away from me and to move his hands to his back. As I was explaining to Frederick the reason for my interaction with him, he asked me, "What did I do?" I again explained to him he had a warrant for his arrest.

As I was explaining his warrant, I had him place his left hand to the small of his back. As Frederick moved his left hand to the small of his back, he began to actively pull his hand away from my hold and tried to turn to face me. I again explained to him his warrant and gave him instructions to stop moving. Frederick again tried to turn his body to face me as I placed him in handcuffs. I assisted Frederick to the ground, face down and gave him instructions to go to the ground and to stop resisting.

Frederick followed my instructions as I assisted him to the ground. I placed him in handcuffs and checked the handcuffs for fit. After Frederick was placed in handcuffs, I assisted Frederick to a standing position, and he was searched per incident to arrest. I found a small blue container inside his right jacket pocket, containing un-used small green gem bags, matching the same item I observed him throw to the ground. Officer Muenster escorted Frederick to the front of my squad while I secured the items from his pockets, Officer Muenster and I placed on the ground while searching Frederick per incident to arrest. I also picked up the item Frederick threw to the ground.

At the front of my squad, I searched the additional items which were found in Frederick's possession. As I was examining the items, Frederick said, "It's methamphetamine." I asked him to repeat what he said, and he repeated, "It's methamphetamine." He continued, explaining the contents of one gem bags as, "One of them is the stuff you take out of your pipe. One of them is darker." I asked him if the darker material was, "The burnt stuff," and "Scraped from a pipe." Frederick agreed it was and stated, "I get it for free." Officer Muenster escorted Frederick to his squad and later transported him to Aurora Hospital, located at 2845 Greenbrier Rd, City of Green Bay, Brown County, for medical clearance, because he admitted to using "Meth" prior to Officer interaction.

I transported the items Frederick threw to the ground to the Oneida Police Department. I weighed the contents of the green gem bags, separately from each other, before testing. The brown powder material from one green gem bag had a total weight of 1.40 grams. The white powder material mixed with clear crystal material, from the second green gem bag, had a total weight of 1.30 grams. I took sample materials from each gem bag and tested the contents, individually, with separate NARK II Marquis Reagent Amphetamines / Meth Field Test Kits. The material from both gem bags tested positive for the presence of Amphetamines / Meth. I did a second test of the materials from both green gem bags, with separate NARK II Methamphetamine Reagent Field Test Kits, per gem bag. The sample materials from both green gem bags tested positive for the presence of Methamphetamine. I later advised Officer

STATE OF WISCONSIN - VS - Fredrick James Muscavitch

Muenster of the test results and I added an additional charge for Possession of Methamphetamine, 961.41(3g) (g). Officer Muenster later advised me he notified Probation and Parole of Frederick's interaction with Law Enforcement. Probation and Parole placed a Hold on Frederick. See Officer Muenster's supplemental narrative for further information.

Frederick was later transported to the Brown County Jail and booked in for his Warrant and Possession of Methamphetamine, 961.41(3g) (g). My interaction with Frederick was recorded on my Axon Body Camera. The recording was later placed into evidence at the Oneida Police Department. This incident is closed until further information is brought forward.

3. Your complainant reviewed information from the Wisconsin Circuit Court Access Program (CCAP) which indicates that in Ozaukee County, Wisconsin Case 20CF420, State of Wisconsin vs. Frederick James Muscavitch, dob 3-13-1999, is charged with Possession of Narcotic Drugs, a felony crime and Carry Concealed Weapon, Possession of TCH as a party to a Crime, Receiving or Concealing Stolen Property (\leq \$2500), and Possession Drug Paraphernalia, each misdemeanor crimes. The records indicate that on December 2, 2020, an initial appearance was held and a \$5000 signature bond was set. Complainant is aware that all bonds in Wisconsin contain a condition that the person shall not commit any crime. In addition, the terms of the bond included: "Not to possess or consume controlled substances or prescription medication w/out a valid prescription". Frederick Muscavitch did not appear in court on December 14, 2020, and there is currently a bench warrant issued for Frederick James Muscavitch in this matter. Therefore there is no currently scheduled court date. The terms and conditions of the bond would have been in effect on December 22, 2020.

4. Your complainant has reviewed the records of the Wisconsin Circuit Court Access Program (CCAP) website, which records are believed to be truthful and reliable as they are records kept in the ordinary course of departmental business. Said records indicate that on November 24, 2020, the defendant was convicted of Possession of Drug Paraphernalia and Bailjumping-Misdemeanor, a both misdemeanors in Brown County Case 20CM869. Said conviction(s) remain(s) of record and unreversed.

5. Your complainant has reviewed the records of the Wisconsin Circuit Court Access Program (CCAP) website, which records are believed to be truthful and reliable as they are records kept in the ordinary course of departmental business. Said records indicate that on November 24, 2020, the defendant was convicted of Misdemeanor Retail Theft and Bailjumping-Misdemeanor, a both misdemeanors in Brown County Case 20CM870. Said conviction(s) remain(s) of record and unreversed.

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

STATE OF WISCONSIN - VS - Fredrick James Muscavitch

Subscribed and sworn to before me on 12/23/20 Electronically Signed By:

Electronically Signed By:

Aaron Linssen

Complainant

Caleb J Saunders

Assistant District Attorney

State Bar #: 1094077