

**FILED**  
**12-23-2020**  
**Clerk of Circuit Court**  
**Brown County, WI**  
**2020CF002040**  
**Honorable John P.**  
**Zakowski**  
**Branch 6**

STATE OF WISCONSIN	CIRCUIT COURT BRANCH	BROWN COUNTY
STATE OF WISCONSIN Plaintiff,	DA Case No.: 2020BR004308 Assigned DA/ADA: Aaron S Linssen Agency Case No.: 20-021564 20-021698 Court Case No.: 2020CF ATN:	
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.	<b>CRIMINAL COMPLAINT</b>	
		<i>For Official Use</i>

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

#### **Count 1: RETAIL THEFT - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Tuesday, July 7, 2020, in the Village of Howard, Brown County, Wisconsin, as a party to a crime, did intentionally take and carry away merchandise held for resale by a hardware store without the consent of the merchant, and with intent to deprive the merchant permanently of possession of the merchandise whose value exceeds \$500 but does not exceed \$5,000, contrary to sec. 943.50(1m)(b)&(4)(bf), 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.

#### **Count 2: BAIL JUMPING**

The above-named defendant on or about Tuesday, July 7, 2020, in the Village of Howard, Brown County, Wisconsin, having been charged with a misdemeanor in Outagamie County case 19CM733 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)(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: RETAIL THEFT - PTAC, AS A PARTY TO A CRIME**

The above-named defendant on or about Wednesday, July 8, 2020, in the Village of Bellevue, Brown County, Wisconsin, as a party to a crime, did intentionally take and carry away merchandise held for resale by a hardware store without the consent of the merchant, and with intent to deprive the merchant permanently of possession of the merchandise whose value

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exceeds \$500 but does not exceed \$5,000, contrary to sec. 943.50(1m)(b)&(4)(bf), 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.

#### **Count 4: BAIL JUMPING**

The above-named defendant on or about Wednesday, July 8, 2020, in the Village of Bellevue, Brown County, Wisconsin, having been charged with a misdemeanor in Outagamie County case 19CM733 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)(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.

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 Deputies Baudry and Dreissen of the Brown County Sheriff's Office, 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 Howard and Suamico, Brown County, Wisconsin.

1. Your complainant reviewed the report of Deputy Baudry of the Brown County Sheriff's Office which indicates the following information:

On Tuesday, July 7, 2020 I, Deputy Jeffery Baudry #1355 was working uniformed patrol for the Brown County Sheriff's Office. At approximately 3:00 p.m. I was dispatched to Menards, located at 2300 Woodman Dr. in the Village of Howard (Brown County, State of Wisconsin) for a report of a retail theft.

I arrived at Menards and met with the store manager, TVA. TVA explained that at approximately 1:55 p.m. on July 7, 2020 two males entered the store through the designated exit doors. They moved towards the hardware section and enter aisles 203 and 207. The two males then grabbed a total of three boxes off of the shelves. The males then exited the store without making payment for the merchandise. One of the males exited through the entrance door, and the other exited through the exit doors. They then got into a small blue car. TVA advised that she was notified of the incident over the radio by one of her cashiers at the service desk. TVA went through the exit doors to see if she was able to read a registration plate on the vehicle, but the car immediately took off and she was unable to read the plate. TVA advised that the vehicle was possibly a Chevrolet Sonic and that it had damage to the left

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front fender. TVA explained that neither she nor any other employees of Menards gave the males permission to leave the store without payment for merchandise. TVA provided me with a loss prevention report detailing the incident, items stolen, and photos of suspects. I provided TVA with a Victims Information form and she had no questions regarding the form. TVA advised that she placed a request for the store surveillance video with Menards headquarters and would contact dispatch when the video arrives. I then departed from the scene.

The loss prevention report listed the following items as stolen:

Bosch® 18-Volt Lithium-Ion Cordless Brushless Brute Tough 1/2" Hammer Drill/Driver Kit (Model:GSB18V-755CB25)

Bosch® 18-Volt Lithium-Ion Cordless Impact Driver and Hammer Drill 2-Tool Combo Kit (Model:GXL18V-224B25)

Bosch® SDS plus® Bulldog™ Xtreme Max Corded 1-1/8" Rotary Hammer Drill - 8.5 Amp (Model :GBH2-28L)

TVA's report also provided the following details regarding the suspects. The first suspect was listed as male with brown hair, tattoos, black shirt with white print on the front, and white shoes. The suspect was wearing a grey baseball cap with a flat black rim. The second suspect was a male with longer brown hair, tattoos, and wearing a plain white v-neck t-shirt. I observed in the photos that this suspect is wearing black and white shoes with white laces.

On Saturday, July 11, 2020 at approximately 12:45 p.m. I arrived for my assigned shift and discovered that Deputy Austin Driessen #1371 was investigating a retail theft that took place at Menards East, located at 2560 Steffens Ct. in the Village of Bellevue (Brown County, WI) that took place on Wednesday, July 8, 2020 (BCSO #20-21698). Deputy Driessen had sent me an email notifying that he had the same suspects in his incident. Deputy Driessen advised that a registration plate was observed during this incident and that there was no information on the registered owner available through in house records. Deputy Driessen posted a roll call for public distribution on department and Green Bay Police Department's social media sites.

I reviewed Deputy Driessen's roll call and observed in the photo that one of the suspects is wearing a black t-shirt with the words "Nike" printed in large white or grey letters across the front. This suspect is also wearing a grey colored New York Yankees baseball cap with a flat black brim. This appears to be the same suspect from my incident and also appears to possibly be wearing the same clothing. The baseball cap bore a remarkably similar resemblance to the one being worn by the suspect at the Howard Menards. The second suspect pictured in the photo is similar in the appearance to the suspect that was wearing a white V-neck and had tattoos. Deputy Driessen's roll call was attached to this incident in Pro-Phoenix.

I reviewed the details of incident #20-21698 and discovered that the registration was WI AFU5469. WI DOT records indicated that the vehicle was a blue 2014 Chevrolet Sonic. The vehicle was registered to LRH. LRH's current address was listed in Sobieski, WI.

I conducted a search in NEWPRS for any items that were pawned between July 7, 2020 and July 11, 2020. Two transactions stood out. On July 7, 2020 at 2:16 p.m. two Bosch power tools

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were pawned at Midwest Trading Company, located at 2244 Badgerland Dr. in the Village of Howard. Midwest Trading Company, locally known as MTC Pawn is located approximately 1.5 miles from Menards in Howard. I found it oddly coincidental that the retail theft at Menards took place at approximately 1:56 p.m. then a transaction at a nearby pawn shop was recorded at 2:16 p.m. for similar items.

I reviewed the NEWPRS transactions and observed that the items pawned were two Bosch drills. One was listed as a Bosch RH540M rotary hammer. The other item was a Bosch GXL18V-251B25 Impact wrench/driver. The model numbers of the pawned items differ from the loss report, however, there was a chance that TVA entered different SKUs in her report. The name listed on the transactions was JAMES ANTHONY LAROCK (03/22/1997). I conducted a check of LAROCK's information and WI DOC records indicated that he was actively on parole for possession of a Schedule I or II narcotic drug. From WI DOC records I was also able to view a color photograph of LAROCK which I enclosed with the case file.

I reviewed in house records for any prior contacts regarding WI AFU5469, which is a blue 2014 Chevrolet Sonic. In August 2019, Hobart Lawrence Police Department stopped the vehicle and a FREDERICK JAMES MUSCAVITCH (03/13/1999) was listed as a passenger in the vehicle. While reviewing these details at approximately 4:10 p.m. Deputy Tyler Callow #1335 was dispatched to Meijer, located at 2015 Shawano Ave. in the Village of Howard for a retail theft that just occurred. The loss prevention employee reported that the suspect, who he recognized as "Fred Muscavitch" drove away from the store in a blue Chevrolet four door car. I conducted a search on the Brown County Jail Inmate database for photos of MUSCAVITCH. The inmate booking photos of MUSCAVITCH bore a similar resemblance of the suspect from the Howard Menards theft that was wearing a white V-neck with tattoo sleeves on both arms. MUSCAVITCH also looked similar to the suspect that was wearing a tank top in the Bellevue Menards retail theft. I contacted Meijer and spoke with the loss prevention officer, KS who stated that he recognized MUSCAVITCH immediately from prior incidents.

At approximately 6:00 p.m. I responded to Midwest Trading Company and met with SK. I provided him with the transaction details that I located on NEWPRS. SK was able to retrieve the items. I provided SK with a BCSO Request for Restitution form which he completed indicating that MTC Pawn purchased the items on good faith. He requested restitution in the amount of \$160. SK was also able to show me a photograph of LAROCK that was taken at the time of the transaction. I took a picture with my squad phone and later uploaded the image into Pro-Phoenix. I provided SK with a Victims Information Form. He had no questions regarding the form and stated that he was familiar with the restitution process. SK turned the items over to me which I then transported to the Suamico Village Hall to enter as evidence.

I inspected the items and determined that SKU #2416628 had been recovered. I noticed that one of the items was similar to what TVA had described in her report, but the SKU was different. I contacted TVA and advised her that one of the SKUs matched, but for one of the items it was different. She advised that based on the camera angle from the video she had to make her best guess of what exactly was taken. I advised her that this was completely reasonable as there are numerous items on the shelves. It should be noted that in her report she listed SKU 2414069 as stolen. The item recovered from MTC Pawn is SKU 2416413 and is also a rotary hammer like what TVA described. I provided TVA with a case update and that the items would be held for now as evidence. TVA understood and had no questions or concerns. I then processed the items and entered them into locker #17 at the Suamico Village

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Hall. Property entries 20-001890-2 and 20-001890-3 were updated to recovered in Pro-Phoenix. Property #20-001890-1 (Menards SKU 2416629) is still unaccounted for at this time. It may be in the possession of either LAROCK or MUSCAVITCH. In the store surveillance photo provided by Menards, LAROCK can be seen exiting the store carrying only one item and MUSCAVITCH left carrying two items.

I reviewed WI CCAP for any potential open cases involving LAROCK and MUSCAVITCH. MUSCAVITCH has an open case in Outagamie County (2019CM000733) for misdemeanor charges of criminal damage to property and disorderly conduct. MUSCAVITCH is currently on bond as a result of this case. LAROCK currently has two open cases in Brown County. Brown County Case 2019CT00823 LAROCK has been charged with a misdemeanor count of hit and run. In Brown County Case 2019CF001070 LAROCK was charged with forgery and identity theft. Both charges are felonies.

On Sunday, July 12, 2020 at approximately 2:30 p.m. I requested that Oneida Police Department checked MUSCAVITCH's address on file for the blue Chevrolet Sonic and advise the Sheriff's Office if the vehicle was located. A short time later, I was advised by the Brown County Communications Center that Oneida PD checked the address and that the vehicle was not present.

I then requested that Green Bay Police Department check 1257 Smith Street for the vehicle. I requested that if the vehicle was located, that I be notified. At approximately 3:00 p.m. I was notified by the Communications Center that GBPD had located the vehicle and that MUSCAVITCH was a passenger inside. I contacted officers on scene and requested that MUSCAVITCH be held until I arrive at the scene. I advised them that I had charges of felony retail theft and bail jumping for MUSCAVITCH. Deputy Dwayne Reese #299 responded to assist me at 1257 Smith St.

Deputies arrived at Smith St. and I met with Officer Zach Koch #142 of the Green Bay Police Department. Officer Koch advised that MUSCAVITCH denied knowledge of any recent events.

I secured MUSCAVITCH in handcuffs which I checked for proper fit and then safety locked. I conducted a search of his person incident to arrest in front of my squad car and on camera. Nothing of evidentiary value was located on his person. Any property items in his possession were seized and secured in my squad car. I then escorted MUSCAVITCH in the backseat of my squad car and fastened his seatbelt. I activated the backseat recorder and returned to speak with Officer Koch.

The Chevrolet Sonic had been locked and secured. A GBPD officer and I looked through the windows and I did not observe any power tools inside or any items that MUSCAVITCH had stolen from Meijer the previous day. I then transported MUSCAVITCH to the Brown County Jail.

MUSCAVITCH was then turned over to correctional staff without incident and booked on charges of felony retail theft and misdemeanor bail jumping due to his open case. His property was also turned over to jail staff. Once these actions were completed I returned to service.

The recording of my contact with MUSCAVITCH and his transport to the jail is maintained on the Arbitrator system of the Brown County Sheriff's Office. A DVD copy of the recording was

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turned in with case paperwork. Probation and Parole after hours was contacted in which the center was notified of LAROCK's involvement in the incident. I was advised that a warrant would be entered for his arrest.

At this time LAROCK is still at large. I am requesting that the Brown County District Attorney's Office review this incident for consideration of charges on LAROCK for felony retail theft, felony bail jumping, misdemeanor bail jumping, and false swearing. Both LAROCK and MUSCAVITCH entered Menards on July 7, 2020 just before 2:00 p.m. and exited the store with payment for \$937 worth of Bosch power tools. They had no permission to take the items. Approximately 20 minutes later LAROCK pawned two of the three items stolen from Menards at MTC Pawn and received \$160.00. LAROCK pawned these items under the pretense that he lawfully owned the items and that they were not stolen. MTC Pawn has sustained a \$160 loss as a result. LAROCK also has two open criminal cases in Brown County in which the conditions of bond per Wisconsin State Statutes is not to commit any further crimes.

2. Your complainant reviewed the report of Deputy Driessen of the Brown County Sheriff's Office which indicates the following information:

On Wednesday, 07/08/20, at approximately 3:35 PM, I, Deputy Austin Driessen #1371 responded to Menards, which is located at 2560 Steffens Ct, Bellevue, Brown County, WI for a after the fact retail theft.

Upon arrival I made contact with the complainant, who was verbally identified as, JJB who works as a lost prevention officer at Menards. JJB said the same incident happened on 07/07/20 at the Menards in Howard by the same two people. You can refer to incident number 20-21564 for that case. JJB said two males came into the store at approximately 1:41 PM on 07/08/20. Suspect one can be described as; M/U estimated to be around 5'9, average build, between the ages of 20-25. The male was wearing a black Nike T-shirt and a black or navy blue NY Yankee baseball hat. The suspect had tattoos on both forearms and long black or brown hair. Suspect two can be described as; M/U estimated to be 6'1, thin build, between the ages of 20-25. The male was wearing a tan tank top. Male had tattoos on his chest and both arms and long brown hair. Suspect one took a Bosch rotary hammer drill. SKU number is 2416415 with a price amount to be 589.00 dollars. Suspect two took a Paslode angle cordless nailer SKU number is 2081033 with a price amount of 399.00. The suspects walked past all last points of sale, failing to offer any form of payment and exited the store. Neither JJB, nor any Menards associate gave the suspects permission to leave the store with unpaid merchandise. Suspect two noticed a store employee approach him as he was in the parking lot so ran off to his car without the stolen property. JJB provided a store report with the following statement;

"One of the service desk cashiers pointed out the first suspect walking towards the entrance door with the Bosch tool in hand. She ran out after him to see where he went. The second male (Long hair) walked across the front of the service desk as I was following him. He left the cart at register 1 and made a small scene about his cart of wood missing and then ran out the door both men can be seen walking into the store n camera at 1341, selecting products off of the shelf and leaving at 1344. They were seen getting into a small 4 door Chevy Cruz. Another

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guest reported that the license plate was AFU 5449, possibly AFU 5469. Neither guest was given permission by myself or another team member to take any unpaid merchandise out of the store.”

I sent out a department wide roll call with pictures of the suspects. I also emailed Deputy Baudry in reference to his case. On Saturday, 07/11/20, Deputy Baudry emailed me back stating that he observed in the photo that one of the suspects was wearing a black t-shirt with the words “Nike” printed in large white or grey letters across the front. This suspect was also wearing a grey colored New York Yankees baseball cap with a flat brim. Deputy Baudry said this appears to be the same suspect from his incident and also appears to be wearing the same clothing. The second suspect pictured in the photo is similar in the appearance to the suspect that he had in his case as well. Deputy Baudry said he was able to identify both of the suspects because of a NEWPRS transaction. The suspects were identified as James A Larock (03/22/97) and Frederick J Muscavitch (03/13/99). I looked up both suspects booking photo on Jail INMATE lockup Tool and were able to identify them as the suspects in my case. Both suspects have open cases per WI CCAP.

Complainant's review of the Wisconsin Circuit Court Access Program (CCAP) which complainant has relied upon in the past and found to be accurate and reliable. Upon review of Outagamie County case 19CM733, State of Wisconsin v. Frederick Muscavitch, the defendant was charged with criminal damage to property and disorderly conduct, both misdemeanors. The defendant appeared for a bail/bond hearing on February 13, 2020 in Outagamie County, and was given a \$750 signature bond which included a condition of no further law violations. Said bond was in effect on July 7 and 8, 2020.

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

Subscribed and sworn to before me on  
12/23/20

Electronically Signed By:

Caleb J Saunders

Assistant District Attorney

State Bar #: 1094077

Electronically Signed By:

Aaron Linssen

Complainant