STATE OF WISCONSIN CIRCUIT COURT COLUMBIA COU... COPY

STATE OF WISCONSIN,
P.O. Box 7857
Madison, WI 53707-7857

Plaintiff,

v. Case No. 14-CF-55

ALEXANDER R. PRIEVE W/M
LKA: 812 South Lincoln Street
Beaver Dam, WI 53916
DOB: 04/29/1995
Height: 5'9" Weight: 130 lbs
Eyes: Hazel Hair: Brown

Defendant.

FILED
FEB 12 2014
CIRCUIT COURT
COLUMBIA COUNTY

CRIMINAL COMPLAINT

I, Detective Lieutenant Roger Brandner, being first duly sworn, state that:

COUNT ONE: DELIVERY OF A NARCOTIC

On or about Tuesday, July 30, 2013, in the Town of Pacific, Columbia County, Wisconsin, the defendant did deliver Oxycodone, a Schedule II controlled substance, a Class E Felony, punishable by up to 15 years of imprisonment and a fine not to exceed $50,000, or both, pursuant to Wis. Stat. §§ 961.41(1)(a), and 939.50(3)(e).

COUNT TWO: THEFT – PARTY TO A CRIME ($2500-5000)

On or about and between August 23, 2013, and December 15, 2013, in the City of Portage, Columbia County, Wisconsin, the defendant did, as a party to a crime, take and carry away the moveable property of another without consent and with intent to deprive the owner

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permanently of possession of the possession of the property, contrary to Wis. Stat. § 943.20(1)(a) and (3)(bf). The property value exceeded $2,500 but did not exceed $,5000, making this offense a Class I Felony, punishable by up to 3 years and 6 months of imprisonment and a $10,000 fine or both, pursuant to Wis. Stat. §§ 943.20(1)(a) and (3)(bf) and 939.50(3)(i).

COUNT THREE: DISORDERLY CONDUCT, DOMESTIC ABUSE

On or about Tuesday, January 7, 2014, in the city of Portage, Columbia County, Wisconsin, the defendant did, in a public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonably loud, or otherwise disorderly conduct under circumstances in which such conduct tended to cause or provoke a disturbance, contrary to Wis. Stat. § 947.01, a Class B Misdemeanor punishable by up to 90 days in jail or a $1,000 fine or both, pursuant to Wis. Stat. §§ 947.01 and 939.50(3)(b).

And further, invoking the provisions of Wis. Stat. § 968.075(1)(a) because this charge is an act of domestic abuse, costs upon conviction would include the domestic abuse assessment imposed under Wis. Stat. § 973.055(1).

COUNT FOUR: POSSESSION OF TETRAHYDROCANNABINOLS

On or about Monday, January 13, 2014, in the city of Portage, Columbia County, Wisconsin, the defendant did possess tetrahydrocannabinols, contrary to Wis. Stat. § 961.41(3g)(e), a Misdemeanor punishable by up to 6 months in jail or a $1,000 fine or both, pursuant to Wis. Stat. § 961.41(3g)(e).

COUNT FIVE: POSSESSION OF DRUG PARAPHERNALIA

On or about Monday, January 13, 2014, in the city of Portage, Columbia County, Wisconsin, the defendant did possess drug paraphernalia, to wit: a one-hitter, used to inhale or

otherwise introduce controlled substances into the body, contrary to Wis. Stat. § 961.573(1), a Misdemeanor punishable by up to 30 days in jail or a $500 fine or both, pursuant to Wis. Stat. § 961.573(1).

PROBABLE CAUSE

July 30, 2013 controlled buy

Detective Sergeant Alexander Agnew of the Columbia County Sheriff's Department reports that on Tuesday, July 30, 2013, he participated in a controlled buy where the defendant, Alexander Prieve, was the suspect. Detective Sergeant Agnew reports that he met with CI 515, who had previously provided information that CI 515 could purchase marijuana or cocaine from the defendant, whom CI 515 knew. Detective Sergeant Agnew reports that CI 515 stated that CI 515 was in contact with the defendant and could buy cocaine from the defendant that day but the defendant needed CI 515 to give him a ride to Watertown to obtain the cocaine.

Detective Sergeant Agnew reports that he contacted CI 515, who showed him text messages between CI 515 and the defendant arranging a cocaine purchase. Arrangements were made through text messages for CI 515 to pick up the defendant at the defendant's girlfriend's house, located on Dorn Drive in the city of Portage. Detective Sergeant Agnew reports that he searched the CI and the vehicle the CI used to pick up the defendant and found no contraband or currency.

Detective Sergeant Agnew reports that he provided $300 in buy money to the CI. Detective Sergeant Agnew reports that there was constant surveillance of the defendant and CI after the CI picked up the defendant at Dorn Drive and traveled on STH 16 to Watertown. Detective Sergeant Agnew reports that Dodge and Jefferson County agencies assisted in the surveillance. The defendant was unable to purchase cocaine in Watertown.

Detective Sergeant Agnew reports that once the CI and the defendant were back in Columbia County, the CI called Detective Sergeant Agnew and stated that the defendant had been able to purchase Oxycodone in Watertown. The CI stated that while they drove on STH 16 merging into STH 51 north of the railroad tracks and Rathskeller Bar in the Town of Pacific, Columbia County, Wisconsin, the defendant gave the CI three Oxycodone pills and the CI gave the defendant $100 in buy money.

Detective Sergeant Agnew reports that constant surveillance was maintained as the CI and defendant drove back to Dorn Drive in the city of Portage. Detective Sergeant Agnew reports that he followed the CI after the CI dropped off the defendant. Detective Sergeant Agnew reports that the CI handed him three Oxycodone pills (later identified on Drugs.com) and $200 in buy money as well as the digital audio recorder the CI had used to record the buy. Detective Sergeant Agnew reports that he listened to the recording and it contained conversation consistent with the CI's version of events.

Thefts between August 23rd and December 15, 2013

Detective Sergeant Agnew reports that on January 13, 2014, he responded to 556 Dorn Drive in the city of Portage, Columbia County, Wisconsin, for a report of a series of thefts. Detective Sergeant Agnew reports that he spoke with resident Rebecca Pionke, who stated that her daughter, Danielle Pionke, and her boyfriend, the defendant, had taken her property without consent over a period of time. Rebecca Pionke stated that the defendant and Danielle Pionke had been living at her home at the time of the thefts and were back now.

Detective Sergeant Agnew reports that he reviewed the leadsonline.com pawn records and observed the following transactions that Rebecca Pionke identified as her items taken without consent from her home. Values were provided by Rebecca Pionke:

August 23, 2013:	Portable bookshelf stereo $100
September 23, 2013:	14 carat gold ring cluster with diamonds missing the center stone $1,500 Sanyo brand digital camera and charger $200 Harley Davidson leather boots size 7.5 $150 Wii Fit balance board $100 Wii sports game system $45 Wii remote control $30 Wii nunchuck $45 iRobot vacuum cleaner $400
October 8, 2013:	Briggs & Stratton gas pressure washer $500
December 15, 2013:	Women's 14 carat gold tennis bracelet with pearls $500 14 carat gold box link chain necklace $400 10 carat gold solitaire ring with diamonds $200

Total value of items stolen from Rebecca Pionke and pawned: $4,170.

Detective Sergeant Agnew reports that pawn records showed that the defendant pawned Rebecca Pionke's items on October 8 and December 15 and Danielle Pionke pawned the items on August 23 and September 23.

Rebecca Pionke also reported an incident that had taken place at her home on January 7, 2014. Rebecca stated that Danielle Pionke called her to ask for help, stating that the defendant was causing a disturbance. Rebecca Pionke stated that she came home to 556 Dorn Drive and the defendant was yelling loudly and using profane language. Rebecca Pionke stated that the defendant was pulling on the staircase and attempting to damage the spindles. Rebecca Pionke stated that the defendant picked up a glass bowl and threatened to throw it through the front window of the house. Rebecca Pionke stated that Danielle Pionke left the home and the defendant told her that he and Danielle were using heroin. Rebecca Pionke stated that the defendant had nowhere to go and she let him continue to stay with her. Rebecca Pionke stated that she was concerned for her safety and Danielle Pionke's safety because the defendant has a temper and might try to retaliate against her for contacting law enforcement.

Detective Sergeant Agnew reports that he contacted Danielle Pionke and, after being advised of and waiving her *Miranda* rights, she stated that she and the defendant have been stealing from Rebecca Pionke to support their drug habit. Danielle Pionke stated that she and the defendant shared the money they received from pawning Rebecca Pionke's items. Danielle Pionke stated that they took Rebecca Pionke's items without permission. Detective Sergeant Agnew reports that he showed Danielle the list of stolen items pawned by the defendant and Danielle and she admitted to stealing and pawning them with the defendant, except for the Wii equipment, which she stated she believed belonged to the defendant. Danielle Pionke stated that she and the defendant shared the proceeds of the pawn sales.

Danielle Pionke stated that on January 7, 2014, she and the defendant were at their home (556 Dorn Drive) and the defendant was angry because they had broken up and Danielle was going out to hang out with other friends. Danielle Pionke stated that the defendant was yelling and would not let her leave the room. Danielle Pionke stated that she told the defendant that she wanted to leave and he pushed her and stood in the room blocking her exit. Danielle Pionke stated that she broke her mother's door because she was angry. Danielle Pionke stated that she was yelling as well. Danielle Pionke stated that the defendant broke the phones in the residence when she was trying to call her mother for help.

Danielle Pionke consented to a search of the bedroom she shared with the defendant at 556 Dorn Drive. Detective Sergeant Agnew reports that he located a "one hitter," used to inhale controlled substances between the mattresses of the bed. Detective Sergeant Agnew reports that he located marijuana in a small glass jar between the mattresses as well as two silver rings and a gold bracelet and a digital scale. Danielle Pionke stated that she had taken the jewelry without consent from Rebecca Pionke. Detective Sergeant Agnew reports that the marijuana tested

positive for tetrahydrocannabinols with a Duquenois Levine reagent test and weighed .025 grams.

Detective Sergeant Agnew reports that on January 13, 2014, he spoke with the defendant, who was advised of and waived his *Miranda* rights. The defendant stated that officers would find a "pinchie" or "one-hitter" as well as marijuana in his room at 556 Dorn Drive. The defendant also stated that he was aware of the stolen jewelry between the mattresses. The defendant stated that he and Danielle Pionke have been taking items from Rebecca Pionke to sell for drugs. The defendant stated that he and Danielle Pionke share everything.

The defendant stated that on January 7, 2014, he and Danielle Pionke were home at 556 Dorn Drive and had an argument. The defendant stated that he might have pushed Danielle during this argument but that was because she was coming at him. The defendant stated that he tried to grab a cordless phone out of Danielle's hand and it fell to the floor and broke. The defendant denied breaking the other phones in the residence. The defendant initially stated that he did not block Danielle from leaving, but later stated that he "may have" blocked Danielle from leaving. The defendant stated that he and Danielle are "two bombs that explode" when they have arguments.

The defendant stated that he has sold marijuana, Xanax, and Percocet (Oxycodone) in the past to help out friends.

Detective Sergeant Agnew reports that Detective Sergeant Bisch also located marijuana in medical bottles in a bag on the floor of the defendant's room, which tested positive for tetrahydrocannabinols with a Duquenois Levine reagent test and weighed .13 grams.

Your complainant is a Detective with the Columbia County Sheriff's Department, who bases his knowledge of this complaint on:

- The official law enforcement agency reports of the Columbia County Sheriff's Department prepared by Detective Sergeant Agnew, which reports were prepared in the normal course of law enforcement duties;
- Statements by citizen informant(s) Danielle and Rebecca Pionke; who are eyewitnesses to the facts they relate;
- Statements by the defendant, which were made contrary to his penal interests.

Dated this 12 day of February, 2014.

Lt. Roger Brandner

Detective Lieutenant Roger Brandner
Complainant

Subscribed and sworn before me and approved
for filing this 13th day of February, 2014.

Annie Jay
Assistant Attorney General
Special Prosecutor for Columbia County
State Bar No. 1056404
Wisconsin Department of Justice
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