STATE OF WISCONSIN CIRCUIT COURT FOND DU LAC COUNTY

STATE OF WISCONSIN Plaintiff, vs. CATALIN-ADRIAN CAPANU 2295 W Broadway Apt K-313 Anaheim, CA 92804 DOB: 06/23/1982 Sex/Race: M/W Alias: Defendant.	DA Case No.: 2018FL001954 Assigned DA/ADA: Thomas L. Storm Agency Case No.: 18-5083 Court Case No.: ATN: **CRIMINAL COMPLAINT**

For Official Use

The undersigned law enforcement officer of the Fond du Lac Police Department, being first duly sworn, states that:

Count 1: OBSTRUCTING AN OFFICER - PARTY TO A CRIME

The above-named defendant on or about Sunday, June 10, 2018, Fond du Lac County, Wisconsin, as a party to a crime, did knowingly obstruct an officer, while such officer was doing an act in an official capacity and with lawful authority,, contrary to sec. 946.41(1), 939.51(3)(a), 939.05 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 2: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

The above-named defendant on or about Sunday, June 10, 2018, Fond du Lac County, Wisconsin, as a party to a crime, did with intent to defraud the purported issuer a person or organization providing money, goods, services or anything else of value or any other person possess a financial card or purported financial card with the knowledge that it has been altered or counterfeited. The possession of a person other than the purported issuer of two or more financial transaction cards which have been altered or counterfeited as prima facie evidence that the person intended to defraud or that the person knew the financial transaction cards to have been so altered or counterfeited, contrary to sec. 943.41(4)(a), 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.

Count 3: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

The above-named defendant on or about Sunday, June 10, 2018, Fond du Lac County, Wisconsin, as a party to a crime, did with intent to defraud the purported issuer a person or organization providing money, goods, services or anything else of value or any other person possess a financial card or purported financial card with the knowledge that it has been altered or counterfeited. The possession of a person other than the purported issuer of two or more financial transaction cards which have been altered or counterfeited as prima facie evidence that the person intended to defraud or that the person knew the financial transaction cards to have been so altered or counterfeited, contrary to sec. 943.41(4)(a), 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.

Count 4: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

The above-named defendant on or about Sunday, June 10, 2018, Fond du Lac County, Wisconsin, as a party to a crime, did with intent to defraud the purported issuer a person or organization providing money, goods, services or anything else of value or any other person possess a financial card or purported financial card with the knowledge that it has been altered or counterfeited. The possession of a person other than the purported issuer of two or more financial transaction cards which have been altered or counterfeited as prima facie evidence that the person intended to defraud or that the person knew the financial transaction cards to have been so altered or counterfeited, contrary to sec. 943.41(4)(a), 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.

Count 5: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

The above-named defendant on or about Sunday, June 10, 2018, Fond du Lac County, Wisconsin, as a party to a crime, did with intent to defraud the purported issuer a person or organization providing money, goods, services or anything else of value or any other person possess a financial card or purported financial card with the knowledge that it has been altered or counterfeited. The possession of a person other than the purported issuer of two or more financial transaction cards which have been altered or counterfeited as prima facie evidence that the person intended to defraud or that the person knew the financial transaction cards to have been so altered or counterfeited, contrary to sec. 943.41(4)(a), 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.

Count 6: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

The above-named defendant on or about Sunday, June 10, 2018, Fond du Lac County, Wisconsin, as a party to a crime, did with intent to defraud the purported issuer a person or organization providing money, goods, services or anything else of value or any other person possess a financial card or purported financial card with the knowledge that it has been altered or counterfeited. The possession of a person other than the purported issuer of two or more financial transaction cards which have been altered or counterfeited as prima facie evidence that the person intended to defraud or that the person knew the financial transaction cards to have been so altered or counterfeited, contrary to sec. 943.41(4)(a), 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.

Count 7: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

The above-named defendant on or about Sunday, June 10, 2018, Fond du Lac County, Wisconsin, as a party to a crime, did with intent to defraud the purported issuer a person or organization providing money, goods, services or anything else of value or any other person possess a financial card or purported financial card with the knowledge that it has been altered or counterfeited. The possession of a person other than the purported issuer of two or more financial transaction cards which have been altered or counterfeited as prima facie evidence that the person intended to defraud or that the person knew the financial transaction cards to have been so altered or counterfeited, contrary to sec. 943.41(4)(a), 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.

Count 8: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

The above-named defendant on or about Sunday, June 10, 2018, Fond du Lac County, Wisconsin, as a party to a crime, did with intent to defraud the purported issuer a person or organization providing money, goods, services or anything else of value or any other person possess a financial card or purported financial card with the knowledge that it has been altered or counterfeited. The possession of a person other than the purported issuer of two or more financial transaction cards which have been altered or counterfeited as prima facie evidence that the person intended to defraud or that the person knew the financial transaction cards to have been so altered or counterfeited, contrary to sec. 943.41(4)(a), 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.

Count 9: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 10: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 11: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

The above-named defendant on or about Sunday, June 10, 2018, Fond du Lac County, Wisconsin, as a party to a crime, did with intent to defraud the purported issuer a person or organization providing money, goods, services or anything else of value or any other person possess a financial card or purported financial card with the knowledge that it has been altered or counterfeited. The possession of a person other than the purported issuer of two or more financial transaction cards which have been altered or counterfeited as prima facie evidence that the person intended to defraud or that the person knew the financial transaction cards to have been so altered or counterfeited, contrary to sec. 943.41(4)(a), 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.

Count 12: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 13: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 14: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 15: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 16: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 17: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 18: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 19: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 20: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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Count 21: CREDIT CARD-FORGERY (ALTERATION, ETC.) - PARTY TO A CRIME

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PROBABLE CAUSE:

Complainant is an officer with the City of Fond du Lac Police Department and has reviewed the official reports of Detectives William Ledger and Steve Kaufman, and Officers Kyle Hoefer, Jarid Pfalzgraf, Matthew Crowder, and Jesse Pimental, all of whom he knows to be truthful and reliable based on experience working with them and knows that on June 10, 2018, Christopher Kunz called 911 stating that he observed suspicious activity at the Marine Credit Union, located at 80 W. Rees St. in the city and county of Fond du Lac, Wisconsin. More specifically, he observed a blue Honda Accord with two occupants who were both white males that were typing a bunch of stuff into the ATM. Kunz advised that they then drove away and he was able to use the ATM and then the same blue Honda Accord with the two white males pulled back into the ATM and they were still sitting there for a long time, again pushing a bunch of numbers. He advised they were at the location.

Upon arrival Hoefer approached the area traveling south bound on Doty St. past the intersection with W. Rees St. and came into the parking lot of the Marine Credit Union from the west. There was a driveway that comes off of Doty St. that wraps around the back of the building. Hoefer observed a blue Honda Accord exiting the parking lot with a temporary Illinois license plate number of 1862738. Hoefer got behind the vehicle and called out a traffic stop activating emergency lights and attempting to stop the suspect vehicle. The vehicle continued north bound to the intersection of W. Johnson St. and stopped at the stop sign. Hoefer was behind them with my emergency lights on. As they turned onto W. Johnson St. turning right heading into an eastward direction HoeferI activated his emergency siren and the suspect vehicle pulled into the G & L parking lot which is located in the area of W. Johnson St. between Doty St. and N. Macy St.

Once the vehicle came to a stop the driver of the vehicle immediately opened his driver's side door and Hoefer thought that the driver was coming back to assault him--he came out of the vehicle at a very rapid pace towards Hoefer’s vehicle. Hoefer immediately exited his squad car and drew his firearm aiming directly at the white male driver who then fled east bound down the sidewalk along Johnson St. The other white male occupant opened the door slightly however as HoeferI passed the suspect vehicle in pursuit on foot after the driver, it appeared that the passenger was still inside of the vehicle. Hoefer still had his handgun out, yelling for the suspect to stop, and identifying himself as police; the subject continued running east bound. Hoefer began to reach for his automatic bail out button for his K9 partner, K9 Brux, who is a certified dual purpose K9, however due to the high amount of traffic on W. Johnson St. he made the decision to leave the K9 partner in the vehicle so as not to get him struck by a vehicle fleeing after possibly the other suspect. The driver had turned south bound and was running directly down the middle of N. Macy St. towards the intersection with W. Rees St. As we got further down N. Macy St. Hoefer did hit the automatic bail out button for K9 Brux. Hoefer then observed the driver trip in the area of N. Macy St. and W. Rees St. just north of the intersection as he was trying to go up the curb; he fell down to the ground and Hoefer slowed down, aiming his fire arm directly at him, yelling for him to stay on the ground. The suspect, however, got up and began to run. Hoefer advised loudly the dog was coming; the suspect then stopped, but refused to comply with my commands to get on the ground. Hoefer shouted numerous times for the suspect to get on the ground however he refused to do so. The suspect reached into his pocket to grab something and HoeferI did not know what it was--he immediately tackled the suspect, struck the suspect with his right shoulder hard in the middle of his back and drove him directly down to the ground. Hoefer then holstered his firearm and attempted to call out location. Hoefer was attempting to pin the suspect to the ground and also keep the K9 partner K9 Brux from biting the suspect who finally stopped attempting to flee.

Other officers arrived and Hoefer placed his K9 partner back into a leash and advised that there was one suspect who was still in the vehicle. He then began jogging back to the suspect vehicle which was still located in front of his squad car. As he got closer HoeferI observed that there were no occupants inside of the vehicle and called out to other officers that there was still had one white male suspect that was on foot. Hoefer then stopped the in squad video from recording so that he could review the video rapidly to get a better description of the suspect who had fled on foot. He was able to observe in the video that shortly after he took off running after the driver, that was now in custody, the passenger also fled the scene in a southwest direction across the parking lot wearing red shoes, dark jogging pants, a dark gray long sleeve tee shirt and a gray hat. Hoefer gave out this description to other units as he was not aware that the passenger was already taken into custody by Officer Pfalzgraf.

Hoefer was able to positively identify the passenger of the vehicle as Catalin Adrian Capanu (d.o.b. 6/23/82), and the driver of the vehicle as Mihai-Alexandru Preda (d.o.b. 12/8/91).

Kunz later advised that he had gone to the Marine Credit Union located at 80 W. Rees St. to utilize the ATM and that when he pulled around the back of building he came up behind a blue Honda Accord that had an Illinois temporary tag and no front license plate. He stated that there were two white males inside of the vehicle who kept putting a card into the ATM and typing a number and then kept putting more and more in. He stated that he observed that they were putting in what appeared to be $1000.00 requests however that they continued to be denied. Kunz stated that he believed that this was because there was a maximum that you could take out of this ATM at this location. He said that the subjects kept looking back at him and appeared very nervous, that he was right behind them for about five minutes until they proceeded forward and left the parking lot. Kunz advised that he was very weirded out and knew that there were possibly some skimmer activity in Fond du Lac as he had seen things in the news and he stated that he made a $220.00 transaction of his own making sure to cover up the screen and also to tug on the portion of the machine where you put your card in. He said that within about ten seconds of him making his transaction the suspect vehicle, which was the blue Honda Accord with a temporary Illinois license plate and no front plate pulled right up behind him and then pulled up to the ATM again and continued their activity. Kunz stated that this is when he made the decision to call 911 because he thought that they were possibly breaking the law, that he then stayed in the area and observed my squad car arrive on scene. He stated that he saw my squad car get behind the suspect vehicle that he had observed at the ATM and that he saw my emergency lights go on and that the vehicle pull into "the big lot" and then observed the suspects running.

Hoefer observed in the Honda cash and ATM receipts in the center front tray of the vehicle, cash in the passenger side door tray, as well as the glove compartment, and driver's side door tray. In addition he later located in a black Adidas bag directly behind the passenger's side front seat another amount of cash and accompanied with this cash were a number of debit cards. Hoefer observed debit cards that were bound together by rubber bands in the black Adidas bag as well as the driver's side door tray and the glove compartment of the vehicle. Later in his investigation he also located debit cards in a gray and black bag which was located directly behind the driver's seat. In addition to the cash and debit cards that were all rubber banded together he was able to locate numerous receipts that appeared to be ATM receipts from several banks which were clarified later at the Fond du Lac Police Department.

There was $2020.00 located in the glove box, $60.00 located in the passenger side door tray, $780.00 located in the black Adidas backpack behind the passenger seat, $1362.00 located in the center tray in the front of the vehicle, directly below where the radio is at, and $3104.00 located on Preda's person by officers during a search In addition there was $40.00 located in the driver's door tray and $118.00 located on Capanu's person when he was taken into custody. In addition to the money they also processed through the numerous debit cards: 12 such cards were located in the black backpack, 23 debit cards were located in the driver's door tray, 93 debit cards were located in the glove compartment, and 9 debit cards were located in the bottom of a black and gray bag behind the driver's seat.

There were a total of 137 debit cards found in the vehicle. Ledger stated that each of the individual debit cards contains account information--including four digit personal identification numbers on circular stickers--that provide access to individual accounts without the consent of the account holder or financial institution handling the account; that the debit cards were created or counterfeited without the issuer's consent or authorization. This criminal complaint charges only 20 of the 137 potential crimes for reasons of expeditious processing; additional counts may be added in the Information to be filed.

Also in the vehicle were numerous receipts located in the glove compartment and center tray area. There was one Dick's Sporting Goods receipt, two Verve Credit Union receipts, ten Marine Credit Union receipts from 80 W. Rees St. and twenty three Marine Credit Union receipts from 201 Wisconsin American Drive in Fond du Lac. In addition there was foreign currency located on Preda's person which included 8 separate pieces of foreign currency comprising euros and pesos.

Capanu showed Detective Lee Mikulec the two Marine Credit Union locations on Wisconsin American Drive and Rees St where they used the debit cards at the ATM machines about 10 to 13 times. Capanu said that he and Preda took turns driving a rental vehicle from California. Capanu further stated he was not going to give anyone else up but a female was in charge of the operation; that they were given the cards and that they would get 10% of everything withdrawn. Preeda said that he and Capanu came to Fond du Lac from Anaheim, California, and "found" the cards in the car.

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

Subscribed and sworn to before me on 06/14/18
Electronically Signed By:
Curtis A. Borsheim
Assistant District Attorney
State Bar #: 1004536

Electronically Signed By:
Capt. McKeough #122
Complainant