

State of Minnesota
County of Rice

District Court
3rd Judicial District

Prosecutor File No.
Court File No.

A-12-1026
66-CR-12-1835

State of Minnesota,

Plaintiff,

vs.

ADAM ANTHONY WUNDERLICH DOB: 07/05/1990

600 North Spring St, #203

Northfield, MN 55057

Defendant.

COMPLAINT

Order of Detention

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Aiding and Abetting Theft-by Swindle

Minnesota Statute: 609.52.2(4), with reference to: 609.05.1, 609.52.3(5)

Maximum Sentence: 90 days in jail and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 06/27/2012

Control #(ICR#): 12000679

Charge Description: On or about June 27, 2012, within the County of Rice, defendant, Adam Anthony Wunderlich, did intentionally aided, advised, hired, counseled, or conspired with or otherwise procured another, to wrongfully, unlawfully and feloniously by swindling, whether by artifice, trick, device, or any other means, obtain property or services from another person, and said property or services stolen is more than \$500 or less.

STATEMENT OF PROBABLE CAUSE

The Complainant states that the following facts establish probable cause:

Your Complainant and/or Signing Officer designated below, being duly sworn, has reviewed police reports relating to the above-named Defendant and the allegations contained herein, and/or has spoken with peace officers having knowledge of the incident, and based upon that information, believes the following to be true and correct.

On June 27, 2012, at about 3:33 p.m., Deputy Trevor Peterson was dispatched to 204 Main Street in Nerstrand, Rice County, on a report of a past action theft. Deputy Peterson met with the reporting party, KB. KB made the following report:

Johanna Whipple, date of birth 9/29/1991, visited her residence at about 11:45 a.m. today. Johanna Whipple said she was doing a fundraising run for the American Cancer Society in memory of her father. She asked if KB could donate money. Whipple did not have any paperwork about the American Cancer Society or about the fundraising run. Whipple just had a spiral notebook and a pen. Whipple smelled of smoke and appeared "fidgety" and tired. Whipple asked to use the bathroom. KB had her checkbook on the dining room table. Inside KB's checkbook there was a banking envelope containing \$100 in cash. There was also some cash in plain view on the dining room table. Whipple had returned from the bathroom and was sitting at the dining room table. Whipple asked for a glass of water. KB left Whipple alone in the dining room and went to get her a glass of orange juice.

KB also issued a check (#8892) to Whipple in the amount of \$15 as a donation for the American Cancer Society. Whipple asked KB to issue the check directly to her. She said she would then add up all of her donations and issue one check to the American Cancer Society. KB said once she gave Whipple the check, she seemed to be in a hurry and left quickly.

About an hour later, KB discovered that the cash in her checkbook was missing. The cash on the dining room table was also missing. KB called her bank and learned that her check to Whipple had already been cashed. KB is missing about \$217 in cash.

KB said that when Whipple left her residence she went to a car that was parked near her home. There appeared to be a male in the car.

Deputy Peterson showed KB a photograph of the Defendant Whipple. KB identified the photograph as the Defendant Whipple and the person who was at her residence.

Sgt. Hlady learned that Whipple had a flyer for the Cancer Walk in Rochester. The date was June 23, 2012, but the date was scratched out and 30th was handwritten over the 23rd. Sgt. Hlady went to the

organization's website and learned that the walk is June 23, 2012.

On June 27, 2012, at about 7:39 p.m., Northfield Police Officer Borchardt reviewed a report from MH. MH said she had just given a check for \$5 to someone who was asking for donations for the Colon Caner Coalition. MH became suspicious when the female asked that the check be issued to "Johanna Whipple." The female told MH that "Joanna Whipple" is her team leader and that is why the checks should be made out to her. MH is worried that she was scammed.

Northfield Police Officers located the suspect vehicle. Adam Anthony Wunderlich, date of birth 7/5/1990, hereinafter defendant, was the driver. Johanna Whipple was the passenger. Whipple said she was doing some fundraising for a Colon Cancer benefit. She said the fundraiser is taking place this coming weekend. She provided the officer with a flyer for the benefit. She also provided the officer with MH's check (#3922) for \$5. The officer saw that the date of the event is June 23, 2012 and the date was scratched off and was 30th was handwritten on the date. She had the checks issued to her so she could later give the benefit one lump sum.

On June 27, 2012, at about 8 p.m., Sgt. Hlady located the defendant in Northfield, Rice County. The defendant made the following statements to Sgt. Hlady:

The Johanna Whipple denied stealing money from KB in Nerstrand. She admitted that she was at KB's residence. She said she had already deposited KB's check in her account. She said she talk the fundraising run was June 30. She said she and Adam Wunderlich were going to give all of the donations to the walk's sponsors. She denied being responsible for handwriting the 30th date on the flyer. She did not know how much money she had collected today. She did not know how much she would turn over to the Cancer Walk sponsors.

Johanna Whipple later admitted to Northfield Police Officers that she knew the walk was on June 23, 2012. She admitted she and Adam Wunderlich were planning on keeping the money they made today as "donations" for themselves. Adam Wunderlich was the driver of the car.

The defendant and Johanna Whipple were placed under arrest.

An inventory search was conducted of the vehicle. Adam Wunderlich said there might be needles in Johanna Whipple's bag. Officer Borchardt located a green canvas bag. The bag was on the floor of the front passenger seat. The officer located a clear plastic baggie with two spoons, a Q-Tip, and two needles. There were still six unused needles in a package. There were also two pawn receipts. Cameras were also located. The items were taken into evidence.

Officer Borchart field-tested the spoons. The residue tested positive for Heroin.

On June 27, 2012, at about 9:30 p.m., Adam Wunderlich made the following post-Miranda statement: He admitted that he aided Johanna Whipple in the thefts. He drove her to the residences. He knew

what she was doing. He knew "the plan." He knew that the benefit had occurred the week before, June 23. He said some of the money would be for them to buy some drugs or food.

On June 28, 2012, Deputy Peterson interviewed Johanna Whipple. She admitted to taking the money off of KB's dining room table. She admitted that she and Adam Wunderlich had been to 10 to 15 houses to ask for donations; they have been doing this for the past two weeks. They have received about \$100 total.

NOTICE: FAILURE TO APPEAR FOR A COURT APPEARANCE IS A CRIMINAL OFFENSE UNDER MINN. STAT. S. 609.49.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:

- (1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
- (2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant

Dave Stensrud
Chief Deputy
118 NW 3rd Street
Faribault, MN 55021
Badge: 1102

Electronically Signed: 6/28/2012

Subscribed and sworn to before the undersigned:

**Notary Public or
Judicial Official**

Susan Kaderlik
Administrative Assistance, County
of Rice
118 NW 3rd Street
Faribault, MN 55021
Notary ID: 6092883

Commission expires: 01/31/2015

Electronically Signed: 6/28/2012

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Thao N. Trinh
Assistant Rice County Attorney
218 NW 3rd Street
Faribault, MN 55021
(507) 332-6103

Electronically Signed: 6/28/2012

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☐ SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on _____, _____ at _____ AM/PM before the above-named court at 218 NW 3rd Street, Faribault, MN 55021 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ Execute in MN Only ☐ Execute Nationwide ☐ Execute in Border States

☒ ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$

Conditions of Release:

This complaint is issued by the undersigned Judge as of the following date: June 28, 2012.

Judicial Officer

Thomas M Neuville
Judge of District Court

Electronically Signed: 6/28/2012

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF RICE
STATE OF MINNESOTA

State of Minnesota

Plaintiff

vs.

Adam Anthony Wunderlich

Defendant

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant herein named.

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: Adam Anthony Wunderlich

DOB: 07/05/1990

Address: 600 North Spring St, #203
Northfield, MN 55057

Alias Names/DOB:

SID: 09CM1642

Fingerprints Needed: No

Fingerprinted: Yes

Handgun Permit: No

Driver's License #: B602044281608 (MN)

Alcohol Concentration:

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	6/27/2012	609.52.2(4) Theft-by Swindle	Misdemeanor	U306L	X	MN0660000	12000679
	Penalty	6/27/2012	609.52.3(5) Theft-Value \$500 or less	Misdemeanor	U306L	X	MN0660000	12000679