

STATE OF WISCONSIN CIRCUIT COURT BUFFALO COUNTY

DA Case No.: 2023BF000228
Court Case No.:

STATE OF WISCONSIN
Plaintiff,

vs.

CRIMINAL COMPLAINT

BOLUS ANDRE ABDALLA DIMBITI
N21357 Glodowski Road #1
Arcadia, WI 54612
DOB: 02/15/1993
Defendant.

For Official Use

The undersigned, being first duly sworn, states that:

Count 1: POSSESSION OF A FIREARM BY A FELON

The above-named defendant on or about Sunday, June 25, 2023, in the Town of Buffalo, Buffalo County, Wisconsin, did possess a firearm, having been convicted of a felony in this state, contrary to sec. 941.29(1m)(a), 939.50(3)(g), 973.047(1f), 973.046(1r) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

BOLUS ANDRE ABDALLA DIMBITI was convicted of Dangerous Weapons – Reckless Discharge of Firearm within a Municipality, a Felony, in Olmsted County on December 21, 2016 in case no. 55CR15-8841 and for Theft – Take/Drive Motor Vehicle – No Owner Consent, a Felony, in Olmsted County on January 30, 2014 in case no. 55CR13-4774, which convictions remain of record and are unreversed.

Count 2: RESISTING AN OFFICER

The above-named defendant on or about Sunday, June 25, 2023, in the Town of Buffalo, Buffalo County, Wisconsin, did knowingly resist an officer, while such officer was doing an act in an official capacity and with lawful authority, ran away from, contrary to sec. 946.41(1), 939.51(3)(a), 973.047(1f), 973.046(1r) 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.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

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And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 3: CARRYING A CONCEALED WEAPON

The above-named defendant on or about Sunday, June 25, 2023, in the Town of Buffalo, Buffalo County, Wisconsin, not being a peace officer or other person defined in s. 941.23(2), did go armed with a concealed and dangerous weapon, Black FN brand, Model FNS-40, .40 caliber semi-automatic handgun, with serial number: GKU0014382, contrary to sec. 941.23(2), 939.51(3)(a), 973.047(1f), 973.046(1r) 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.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 4: POSSESSION OF COCAINE

The above-named defendant on or about Sunday, June 25, 2023, in the Town of Buffalo, Buffalo County, Wisconsin, did knowingly possess a controlled substance, cocaine, contrary to sec. 961.41(3g)(c), 973.047(1f), 973.046(1r) Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than Five Thousand Dollars (\$5,000), and may be imprisoned for not more than one (1) year in the county jail.

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.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Count 5: POSSESSION OF TETRAHYDROCANNABINOLS (THC)

The above-named defendant on or about Sunday, June 25, 2023, in the Town of Buffalo, Buffalo County, Wisconsin, did knowingly possess a controlled substance, Tetrahydrocannabinols (THC), contrary to sec. 961.41(3g)(e), 973.047(1f), 973.046(1r) Wis. Stats., a Misdemeanor, and upon

conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned for not more than six (6) months, or both.

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.

And furthermore, invoking the provisions of Wisconsin Statute 973.047(1f), if the court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that he or she may request expungement under s. 165.77 (4).

And furthermore, invoking the provisions of Wisconsin Statute 973.046(1r), if the court imposes a sentence or places a person on probation, the court shall impose a deoxyribonucleic acid analysis surcharge, calculated as follows: (a) For each conviction for a felony, \$250 (b) For each conviction for a misdemeanor, \$200.

Mandatory Fingerprinting

Pursuant to sec.970.02(7), Wis. Stats., at the Initial Appearance the Judge is required by law to determine at your first appearance in Court if your (the defendant's) fingerprints, photographs and other identifying data have been taken and if not, the Judge shall direct that this information be obtained;

- Identifying information has been obtained at the time of arrest
- Identifying information has not been obtained.

PROBABLE CAUSE:

Detective Nic Scholl, of the Buffalo County Sheriff's Department states as follows:

On Sunday, June 25, 2023, Detective Scholl was on duty for the Buffalo County Sheriff's Office. Scholl was parked at the intersection of Highway 35/54 and Highway 54. At approximately 13:14, Scholl observed a 2012 Volkswagen Passat blue in color bearing Wisconsin registration ASL7664. The Passat was in the turn lane on Highway 35/54 to turn westbound on Highway 54. Scholl observed that the front passenger windows appeared to be illegally tinted and the license plates had tinted covers over them making it harder to read the registration. On the green light, the Passat began traveling westbound on Highway 54. Scholl conducted a traffic stop on the Passat on Highway 54 near Depot Road, which is in the Township of Buffalo, County of Buffalo, and State of Wisconsin.

Scholl approached the passenger side of the vehicle and made contact with the occupants. The female operator identified herself with a Wisconsin driver's license as KAB F/W DOB 11-30-98. There was a male passenger in the front passenger seat and an infant in the back seat. Scholl informed KAB the reason for the traffic stop. While talking to the occupants, Scholl could smell the odor of green marijuana. Scholl asked KAB to come back to his squad car while he worked on his paperwork.

Once back at his vehicle Scholl began running the registration and KAB. While doing this, Scholl questioned KAB on the odor of marijuana emitting from her vehicle. KAB advised her passenger, who was later identified with a Wisconsin driver's license as Bolus Andre Abdalla Dimbiti M/B DOB 02-15-93 had smoked weed before they left. KAB stated there was nothing in the vehicle.

Based upon the odor of marijuana emitting from the vehicle, Scholl informed KAB that he would be searching the vehicle. Scholl requested KAB to stand in front of his squad car while he asked Bolus to come back to his squad.

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Scholl approached the passenger side of the vehicle and asked Bolus if he was aware of any marijuana in the vehicle. Bolus stated no, and that he smoked earlier. Scholl informed Bolus that the odor smelled green and asked Bolus to exit the vehicle. Scholl identified Bolus at that time. KAB had got her child out of the car while Bolus walked to the rear of the vehicle.

Scholl searched KAB, finding nothing illegal on her person. Scholl then began to search Bolus. While searching Bolus, **Scholl felt a handgun in Bolus's waist band**. As Scholl grabbed the handgun, Bolus took off running with the gun still in his waist band. Scholl yelled for Bolus to not move but he continued to run westbound down Highway 54. Scholl requested assistance and told KAB to stay where she was. Scholl observed Bolus run down towards Mertes Slough Landing. Scholl positioned his squad car on Highway 54 closer to the entrance of the boat landing. Scholl lost visual of Bolus due to the foliage. As Scholl parked his squad car on Highway 54, he observed Bolus exit the Foliage east of the entrance to the landing. Scholl gave verbal commands to Bolus to have him get on the ground. Scholl began approaching Bolus while keeping him at gun point. Scholl asked Bolus if he had the gun on him. Bolus stated, "what gun". Scholl asked where did you put the gun. Bolus stated, "I don't have it one me".

Scholl detained Bolus without incident, searched him again finding no firearm. Scholl walked Bolus back to his squad car where he had him take a seat. Scholl transported Bolus back to the traffic stop location.

Winona Police Department arrived to assist. Scholl had KAB and her 7-week-old child take a seat in a Winona Police Department squad car to keep cool.

Scholl searched the vehicle. Inside the vehicle Scholl located a scale under the passenger seat. Scholl located another scale in the trunk which contained a white residue. **Scholl tested the white residue. The white residue tested positive for the presence of cocaine.** Scholl then located a bag of marijuana in the glove box. All items were taken into evidence.

While searching the vehicle, a person pulled up on scene. They advised that they were fishing down at Mertes Slough and observed a male come down and throw two items into the water. The witnesses took me down to Mertes Slough landing and showed me where the subject through the items. It should be noted, where the witnesses seen this subject is a straight line to where Bolus came out of the woods. While down next to the water where I was informed the subject tossed the two items, I could see the foliage was disturbed by what appeared to of been someone walking through there.

Deputy Bresette transported Bolus to the Buffalo County jail where he was booked in on the above charges.

Snapper's towing removed the vehicle. Sheriff Osmond contacted Winona Dive and Rescue to assist. Winona Dive and Rescue arrived on scene. Scholl described to them where the items were seen being thrown into the water. Winona Dive and Rescue located a black handgun in the water where the witnesses stated they would be. The handgun was a black in color FNS 40 caliber with a serial number GKU0014382. The handgun was not dirty, corroded, and did not appear to have been in the water for a long period of time. Winona Dive and Rescue then located the magazine for the pistol in the same area. The magazine had six Hornady critical defense 40 caliber rounds in it.

Deputy Olson arrived while Winona Dive and Rescue was searching for the firearm. Deputy Olson took custody of the firearm and magazine, as well as the items Scholl had recovered from the vehicle. See Deputy Olson's report for information regarding the evidence.

Scholl later tested the window tint of the vehicle. The tint reading indicated the front passenger windows were at 15 percent. It should be noted the legal limit is 50 percent for the front passenger windows.

Detective Nicholas Scholl # 98

Deputy B Olson, of the Buffalo County Sheriff's Department states as follows:

On June 25th, 2023, I was in full uniform and in a fully marked squad, for the Buffalo County Sheriff's Office. I assisted, Detective Scholl, with his investigation of Buffalo County Sheriff's Office, case number: 2023-5150.

On Scene

I arrived at Mertes Slough Boat Land, which is at: S3629 Highway 54, which is in the Town of Buffalo, County of Buffalo, State of Wisconsin. I met with Detective Scholl and the Winona County Dive Team. Detective Scholl advised the dive team was currently looking for a handgun that was tossed in the water, from Detective Scholl's traffic stop, which occurred earlier.

Detective Scholl

Detective Scholl provided me with evidence, which he collected during the traffic stop. These items were secured inside my locked squad, until they could properly be processed, and secured in evidence.

Evidence Recovery

At approximately 17:30 PM, a dive team member returned to the shoreline with a handgun. This item was turned over to me. The handgun was: Black FN brand, Model FNS-40, .40 caliber semi-automatic handgun, with serial number: GKU0014382. The handgun action was closed and no magazine in the magazine well. The handgun was rendered safe and there was no round in the chamber.

At approximately 17:48 PM, a dive team member returned to the shoreline with a handgun magazine. This item was turned over to me. The magazine was: Metal, silver in color, FN Brand,

Evidence Processing

I returned to the Buffalo County Sheriff's Office. The following items were processed:

- FN Brand Handgun (Black)(Model: FNS-40)(.40 Caliber)(Serial Number: GKU0014382)
- FN Brand Magazine (Silver)(Metal)
- 6 Hornady Rounds (.40 S&W Caliber)
- 1 iPhone Touchscreen Cellphone (Black)(Cracked Screen)(Black Case)
- 1 OCB Unbleached Cones Package
- 1 Silver/Blue Digital Scale w/ Residue
- 1 Silver/Black Fuzion Diablo Digital Scale
- 1 LA Dank Co. Premium Cannabis Package Containing Marijuana (Tested)(12.6 Grams)

Pictures were taken of the above items. I weighed the, LA Dank Co. Package, with a non-certified scale, and it weighed approximately 12.6 grams. **I tested the green leafy substance inside that package with, a NARK II Duquenois Levine Reagent Pouch, and it tested positive for the presence of THC.** The above items were properly logged into evidence and secured inside a locked locker.

This is all the information that I have, at this time, regarding this incident.

Deputy Sheriff B. Olson #86

Buffalo County Sheriff's Office

Subscribed and sworn to before me on 06/26/23

Electronically Signed By:

Adam Sticht

Assistant District Attorney

State Bar #: 1092068

Electronically Signed By:

mosmond

Complainant

