

STATE OF WISCONSIN

Plaintiff,

-vs-

DA Case No.: 2011WK007409
Assigned DA/ADA: Pablo Galaviz
Agency Case No.: 11DFPD01282
D11-01282
Court Case No.: 12CF1467
ATN:

Brian T Anderson
9102 W North Ave #2
Wauwatosa, WI 53226
DOB: 03/22/1988
Sex/Race: M/W
Eye Color:
Hair Color:
Height: ;
Weight: ;
Alias:

FILED
CRIMINAL/TRAFFIC
DIVISION

NOV 29 2012

WAUKESHA COUNTY WISCONSIN

NOV 29 AM 11:18
CRIMINAL/TRAFFIC DIV.

Criminal Complaint

Defendant,

Assistant District Attorney Pablo Galaviz, being first duly sworn on oath, upon information and belief, states that:

Count 1: BURGLARY OF A DWELLING

The above-named defendant between February 6, 2011 and March 9, 2011, at 402 Genesee Street, in the City of Delafield, Waukesha County, Wisconsin, did intentionally enter a dwelling, without the consent of the person in lawful possession of the place, and with intent to steal, property and money, contrary to sec. 943.10(1m)(a), 939.50(3)(f) Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

Count 2: BURGLARY OF A ROOM WITHIN A BUILDING

The above-named defendant between July 1, 2011 and September 14, 2011, at W275 N6725 Lake Five Road, in the Town of Lisbon, Waukesha County, Wisconsin, did intentionally enter a room, within a building, without the consent of the person in lawful possession of the place, and with intent to steal property, contrary to sec. 943.10(1m)(f), 939.50(3)(f) Wis. Stats., a Class F Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than twelve (12) years and six (6) months, or both.

PROBABLE CAUSE:

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon the investigative reports of Officers Moranchek and Kluck of the Delafield Police Department, and Deputy Kelly and Detectives Anderson and Kopatich of the Waukesha County Sheriff's Department, who are believed to be truthful and reliable in this instance.

Said reports indicate that on March 9, 2011, Officer Moranchek was dispatched to investigate a burglary incident, which had occurred at 402 Genesee Street, #302, City of Delafield, Waukesha County, Wisconsin. Upon arriving at the residence, Officer Moranchek contacted the homeowners, Dr. James White and his wife, Janet White. The Whites reported that someone entered their residence stole \$500 in cash, approximately \$1000 in collectors' coins and approximately \$70,000 in assorted jewelry from their apartment. The Whites indicated that the property was kept a locked fire-

safe, which is located in their bedroom closet. The Whites indicated that the theft occurred sometime between January 1, 2011, and today's date, March 9, 2011. The Whites indicated that in January, 2011, they had left the residence to travel to Ecuador. Dr. White indicated that prior to leaving, he remembers placing \$500 cash in an envelope and placing the item inside the safe. Dr. White indicated that when he returned from Ecuador, he examined the envelope and did note that the envelope only contained cut up paper. Dr. White indicated that he also discovered that missing from the safe were the collectors' coins and jewelry. Dr. White indicated that the jewelry had been placed in plastic bags. Dr. White indicated that the only thing remaining in the safe were the plastic bags. Officer Moranchek collected the plastic bags.

Said reports indicate that on March 11, 2011, the Delafield Police Department received an envelope in the mail which contained property that belonged to the Whites. The envelope contained \$480 in cash and jewelry valued at between \$20,000 to \$25,000. The envelope was mailed from the post office in Pewaukee. Officer Moranchek proceeded to the Pewaukee Post Office, where he was told by a clerk at the post office that she recalls that the person who mailed the envelope was a white male subject.

Said reports of Officer Moranchek further indicated that he contacted Nell White, who is the daughter of James and Janet White. Nell suspected that her ex-boyfriend maybe responsible for the burglary to her parents home. Nell identified her ex-boyfriend as Brian T. Anderson, dob 03/22/1988, hereinafter referred to as the defendant. Nell indicated that she has known the defendant for approximately five years and she started dating the defendant in 2010. Nell indicated that she did live with her parents at the apartment and the defendant did stay there on occasion. Nell indicated that she did give the defendant a key to the apartment. Nell indicated that in November 2010, she was attending class in Minnesota, and in December 2010, the defendant came up to Minnesota to visit her. During this time, the defendant returned to Nell his key to the apartment. Nell further indicated that in February 2011, Super Bowl Sunday, she was at her parents apartment. Super Bowl Sunday was February 6, 2011. Nell indicated that she was in her parents' bedroom and she had opened up the safe because she needed to get her birth certificate out of the safe. Nell had several folders spread out on the floor and the defendant showed up at the apartment. Nell indicated that she took out the bag of collectors' coins from the fire safe and showed them to the defendant, because the defendant had a hobby of collecting old coins. Nell indicated that after she was through looking through the folders, the defendant helped her place everything back into the safe. Nell indicated that she was unaware that her parents kept jewelry in one of the filling cabinets inside the safe. Nell indicated that she and the defendant did not look at or touch any bags containing jewelry that was in the safe. Nell indicated that she remembers closing the door on the safe. Nell indicated that after she was done, she returned the key to the cabinet, which contained safe. Nell placed the key in the bowl near the front door. Nell indicated that the defendant was aware that the bowl contained the key to the cabinet.

Said reports indicate that on May 18, 2012, Officer Moranchek made contact with the defendant at the Delafield Police Department. The defendant acknowledged that he used to date Nell White and did stay with Nell at her parents' apartment located in Delafield. The defendant indicated that he would only stay there when Nell's parents weren't there. The defendant indicated that he did have a key to the apartment, but he returned the key to Nell when he visited her in Minneapolis, Minnesota. The defendant indicated that he did meet up with Nell at the apartment when they were going to attend a Super Bowl Party together. The defendant indicated that he did arrive at the apartment and Nell was looking for her birth certificate inside a filling cabinet in Nell's parents bedroom.

Said reports further indicate that during Officer Moranchek's interview with the defendant, the defendant voluntarily admitted to providing his fingerprints to Officer Moranchek.

Said reports further indicate that Officer Moranchek submitted the defendant's fingerprints and the plastic bags that were recovered from the safe at the White residence to the State Crime Laboratory in Milwaukee for analysis. On June 27, 2011, Officer Moranchek received a finding from Amanda Poast, a fingerprint laboratory analyst from the State Crime Lab, which finding indicated that three separate fingerprints belonging to the defendant was located on three plastic bags recovered from the safe. Again, these bags contained the jewelry belonging to James and Janet White. A copy of the Crime Lab Report is attached to this criminal complaint.

Said reports further indicate that on November 13, 2012, Officer Kluck was checking the Northeastern Wisconsin Property Reporting system (NEWPRS) through the internet, which indicated that several pieces of jewelry were pawned at several jewelry stores under the name of the defendant, Brian Anderson, dob 03/22/1988. Officer Kluck made contact with both jewelry stores to confirm that the defendant had been the person that pawned jewelry at their locations. Officer Kluck made contact with Carie, an employee of Powers Jewelry located at 240 West Wisconsin Avenue, City of Milwaukee. Carie confirmed that on February 9, 2011, the defendant sold pieces of jewelry to the store: one diamond tennis bracelet and one ruby and diamond tennis bracelet. Carie indicated that they did obtain from the defendant his name and copy of his Wisconsin Photo Identification Card when the sale was conducted. Cari also indicated that photographs were taken of the bracelets. The NEWPRS Website also indicated that on February 11, 2011, the defendant sold jewelry at the International Gold Store located at 6113 West Bluemound Road, City of Milwaukee. The sale indicated an eighteen karat gold ring with a blue and green stone, as well as two diamond chips. Officer Kluck made contact with an employee at the International Gold Store, who indicated that they do not require sellers to fill out any forms when they pawn their jewelry. Officer Kluck contacted Janet White who did examine the photographs of the jewelry from the Powers Jewelry Store. Mrs. White identified the bracelets on the photographs as bracelets that were stolen from her safe. Mrs. White further indicated that also stolen from the safe was an eighteen karat gold ring with blue and green stones and diamond chips. A copy of the defendant's Wisconsin Identification Card, which was taken from the employee at Powers Jewelry Store, is attached to this criminal complaint.

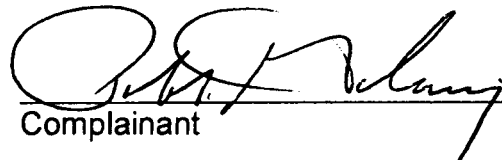
Said reports further indicate that on July 8, 2012, Deputy Kelly was dispatched to Mary's Custom Storage facility located at W275 N6725 Lake Five Road, Town of Lisbon, Waukesha County, Wisconsin, to investigate a report of several break-ins to storage rooms at that location. Two of the complainants were identified as being Alexa Smith and Kelli Smith. Alexa and Kelli are sisters. Alexa lives at a residence in Sussex and Kelli lives in New Jersey. Detective Anderson did make contact with Kelli, who indicated that when their parents passed away Alexa and Kelli obtained a storage facility at Mary's Custom Storage. Alexa and Kelli placed many of their parents' belongings to include furniture inside the storage facility. Other items were placed in the basement of Alexa's residence in Sussex. Items placed in the basement included musical instruments belonging to their father. These instruments included a trombone, sax, several clarinets, a flute and guitar. Kelli further indicated that in July of 2011, she came to visit with her sister Alexa at her residence in Sussex. Kelli indicated that at that point, she took a clarinet back with her to New Jersey for her daughter to use. Kelli indicated that all of the rest of her father's instruments were in the basement of her sister's residence. Kelli further indicated that shortly thereafter in 2011, Alexa's basement was leaking water and Alexa and Kelli decided to transport their father's instruments to the storage facility located at Mary's Custom Storage. Kelli further indicated that this year, July of 2012, she decided to visit her sister again which she does every year in July. Kelli indicated that she and Alexa went to the storage facility to check on their property and they noticed that the musical instruments were stolen from the storage room. Kelli

indicated that the value of all the instruments is approximately seventy thousand dollars. Kelli indicated that the value of her father's saxophone is over ten thousand dollars. Kelli indicated that she does have the serial number to her father's saxophone. Kelli indicated that she began to check on E Bay and other internet cites and she did locate her father's saxophone on E Bay. The saxophone was being sold by a gentleman named Bill Singer, in New York, New York.

Detective Kopatich did make contact with Bill Singer, who indicated that he purchased the saxophone from Adam's Toys and Collectables. Detective Kopatich made contact with personnel at Adam's Toys and Collectables and he did determine that that business did purchase the saxophone from Merry Go Round, located in Greenfield, Wisconsin. Detective Kopatich made contact with an employee at Merry Go Round, located at 5042 South 74th Street, City of Greenfield. The employee indicated that they did have a copy of the transaction which involved the sale of the saxophone belonging to the Smiths. The employee indicated that a male subject sold several pieces of musical instruments. The employee indicated that they obtained a copy of the driver's license of the person who sold the musical instruments. The driver's license was that of the defendant, Brian T. Anderson, dob 03/22/1988. A copy of the defendant's Wisconsin driver's license, which was obtained by an employee at Merry Go Round, is attached to this criminal complaint. Also, on the document are the musical instruments the defendant sold: trombone, flute and 3 clarinets.

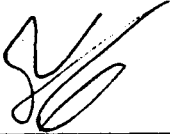
Said reports further indicate that Detective Kopatich did make contact with the defendant. The defendant acknowledged selling the saxophone to Merry Go Round. The defendant indicated that he found the saxophone at an estate sale. The defendant further indicated that he did not sell any other instruments to Merry Go Round.

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


Complainant

Subscribed and sworn to before me,
and approved for filing on:

this 26th day of November, 2012



Assistant/Deputy/District Attorney
State Bar # 1056427

PG/bt

EXT=CODE 2



Submitting Agency:

Chief Scott J. Taubel
Attn: Lt. Charles Moranchek
Delafield Police Department
115 Main Street
Delafield WI 53018

Date: June 27, 2011

Lab Case: R11-1054

Agency No.: D11-01282

Laboratory Analyst:

Amanda J. Poast
Amanda J. Poast
Identification
7-5-2011

Case Name: White, James E. (V) / White, Janet L. (V)

I do hereby certify this document, consisting of 2 page(s), to be a true and correct report of the findings of the State Crime Laboratory on the items examined as shown by this report.

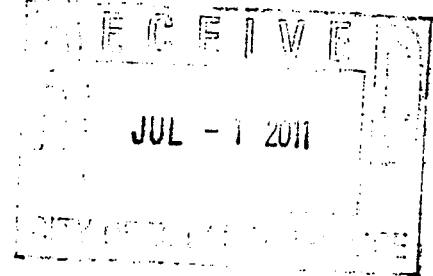
J.B. Van Hollen
ATTORNEY GENERAL

J. Poast
DESIGNEE

S U P P L E M E N T A L R E P O R T

The following items were submitted to the Identification Section for examination:

- Item Z One paper cutter
- Item AA One fingerprint card bearing the name Brian Anderson



Examination of Item Z revealed that latent fingerprints and latent palm prints of value for identification purposes were developed on Item Z.

The latent prints from Item Z were compared to the previously reported standard fingerprint cards for James E. White, Janet L. White, and Heidi A. Buchberger, as well as to the submitted standard fingerprint card for Anderson, Item AA. No matching impressions were observed; however, the standard fingerprint cards for the above listed individuals are not conducive to a thorough comparison with the latent prints from Item Z. Clear, fully rolled fingerprints, including the extreme tips and sides of the fingers, and palm prints are needed for a thorough comparison to be conducted.

The previously reported unidentified latent prints from Items A1, G2a, H1, H2, O, R, S, and U were also compared to the submitted standard fingerprints for Anderson, Item AA. Based on these comparisons, it is the opinion of the examiner that the following identifications have been effected:

- Item R Right index finger of Brian Anderson, Item AA
- Item S Left little finger of Brian Anderson, Item AA
- Item U Right ring finger of Brian Anderson, Item AA



The standard fingerprints for Anderson are not conducive to a thorough comparison with some of the remaining unidentified latent prints from Items A1, G2a, H1, H2, and O. Clear, fully rolled fingerprints, including the extreme tips and sides of the fingers, and palm prints are needed for a thorough comparison to be conducted.

An automated fingerprint search was conducted of the state file, but no identification was effected. This searched latent fingerprint from Item Z has been stored in the AFIS Unsolved Latent Database.

Photographs of the latent prints from Item Z, as well as of the unidentified latent prints from Items A1, G2a, H1, H2, and O, are being retained in our file for any future comparisons.

WISCONSIN
 JEWELER LICENSE
 4399-6799-0102-09
 03-22-1988
 BRIAN T ANDERSON
 1320 BARRINGTON WOODS DR
 PLOKFIELD WI 53045
 03-22-2015
 08-08-2009
 03-22-2015

NAME OF BUSINESS ADDRESS

SIGNATURE OF BUYER AGENT *Powers*
 POWERS MFG. JEWELERS INC.
 240 W. Wisconsin Avenue
 MILWAUKEE WISCONSIN 53203

DECLARATION OF OWNERSHIP
 (Must be completed by seller)

1. Article(s) totally owned by you? Yes No
 If No, By Whom _____
 Address _____
 Were/Was Article(s) found by you? Yes No If yes, how long? _____
 Give details: _____

I DECLARE that all of the information contained on this form is true and correct. I know and understand that it is a violation of Milwaukee City Ordinance _____ to knowingly make a false statement on this form.

[Signature] Date 2, 9, 11
 Signature of Seller

Right Index Fing

SB# 3138

CURRENT ADDRESS

PHONE # 262-366-1166

DATE 2-9-2011

TIME 12-10

AMOUNT \$2200.

ITEM 1: Dia Ruby Brace 18KY - actual set
 2: Dia Bracelet 14KY AM 4 ct.

3
4
5
6

Hon: Katie Luck
 2 pages

STATE OF WISCONSIN PROPERTY TRANSACTION RECEIPT

WISCONSIN
DRIVER LICENSE
 A596-0788-8102-09
 BRIAN T ANDERSON
 123 BARRINGTON WOODS DR
 BROOKFIELD, WI 53005

Is this a Current Address? Yes No

Seller's Current Phone Number
 (962) 366-2302

Musical Instrument Additional notes on back Copy of Title Receipt and other documents

Detailed Description: (List any identifying marks.)
 Blazy - 29.5"
 Black - 66"
 Black - 66"
 Black - 66"
 Black - 66"
 Music Co. Brand - Green field #140015
 5042 S. 7th Street
 Greenfield, WI
 PH: (414) 981-2777 Fax: (414) 981-2779
 Date: 09/19/2011
 Lot # 15
 4025 E. 16th St., Wauwatosa, WI 53222
 1220 WASHINGTON AVENUE, 100
 BROOKFIELD, WI 53005
 1220 WASHINGTON AVENUE, 100
 BROOKFIELD, WI 53005
 1220 WASHINGTON AVENUE, 100
 BROOKFIELD, WI 53005

OTHER ARTICLE

DECLARATION

DECLARATION OF OWNERSHIP

- Is article listed herein owned by you? Yes No
- Was article loaned to you? Yes No
- How long have you owned this article? 2005

I certify under affirmation and in accordance with the provisions of the Wisconsin Statutes, Chapter 480, that the information provided herein is true and correct and may be produced to the public under s. 19.35(1) and may be produced to the public.

Seller's Signature: *[Signature]*

Home | My eBay | Sell | Community | Customer Support | Cart

My eBay Sell Community Customer Support Cart

Shop by category

All Categories | Advanced

Listed in category: Musical Instruments & Accessories > Brass Instruments & Accessories > Sousaphones



Mouse over image to zoom



Have one to sell?

Conn Lady Face EEB Sousaphone-c.1957-Playable-"AS IS" Condition-Look!

Item Used
condition:

Price: US \$1,295.00

Buy It Now

Add to cart

Best Offer:

Make Offer

Add to Watch list

Seller information

grosvenor46 (100%)
100% Positive feedback

Member since: 2005
Last item sold: 2012

Visit store: [grosvenor46's store](#)

Bill Later Spend \$99+ and get 6 months to pay
Subject to credit approval.

Shipping: Freight - see item description for more details. |

Item location: Jersey City, New Jersey, United States
Ships to: United States

Delivery: Varies

Payments: PayPal, Bill Me Later, Visa/MasterCard, Amex, Discover |

Returns: 14 days money back, buyer pays return shipping |



AdChoice

Description Shipping and payments

Print | Help | Feedback

Item number: 261141023779

Seller assumes all responsibility for this listing.

Item specifics

Condition: Used: An item that has been used previously. The item may have some signs of cosmetic wear, but is fully functional and complete. Brand: Conn
Country of Manufacture: United States Model: EEb

Grove Street Music

Visit my eBay store

Store Categories

- Musical Instruments
- Brass Instruments
- Drum Sets
- Electronic Musical Instruments
- String Instruments
- Woodwind Instruments
- Electronic Keyboards
- Electronic Percussion
- Electronic Synthesizers
- Electronic Drum Machines
- Electronic Amplifiers
- Electronic Effects
- Electronic Music Software
- Electronic Music Hardware
- Electronic Music Accessories

Please note before purchasing this sousaphone...!!!!!!! You must arrange shipping, pick up or pay for us to ship by freight. No exact shipping charges are listed. The weight is 45 pounds.

Up for sale in "as is" condition.

We just moved to our new location in Jersey City and we are discontinuing our rental program.

This is a C G Conn Lady Face EEb Sousaphone, Brass. Serial number 701755. Three valves. Not sure of the model. We can't see a model number on it anywhere. Although it's very banged up with dents it is still playable. There are no bad creases or breaks in the metal.

We rented this one out for the St. Patrick's Day Parade this year (2012). The original neck was lost quite a while ago and were using a replacement neck which is included. There are no tuning bits for this neck.

Despite the condition this horn still has an incredible tone. The weight is about 45 pounds so we cannot ship internationally. Shipping by freight should be about \$75. We welcome you pick it up at our location or we can deliver to you within 50 miles of Jersey City. You are welcome to have your own freight company pick up the instrument. There is no case but we will box it for you with bubble wrap.

Thanks for looking and good luck!

Susan Eberenz

Grove Street Music

344 Grove St #255

Jersey City, NJ 07302

917-861-5955

On Nov-20-12 at 04:05:41 PST, seller added the following information:

SECURE SHOPPING



McAfee SECURE TESTED DAILY



ACCEPTED CREDIT CARDS



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PlayMusic123.com is not responsible for printing or typographical errors. Prices, policies, and availability are subject to change without notice.

Alexa Smith

FILED
CRIMINAL/TRAFFIC
DIVISION

Crime Victims: Kelli and Alexa Smith

DA Case 2011WK007409

JUN 17 2013

Date of Crime: between February 6, 2011 and March 9, 2011 and September 14, 2011

Defendant: Brian T Anderson

WAUKESHA CO., WI

We are requesting restitution for the losses described below which resulted from this crime and are not being paid by insurance.

Victim Impact Statement

The theft and ultimate loss of the musical instruments from our storage facility has been a terrible emotional blow to my sister and me. Our father was a gifted musician, composer, arranger, and teacher who lived for music and his family and friends. He played nearly every instrument and had a collection of them that included his "axes" (main instruments he used for his jazz gigs), rare/unusual instruments, and student-quality instruments. He was the band director at Carroll College in Waukesha for many years, and later at Bay Lane Middle School in Muskego. Tragically, he died suddenly in 1978 at age 62, when I was only 20 and still in college. We, as his family, were devastated and still feel his loss today. He wrote once in a letter to our mother that he wanted his girls (my sister and I) to keep his instruments after he was gone, even if we did not play them. We were able to honor those wishes all these years, and slowly my sister and I were dealing with the deciding who would get which instrument. My husband and daughter are also musicians, so being able to see the instruments and know that they were safe brought me great comfort over the years. We had been keeping them safe in my sister's home, where I could see them every time I visited. They were only transferred to the storage facility when she suffered a flood and moved them to keep them safe from the humidity. The next time I visited Wisconsin I went straight to the facility to retrieve them, and was horrified to find them gone. As events have unfolded it has become clear that there is little hope of recovering most of the instruments taken, and it has been like losing my father all over again. In addition to the grief of reliving his death, I now carry the guilt of being unable to fulfill his wish that we keep his instruments. I had always hoped that my daughter, who already plays flute and trumpet, would be able to play at least some of those instruments.

I spent many hours visiting music stores in the area and searching online sites such as eBay looking for the instruments. On eBay I was able to find my father's tenor saxophone, which had just been sold for \$15,555, based on the highly individual case together with the model/serial number. I contacted the seller and informed him it was stolen, and to please keep it safe. I had great hopes that it would be returned to us, but now we have learned that the seller wants to keep my father's horn. So now we are victimized a second time – how painful to know that our father's horn has been found, only to learn that our only hope of getting it back is through pursuing costly legal action or trying to buy it back. Even so, we still may not get it back.

In addition to the tenor saxophone (a 1950 Selmer Super Balanced Action with original lacquer), we lost two professional level clarinets (his other main instrument-Selmer Paris professional and LeBlanc Paris professional, highly sought after, from 1950's), a Reynolds convertible valve/slide trombone, a

collectible Jay "sousabone" (half-size sousaphone), a Maggini-copy violin, a Huller-Kruspe bass clarinet, a Kay short-scale electric bass guitar, a German collectible wooden flute (Nach H.F. Mayer Hannover), and a vintage German-made French system clarinet. The detective on the case was able to track down the sale of five of the instruments to Music Go-Round, which provided pictures (see below): the bass clarinet, the trombone, the two professional clarinets, and the flute. We again were thrilled that this meant we might recover the instruments, only to have our hopes dashed again when we were told the store doesn't know who they were sold to. This leaves no trace of the electric bass, the half-size sousaphone, and the German clarinet.

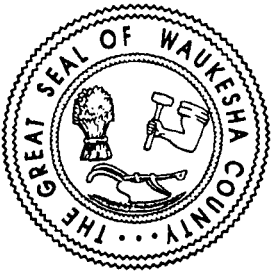
We have been told that the suspect refuses to discuss anything about the theft or where the other instruments were sold, but anything that would bring ANY of the instruments back to us would make a huge difference in reducing the devastating emotional impact of this theft. The sousabone, for example, always hung over our mantle in our childhood home. While the financial loss to us is secondary to our emotional loss, restitution is important because I still have hopes of tracking down and purchasing back some of the instruments—so I can honor our father's wishes, feel his presence with me again, and share his musical legacy with my husband and daughter. The money cannot heal these hurts but is essential to allowing us to attempt to recover these family treasures.

Summary of Instruments and Value

1. <u>Selmer 1950 Super Balanced Action Tenor Saxophone</u>	\$15,555.55
2. <u>Kay Electric Bass Guitar</u>	\$319.00
3. <u>Reynolds Convertible Valve/Slide Trombone</u>	\$950.00
4. <u>LeBlanc Paris Professional Clarinet</u>	\$349.99
5. <u>Selmer Paris Professional Vintage Clarinet</u>	\$149.99
6. <u>Maggini-copy Violin</u>	\$202.50
7. <u>Huller-Kruspe Bass Clarinet</u>	\$1,499.00
8. <u>German collectible wooden flute (Nach H.F. Mayer Hannover)</u>	\$199.99
9. <u>Vintage German-made French system clarinet in Selmer USA case</u>	\$50.00
10. <u>Collectible Jay "sousabone" (half-size sousaphone)</u>	\$1,295.00

Total	\$20571.02
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Detailed descriptions of the instruments with prices are listed on the following pages.



CLERK OF CIRCUIT COURT'S OFFICE

WAUKESHA COUNTY

KATHLEEN A MADDEN
Clerk of Circuit Court

515 W. Moreland Blvd., Room C-108
Waukesha, WI 53187-1627

DIANE S. KELSNER
Chief Deputy

Phone: (262) 548-7484
Fax: (262) 896-8228

September 10, 2013

Brian T. Anderson
Waukesha County Jail

Re: State of Wisconsin vs. Brian T. Anderson
Case No.: 12CF1467

Dear Mr. Anderson

The Court is in receipt of your letter dated September 4, 2013 wherein you requested a reduction in condition imposed or electronic monitoring.

Please be advised that Judge Hassin Jr. has reviewed your request for a reduction in condition imposed or electronic monitoring. That request has been denied as of September 9, 2013.

Sincerely,

April DeValkenaere

Legal Clerk for
Honorable Donald J. Hassin Jr., Branch 9

cc: Court File

SEP 06 2013

CLERK OF CIRCUIT COURT
WAUKESHA COUNTY, WISCONSIN CRIMINAL/TRAFFIC DIV.

Judge Donald J. Hassin Jr., 2013 SEP -6 10:11

I appeared before you in your Courtroom on August 21st of this year for Sentencing on case # 2012CF001467. You sentenced me to an imposed and stayed period of confinement and ordered five years probation with six months of condition time in the Waukesha County Huber Facility. I write to you today, respecting your sentence and your authority to reach any sentence you deem fit, respectfully asking for a reduction in my condition time or eligibility for electronic monitoring. As follows, I believe these reasons - either not expressed in Court or inadequately expressed - warrant it.

9/4/13
denied
9/4/13

Is there was a factual inaccuracy in my criminal history in the pre-sentence investigation prepared by the Department of Corrections. They listed that I was convicted of two separate instances of Operating after Revocation, once in March 2012 and once in April 2012. This is not the case. On March 2012 and April 2012 I was cited for driving after suspension of my vehicle registration, a non-criminal offense. Though certainly a lapse in judgment - I was unable to afford repairs to my vehicle at the time to pass the emissions test - it however does not rise to the level of criminality displayed in the P.S.I. or expressed by you in Court on August 21st.

Carroll & Attn LaVron

2. Though I am thankful for having work-release privileges, come October 1st I will lose my job because I will have no means to get to or from work. I currently have no vehicle - and have not had one since June 2012. My parents have been nice enough to drive me to and from Huber to get me to work, but they live in Florida and will be returning to there at the beginning of October. No means of public transportation will get me from the Huber Facility to Butler where I work daily from 7am to 3:30pm at Midwest Flexible Hlose. I do not wish to lose my job as it has given me a great stability in my life and has allowed me good benefits.

3. Though I am fully aware of your independence and right to hand down whichever sentence you see fit, I was ~~caught~~^{caught} off guard in court on the 21st by your judgment. I was initially scheduled to go before you in June of this year for a plea and sentencing hearing. You accepted my plea on that day but stopped the hearing and ordered a Pre-Sentence Investigation. That investigation returned with a recommendation of four years probation, no upfront condition time. I was blindsided that the investigation was ordered - postponing my sentencing by two and one half months - and the result of it entirely ignored. The Department of

Corrections, the State of Wisconsin, my own defense counsel, and even the victims as they expressed in Court on the 21st were all in agreement ~~and~~ in their recommendations that I serve no upfront condition time.

4. Lastly, I would like to write a moment on my statement to the Court and my decisions and means to pay all the restitution before my case was adjudicated. Although you termed my words to the Court as 'glib', I sincerely believe they were far from that. I typed my statement before hand and read it because there were many things I wanted to be sure I said - I wanted to address the victims, I wanted to address the addiction that influenced my victimizing them, and I wanted to address the life I had lived in the 2 1/2 years since I committed the offenses. My statement - because it was written - maybe did come off less sincere than I truly meant it. But I chose not to speak extemporaneously because of the fear and nervousness involved and the likelihood that my mind would draw a blank. My words were sincere, my heart was and is filled with guilt and shame, and I am regretful that ^{that} did not come across to you.

As to the restitution, I made the hard decision to ask my parents for help because I believed it was the right thing to do to make the victims financially whole. It was by no means a gift. Since having paid it

in May, \$150 has come out of each of my paychecks (nearly half my weekly wage) to begin paying my parents back. I believe it was a wiser and fairer arrangement to pay my parents back over the years and decades than to pay the victims restitution over a twenty to thirty year period.

I ask you to seriously consider this letter. I do not wish to lose my employment and be forced in six months time to seek a new job - a task hard enough for regular Americans and will be doubly difficult for a convicted felon. I will accept with a strong mind and heart whatever your ~~is~~ action or should you decide to do nothing at all. I just pray and ask your mercy in reconsideration of the condition time you sentenced me to.

Sincerely,

Brian Anderson

Brian Anderson
c/o Waukesha County Huber Facility
1400 Northview Rd.
Waukesha, WI 53188

Repe Smith

FILED
CRIMINAL/TRAFFIC
DIVISION

Crime Victims: Kelli and Alexa Smith

DA Case 2011WK007409

JUN 17 2013

Date of Crime: between February 6, 2011 and March 9, 2011 and September 14, 2011

WAUKESHA CO., WI

Defendant: Brian T Anderson

We are requesting restitution for the losses described below which resulted from this crime and are not being paid by insurance.

Victim Impact Statement

The theft and ultimate loss of the musical instruments from our storage facility has been a terrible emotional blow to my sister and me. Our father was a gifted musician, composer, arranger, and teacher who lived for music and his family and friends. He played nearly every instrument and had a collection of them that included his "axes" (main instruments he used for his jazz gigs), rare/unusual instruments, and student-quality instruments. He was the band director at Carroll College in Waukesha for many years, and later at Bay Lane Middle School in Muskego. Tragically, he died suddenly in 1978 at age 62, when I was only 20 and still in college. We, as his family, were devastated and still feel his loss today. He wrote once in a letter to our mother that he wanted his girls (my sister and I) to keep his instruments after he was gone, even if we did not play them. We were able to honor those wishes all these years, and slowly my sister and I were dealing with the deciding who would get which instrument. My husband and daughter are also musicians, so being able to see the instruments and know that they were safe brought me great comfort over the years. We had been keeping them safe in my sister's home, where I could see them every time I visited. They were only transferred to the storage facility when she suffered a flood and moved them to keep them safe from the humidity. The next time I visited Wisconsin I went straight to the facility to retrieve them, and was horrified to find them gone. As events have unfolded it has become clear that there is little hope of recovering most of the instruments taken, and it has been like losing my father all over again. In addition to the grief of reliving his death, I now carry the guilt of being unable to fulfill his wish that we keep his instruments. I had always hoped that my daughter, who already plays flute and trumpet, would be able to play at least some of those instruments.

I spent many hours visiting music stores in the area and searching online sites such as eBay looking for the instruments. On eBay I was able to find my father's tenor saxophone, which had just been sold for \$15,555, based on the highly individual case together with the model/serial number. I contacted the seller and informed him it was stolen, and to please keep it safe. I had great hopes that it would be returned to us, but now we have learned that the seller wants to keep my father's horn. So now we are victimized a second time – how painful to know that our father's horn has been found, only to learn that our only hope of getting it back is through pursuing costly legal action or trying to buy it back. Even so, we still may not get it back.

In addition to the tenor saxophone (a 1950 Selmer Super Balanced Action with original lacquer), we lost two professional level clarinets (his other main instrument-Selmer Paris professional and LeBlanc Paris professional, highly sought after, from 1950's), a Reynolds convertible valve/slide trombone, a

collectible Jay "sousabone" (half-size sousaphone), a Maggini-copy violin, a Huller-Kruspe bass clarinet, a Kay short-scale electric bass guitar, a German collectible wooden flute (Nach H.F. Mayer Hannover), and a vintage German-made French system clarinet. The detective on the case was able to track down the sale of five of the instruments to Music Go-Round, which provided pictures (see below): the bass clarinet, the trombone, the two professional clarinets, and the flute. We again were thrilled that this meant we might recover the instruments, only to have our hopes dashed again when we were told the store doesn't know who they were sold to. This leaves no trace of the electric bass, the half-size sousaphone, and the German clarinet.

We have been told that the suspect refuses to discuss anything about the theft or where the other instruments were sold, but anything that would bring ANY of the instruments back to us would make a huge difference in reducing the devastating emotional impact of this theft. The sousabone, for example, always hung over our mantle in our childhood home. While the financial loss to us is secondary to our emotional loss, restitution is important because I still have hopes of tracking down and purchasing back some of the instruments—so I can honor our father's wishes, feel his presence with me again, and share his musical legacy with my husband and daughter. The money cannot heal these hurts but is essential to allowing us to attempt to recover these family treasures.

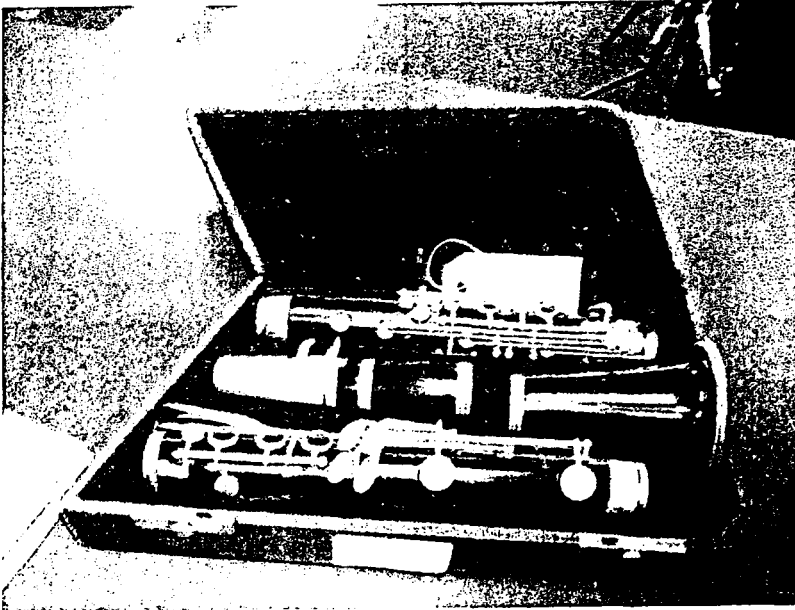
Summary of Instruments and Value

1. <u>Selmer 1950 Super Balanced Action Tenor Saxophone</u>	\$15,555.55
2. <u>Kay Electric Bass Guitar</u>	\$319.00
3. <u>Reynolds Convertible Valve/Slide Trombone</u>	\$950.00
4. <u>LeBlanc Paris Professional Clarinet</u>	\$349.99
5. <u>Selmer Paris Professional Vintage Clarinet</u>	\$149.99
6. <u>Maggini-copy Violin</u>	\$202.50
7. <u>Huller-Kruspe Bass Clarinet</u>	\$1,499.00
8. <u>German collectible wooden flute (Nach H.F. Mayer Hannover)</u>	\$199.99
9. <u>Vintage German-made French system clarinet in Selmer USA case</u>	\$50.00
10. <u>Collectible Jay "sousabone" (half-size sousaphone)</u>	\$1,295.00

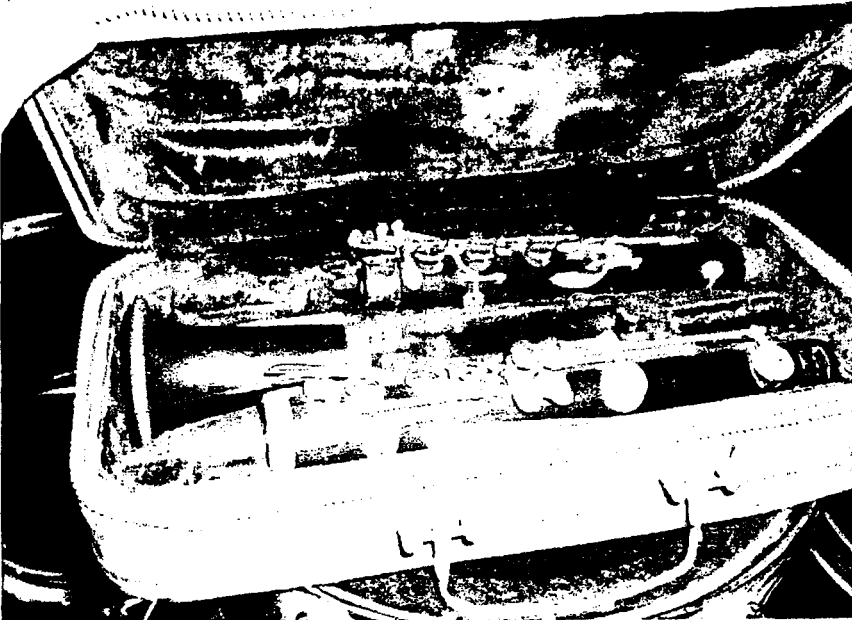
Total \$20571.02

Detailed descriptions of the instruments with prices are listed on the following pages.

4. LeBlanc Paris professional clarinet (vintage): below is the photo of the clarinet before it was sold by Music Go Round for \$349.99 as shown on label in photo.



5. Selmer Paris professional vintage clarinet: first photo below was taken by Music Go Round before they sold it for 149.99. <http://musicgoround.com/detail.aspx?id=1143137>



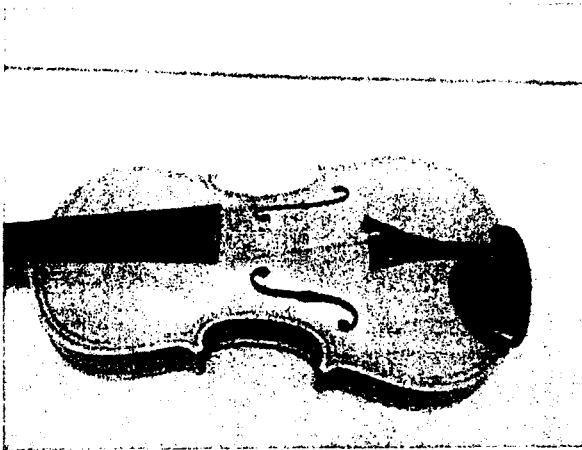
6. Maggini-copy Violin: photo shows either our stolen violin or nearly identical violin from eBay sale, where it sold for \$202.50

Collectible Vintage Copy of Giovan Paolo Maggini Germany Violin Bows Case

Ended: Aug 05, 2012 18:34:47 PDT

Winning bid:

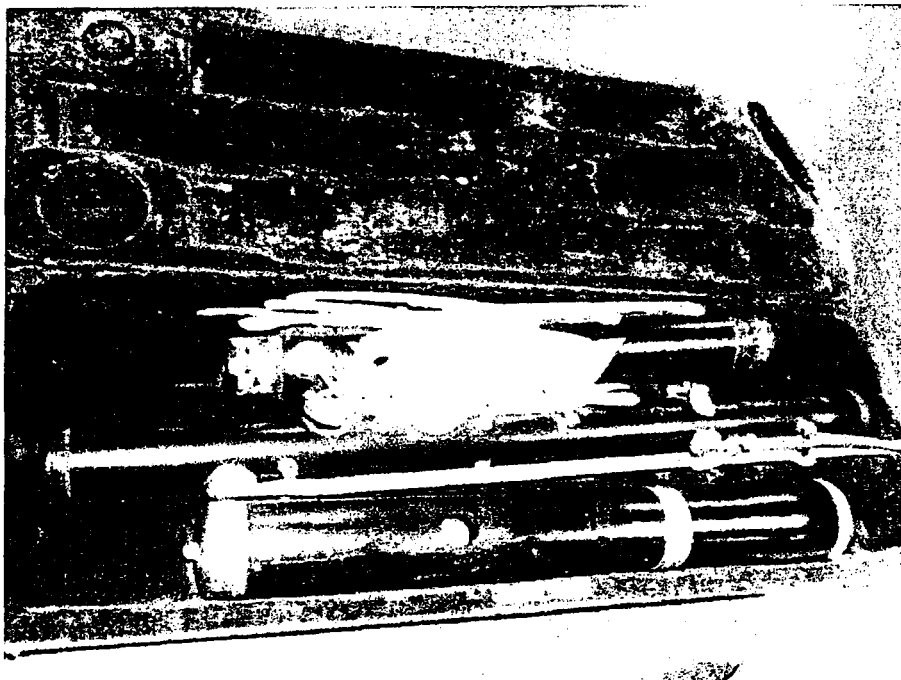
US \$202.50



7. Huller-Kruspe bass clarinet: this is the photo taken by Music Go Round before it was sold. We found an internet site w/ comparable bass clarinets and chose the lowest price model of a new one to obtain replacement value. Price was listed at \$1499.00 (see pages 10,11,12)

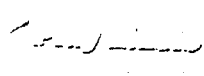


8. German collectible wooden flute (Nach H.F. Mayer Hannover)- photo taken before it was sold by Music Go Round for \$199.99. (<http://musicgoround.com/detail.aspx?id=1143134>)



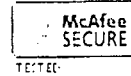
9. Vintage German-made French system clarinet in Selmer USA case; we do not know the value and were unable to obtain any information or comparable clarinet prices; we are asking \$50. No photos are available.

10. Collectible Jay "sousabone" (half-size sousaphone) – unable to find listed value as it is a rarity. We did find a comparable sousaphone, in similar condition. Our sousaphone was in a case, for which we are not asking compensation. The price for this comparable sousaphone is \$1,295.00. See page 13



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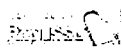
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Jupiter Bb Bass Clarinet, 675N

The newest bass clarinet offering from Jupiter is sure to be a favorite among band directors. It has the same features as the 673BN, only with the low Eb key on the body instead of the bell. The Jupiter 675N Bass Clarinet is a solid, well-constructed instrument that is at home in a school's band, orchestra, jazz ensemble, or a recording studio. It offers rich harmony to woodwind sections or a unique alternative for the improvising soloist.

No reviews

Our Price: US\$1,894.00
Retail Price: US\$2,245.00

Jupiter Bb Bass Clarinet, 673BN

The Jupiter 673BN Bb Bass Clarinet features a durable 2-piece plastic body with floor peg, nickel silver plateau keys, 945" bore, undercut tone holes, in line trill keys, adjustable octave key, and low Eb on the bell. Wood frame case accommodates assembled two-piece body section.

No reviews

Our Price: US\$1,739.00
Retail Price: US\$1,875.00

RS Berkeley Elite Series Bb Bass Clarinet, BC310

The RS Berkeley BC310 Bass Clarinet produces a rich, well centered tone that handles well in all playing conditions. The clarinet features a one piece Ebonite body, which offers the stability and durability of plastic, but the more dense rubber offers a dark sound and projection found in many professional models. The bell and the neck of the instrument are silver plated. The clarinet ranges to low EB and has the 18 key Boehm system with 7 covered finger holes. The keys are nickel silver with straight tone holes which gives off a consistent uniform response throughout the range of the clarinet.

1 Reviews

Our Price: US\$1,499.00
Retail Price: US\$1,995.00

Jupiter Intermediate Select Grenadilla Bb Clarinet, 931S

The Jupiter 931S Bb Clarinet boasts Jupiter's outstanding construction features and tonal quality that are the result of years of research. With the new Parisienne series 931S clarinet, Jupiter artisans have achieved a near perfect balance between the upper and lower registers. Features of the Jupiter 931S clarinet include a grenadilla wood body and silver-plated keys. Comes complete with case, mouthpiece, cap, ligature, and care products.

No reviews

Our Price: US\$1,308.00
Retail Price: US\$1,990.00

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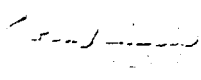
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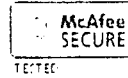
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RS Berkeley Elite Series Bb Bass Clarinet, BC310
The RS Berkeley BC310 Bass Clarinet produces a rich, well centered tone that handles well in all playing conditions. The clarinet features a one piece Ebonite body, which offers the stability and durability of plastic, but the more dense rubber offers a dark sound and projection found in many professional models. The bell and the neck of the instrument are silver plated. The clarinet ranges to low EB and has the 18 key Boehm system with 7 covered finger holes. The keys are nickel silver with straight tone holes which gives off a constant uniform response throughout the range of the clarinet.

Product Code: BC310

10 in stock

US\$1,499.00
Was US\$1,895.00
Saving: US\$396.00

1 Reviews

1 Reviews

Tell a Friend about this product

The RS Berkeley BC310 Bass Clarinet produces a rich, well centered tone that handles well in all playing conditions. The clarinet features a one piece Ebonite body, which offers the stability and durability of plastic, but the more dense rubber offers a dark sound and projection found in many professional models. The bell and the neck of the instrument are silver plated. The clarinet ranges to low EB and has the 18 key Boehm system with 7 covered finger holes. The keys are nickel silver with straight tone holes which gives off a constant uniform response throughout the range of the clarinet. The bass clarinet features stainless steel springs and high quality leather pads (with tone resonators on large size pads). The clarinet has an adjustable floor peg witch is able to adjust to the proper playing position for players of different heights. Additional features include metal resonators, rounded bridge key connector, and an adjustable thumb rest. The Bass Clarinet comes complete with a custom leather case, Mouthpiece, cap & ligature and cork grease.

Features:

- Level: Standard Bass
- Key: Ranges to low Eb
- Key System: 18 keys (Boehm system), 7 covered finger holes
- Body Material: Ebonite, one piece body
- Bell Material: Silver Plated
- Neck: Silver Plated
- Key Material: Nickel Silver
- Tone Holes: Straight
- Thumb Rest: Adjustable
- Spring Type: Stainless Steel Springs
- Pad Type: Leather pads (with tone resonators on large size pads)
- Additional Features: Metal resonators, adjustable floor peg, rounded bridge key connector
- Accessories: Custom leather case, Mouthpiece cap & ligature.

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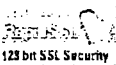
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Waukesha County Victim Impact Statement

RE: Janet L. White; DA Case: 2011WK007409

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JAN 02 2013
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JUN 17 2013

WAUKESHA CO., WI

How this has emotionally and physically affected our life:

We met Brian Anderson when he began dating our daughter Nell in the late spring of 2010. He was a frequent visitor in our home and a guest of ours when dining out. He was part of our family celebrations at both Thanksgiving and Christmas of 2010.

When we had discovered our robbery on March 11, 2011 we were stunned. Upon questioning by the police regarding potential suspects, including our daughter's boyfriends, we were hesitant to consider such a betrayal. Even though Nell and Brian's relationship was becoming rocky at that time, she was also reluctant to believe her boyfriend would violate her trust and commit such a crime against our family.

In the course of the investigation other people also became suspects. As a result of this crime, the employees of the Delafield Lakes Apartments were questioned, fingerprinted, and backgrounds investigated. We previously had a good relationship with them and as a result of this suspicion and the accusations made it a very hostile and uncomfortable living arrangement for us. Our cleaning service was also under suspicion and that cast a shadow over the ladies employed by Merry Maids.

Before we became convinced it was Brian, we were frightened in our home. Unsure of who was able to enter. We felt extremely violated that someone had been through our most private documents and valuable possessions. Also, the way the theft was disguised with paper cut exactly to substitute for cash made us aware of the premeditation of the crime. It's horrible not to feel safe in your own home. Now that we know that it was Brian, I'm still scared because he knows where we live and now he is angry at us for the prosecution. If he stole from us when we were on good terms, I worry what he will do to us now.

When it became clear to us that Brian was the culprit, I was just sick. I couldn't sleep and began having symptoms of an ulcer. I just could not believe that someone who played cards with us and texted me would pre-meditatively rob us of very special and priceless possessions. It was disturbing, saddening, maddening, and alarming but mostly confusing. I am very angry at Brian on several levels. Beyond stealing our property, we are all dealing with the shame of being robbed by Nell's boyfriend. She feels extreme guilt at falling for his request for a key to use our apartment.

JAN 02 2013

RE: Janet L. White; DA Case: 2011WK007409

We keep asking ourselves, "What kind of person is this that steals from a loved one?" Brian did not appear to "need" what he stole for money. His parents were housing him in a very nice home in Brookfield. Why would he violate our trust? The coins that are missing were given to me by my grandfather and father. The jewelry that is gone was meant to become a legacy to my daughters and be given to them as wedding gifts and such. They are irreplaceable. As we are retired now we will financially never be able to purchase new jewelry to leave as an inheritance. We took a large financial loss as our home-owners policy only covered \$5,000.00.

When we received the first letter from Pablo Galaviz dated 12/01/11, informing us there would be NO charges against Brian filed, we were so frustrated and disappointed. We were shocked that despite Brian's fingerprints on my empty bags of jewelry, the ADA didn't think he could prove guilt beyond reasonable doubt. We attempted to pursue this further but after multiple attempts to reach Mr. Galaviz we were beat down. Now, I am so sorry we gave up. Because of our discouragement with the system, I believe Brian was free to go on to rob more innocent and undeserving people and inflict more pain. When I was asked to identify jewelry that Brian had pawned, I first recognized a ring and bracelet of mine, and then countless more pieces that were not mine! I can only believe had he been convicted and appropriately sentenced, much of this other jewelry would not have been in his possession to pawn.

I would like to see Brian Anderson be sentenced appropriately to the act of a premeditated, calculated, and senseless crime against his girlfriend's legacy and her family. I also believe that he needs to be removed from society to prevent further robbing of others and retribution against us. I believe he should pay full monetary restitution for jewelry he has taken and a value placed on the coins and added to the sum.

Signed: Janet J. White

Date: 12/26/12

WAUKESHA COUNTY
VICTIM IMPACT STATEMENT

RECEIVED

JAN 02 2013

As the victim of a crime, you are entitled to give a statement to the Court about how this crime has affected your life. **This statement WILL be shared with the Defendant and his/her attorney**, and will become part of the open court file (and therefore accessible by the public/media). If you prefer, you may make a statement to the Court in person at the sentencing.

Please return this form AS SOON AS POSSIBLE. It must be submitted before the sentencing date.

Describe the physical, emotional, and financial impact this crime has had upon you and/or your family. Include any suggestions you may have for sentencing the defendant. **Please do not include a description of the crime as the Court already has that information.** You may attach additional pages if necessary, but please remember to sign the statement.

*All
& attached
pages.*

Signed: *Janet J White*

Date: *12/26/12*

Please return to: ATTN: Lynda Ferguson
Waukesha County Victim/Witness Assistance Program
515 W. Moreland Blvd., Room CG-72
Waukesha, WI 53188



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JAN 02 2013

March 24, 2011

Jim & Janet White
402 Genesee St., Apt. 302
Delafield, WI 53018

Claim No.: AD29494
Insured: MOLLY MAID OF LAKE COUNTY DCE
Date of Loss: 03/10/2011

Dear claimant,

We have been in receipt of your recent claim against our insured, Molly Maid of Lake County DCE and the suspected theft of money from your safe.

Our investigation into the situation is ongoing. West Bend Mutual does hold a Business Service Bond for these types of situations. However, we do have a Conviction Clause in effect. In short, there must be an arrest and a conviction of the suspected employee before any money may be paid out under this bond.

Please forward any proof that you may have on your end to help substantiate your claim against Molly Maid's employee along with a police report copy at your earliest convenience for our consideration.

Sincerely,

DENNIS SENZ, AIC
CLAIMS TECH V
(608) 410-3506 or 800-760-9250 ext 506
Fax: 877-434-9585
dsenz@wbmi.com

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our agent
Dave Rafferty
262-365-2749
Claim # AD31158