

STATE OF WISCONSIN - VS - Jhonatan Alexis Hernandez

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.

Count 3: MANUFACTURE/DELIVER THC (Tetrahydrocannabinols) (<=200 G), ON OR NEAR A SCHOOL

The above-named defendant on or about Friday, February 24, 2023, in the City of Green Bay, Brown County, Wisconsin, did deliver a controlled substance, to-wit: Tetrahydrocannabinols, in an amount of not more than 200 grams or 4 plants, contrary to sec. 961.41(1)(h)1, 961.49(1m)(b)6 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.

And further, invoking the provisions of sec. 961.49(1m)(b)6 Wis. Stats., because the above offense occurred within 1000 feet of a private or public school, St Thomas More School, the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

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.

Count 4: POSSESSION WITH INTENT TO DELIVER THC (Tetrahydrocannabinols) (<=200G) - PTAC, AS A PARTY TO A CRIME, ON OR NEAR A SCHOOL

The above-named defendant on or about Tuesday, February 28, 2023, in the City of Green Bay, Brown County, Wisconsin, as a party to a crime, did possess with intent to deliver a controlled substance, to-wit: Tetrahydrocannabinols (THC), in an amount of two hundred grams or less, or 4 or fewer plants containing tetrahydrocannabinols, contrary to sec. 961.41(1m)(h)1, 939.05, 961.49(1m)(b)6 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.

And further, invoking the provisions of sec. 961.49(1m)(b)6 Wis. Stats., because the above offense occurred within 1000 feet of a private or public school, St Thomas More School, the maximum term of imprisonment prescribed by law for that crime may be increased by 5 years.

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.

Count 5: MAINTAINING A DRUG TRAFFICKING PLACE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Tuesday, February 28, 2023, in the City of Green Bay, Brown County, Wisconsin, as a party to a crime, did knowingly keep or maintain a dwelling which is resorted to by persons using controlled substances in violation of chapter 961 Wis. Stats., contrary to sec. 961.42(1), 939.05 Wis. Stats., a Class I Felony, and upon

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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.

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.

Count 6: POSSESSION OF A CONTROLLED SUBSTANCE - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Tuesday, February 28, 2023, in the City of Green Bay, Brown County, Wisconsin, as a party to a crime, did knowingly possess Suboxone, a controlled substance,, contrary to sec. 961.41(3g)(b), 939.61(2), 939.05 Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than \$500 or imprisoned not more than 30 days 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.

Count 7: POSSESSION OF DRUG PARAPHERNALIA - PTAC, AS A PARTY TO A CRIME

The above-named defendant on or about Tuesday, February 28, 2023, in the City of Green Bay, Brown County, Wisconsin, as a party to a crime, did knowingly possess with primary intent to use drug paraphernalia to ingest, inject, inhale, pack or store a controlled substance, contrary to sec. 961.573(1), 939.05 Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned for not more than thirty (30) days, 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.

Complainant is an Assistant District Attorney with the Brown County District Attorney's Office and knows of the above offense(s) on information and belief based upon:

PROBABLE CAUSE:

The complainant, being duly sworn on oath, swears that she has had the opportunity to review the police reports from Narcotics Investigators of the Brown County Drug Task Force, and other documents supporting this complaint referenced herein, which are the types of reports and documents kept in the ordinary course of business, which complainant believes to be truthful and reliable because they have proven to be truthful and reliable on numerous occasions in the past.

The complainant further asserts that based upon her review of the referenced reports and/or supporting documents, the incidents alleged occurred in the City of Green Bay, Brown County, Wisconsin.

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1. Your complainant's review of the reports prepared by Narcotics Investigator Plate of the Brown County Drug Task Force, which states in part:

On December 14, 2022 at approximately 2:45PM, I (N/I Plate) briefed a controlled buy where CI# 2128, herein after referred to as the CI, prearranged the purchase of approximately 2 grams (20 pills) of counterfeit Percocet pills containing fentanyl for \$300.00 from **JHONATAN A. HERNANDEZ M/H DOB: 11/06/1996**. Under my direction, the CI contacted HERNANDEZ through text messages and phone calls to prearrange the controlled buy. Hernandez utilizes the phone number 920-461-2068 to arrange drug deals.

At 3:08PM, N/I Wysocki, Deputy Vanden Elsen, and I met with the CI at a prearranged location. I searched the CI's person and N/I Wysocki searched the CI's vehicle for U.S. currency and/or contraband, both with negative results. The CI was given \$300.00 of pre-recorded U.S. currency and recording equipment.

I examined the CI's cellphone and observed messages and call records between the CI and HERNANDEZ. The CI sent text messages and made three recorded phone calls to HERNANDEZ to arrange the deal, see attached recordings for further details.

Phone calls and text messages between HERNANDEZ and the CI starting on December 14, 2022 at 3:11PM:

CI Phone Call to HERNANDEZ at 3:11PM:

In summary, HERNANDEZ told the CI he needed to drop someone off on the West side of Green Bay and he would complete the deal with the CI when he got home. HERNANDEZ told the CI he did not have 20 pills at that time but would sell him 10 pills instead.

Text Messages between HERNANDEZ and the CI

CI at 3:20PM: Ay bro can we link as soon as u done dropping her off?

CI at 3:20PM: Or u gunna be a minute

CI at 3:30PM: Where should i be by? Im just in my whip bro

HERNANDEZ at 3:32PM: By boys and girls club

CI at 3:33PM: The one on the eastside right? On university type shit

CI at 3:46PM: Howich longer?

CI at 3:46PM: How much longer** im just waiting in my car bro.

CI at 3:52PM: Yoo i gutta be somewhere in a lil bit

CI Phone Call to HERNANDEZ at 3:56PM:

In summary, HERNANDEZ told the CI he was looking for his pills and will let the CI know how many he has left. HERNANDEZ told the CI he was selling the pills for \$20.00 each now. HERNANDEZ told the CI he will send him his address.

Text Messages between HERNANDEZ and the CI

CI at 3:59PM: Whats the addy?

CI at 4:03PM: Wtw..?

HERNANDEZ at 4:06PM: <https://www.google.com/maps/place/44.512740+-87.986042/?entry=im>

(Link to 1492 1/2 Harvey Street Green Bay, WI 54302)

HERNANDEZ at 4:06PM: Thats where im at but this stupid bitch lost my shit

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HERNANDEZ at 4:06PM: Im looking for it right noe

CI Phone Call to HERNANDEZ at 4:07PM:

In summary, HERNANDEZ told the CI he had approximately 10 pills to sell him and told the CI to come over to his residence to complete the deal.

Text Messages between HERNANDEZ and the CI

CI at 4:11PM: Onw

HERNANDEZ at 4:13PM: Lmk

CI at 4:14PM: Im coming bro im in a red jeep

HERNANDEZ 4:14PM: Come inside the house

HERNANDEZ at 4:14PM: Back house

HERNANDEZ at 4:15PM: Pull in the drive way to the back house

CI at 4:15PM: Dale

At 4:16PM, the CI departed from the prearranged meet location en route to 1492 1/2 Harvey St in the City of Green Bay, Brown County, WI. Surveillance was constantly maintained.

At 4:22PM, N/I Ronsman advised that the CI arrived at the residence and parked in the driveway. N/I Ronsman observed the CI exit the CI vehicle and enter 1492 Harvey St.

At 4:26PM, verbal contact was overhead over the audio transmitter/recorder (wire). I heard the CI arrange the purchase of 7 counterfeit Percocet pills which contained fentanyl instead of purchasing 20 pills because HERNANDEZ did not have 20 pills to sell at this time. The CI paid \$140.00 for the 7 fentanyl pills.

At 4:31PM, the deal was done. N/I Wysocki, Deputy Vanden Elsen, and I surveilled the CI from the residence to the prearranged location. Visual and/or audio surveillance with the CI was maintained at all times.

At 4:35PM, N/I Wysocki, Deputy Vanden Elsen, and I met with the CI at the prearranged location. The CI turned over a small clear plastic bag (Exhibit #1) which contained 0.74 grams (7 pills) of blue circular pills imprinted M 30 (Exhibit #2). I utilized the pill identification feature on www.drugs.com, I identified the pills as Oxycodone Hydrochloride 30mg, a Schedule II narcotic drug. I have utilized www.drugs.com in the past and have found it to be accurate and reliable in identification of prescription pills. Based on my training and experience, counterfeit pills containing fentanyl are sometimes disguised as Oxycodone/Percocet and other narcotic pills.

The CI also turned over recording equipment and the remaining unspent \$160.00 of buy funds. I searched the CI's person and N/I Wysocki searched the CI's vehicle for U.S. currency and contraband, both with negative results. I obtained a statement from the CI detailing the controlled buy. I showed the CI an unlabeled colored photograph of a male who the CI identified as HERNANDEZ, the male that the CI had just purchased the counterfeit Percocet pills containing fentanyl from.

The CI told me, while inside the 1492 ½ Harvey St with HERNANDEZ, he observed at least three vacuum sealed bags which contained what he believed to be marijuana. The CI estimated the bags of marijuana to weigh approximately one pound each. The CI explained

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that HERNANDEZ asked the CI to help him sell the marijuana but the CI denied. The CI observed on the postal service label of the box the marijuana was in, sender was an unknown California address, and the receiving address was 1492 ½ Harvey St.

Field Test

I took a sample of the suspect material from Exhibit #2 using the swabbing pads and tested it using the MobileDetect Multi-Drug Testing Pouch. I observed the following. After gathering a sample of the suspect material (Exhibit #2) using the swabbing pads, I inserted the swabs halfway into the testing pouch. Holding the testing pouch upright, I crushed the ampoules and observed the testing chemical enter the chamber at the bottom of the testing pouch. I then pushed the swabbing pads down into the bottom of the pouch allowing the testing chemical to completely cover the swabbing pads. After waiting 60 seconds, I observed a blue result on the left side and an orange result on the right side indicating a **positive test for fentanyl**, a controlled substance. The substance weighed **0.74 grams** without packaging.

During the course of the investigation, I observed St. Thomas More School, addressed 1420 Harvey Street in the City of Green Bay, Brown County, WI was located in close proximity to HERNANDEZ's residence where HERNANDEZ possessed and sold Fentanyl pills to the CI. I used Brown County Planning and Land Services tool to measure the distance from 1492 ½ Harvey St to St Thomas More School. I observed the distance to be approximately 879 feet.

2. Your complainant's review of the reports prepared by Narcotics Investigator Plate of the Brown County Drug Task Force, which states in part:

On January 13, 2023 at approximately 1:45PM, I (N/I Plate) briefed a controlled buy where CI #2128, herein after referred to as the CI, prearranged the purchase of a "zip" or approximately 28 grams of THC from **JHONATAN A. HERNANDEZ M/H DOB: 11/06/1996**. Under my direction, the CI contacted HERNANDEZ through text messages, phone calls, and Facebook messages to prearrange the controlled buy. Hernandez utilizes the phone number 920-461-2068 and Facebook profile name "Jhonaay Cuhh" to arrange drug deals.

At 2:05PM, N/I Wysocki, N/I Desmond, and I met with the CI at a prearranged location. I searched the CI's person and N/I Desmond searched the CI's vehicle for U.S. currency and/or contraband, both with negative results. The CI was given \$100.00 of pre-recorded U.S. currency and recording equipment.

I examined the CI's cell phone and observed messages and call records between the CI and HERNANDEZ. The CI sent text messages, Facebook messages, and made one recorded phone call to HERNANDEZ to arrange the deal, see attached recording and photographs for further details.

Facebook Messenger messages between the CI and HERNANDEZ on January 13, 2023 starting at 12:27PM:

CI: Ay bro

CI: How much for a zip of bud and like 5 erks bro?

HERNANDEZ: 100 a zip but I aint got no erks

CI: Ok bro thats bet

HERNANDEZ: Yup fwm

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CI: Im almost off work g
HERNANDEZ: Fosho lmk
CI: Bet

Facebook Messenger messages continue at 2:10PM:

CI: Yoo I just got off work
CI: Attempted audio call to HERNANDEZ - No Answer
CI: Attempted audio call to HERNANDEZ - No Answer
CI: Can we meet up for that bro? B4 I go home to Kewaunee

CI then made a recorded phone call to HERNANDEZ: In summary, HERNANDEZ told the CI he was ready to meet and wanted the CI to meet him at Festival Foods off University Ave. The CI told HERNANDEZ he wanted one zip of THC for \$100.00. HERNANDEZ told the CI to leave now and he will meet him there.

At 2:25PM, the CI departed from the prearranged meet location enroute to Festival Foods, addressed 2430 University Ave in the City of Green Bay, Brown County, WI. Surveillance was constantly maintained.

Text messages between the CI and HERNANDEZ starting at 2:31PM:

CI: Botta pull up bro
HERNANDEZ: Bet
HERNANDEZ: Black Toyota corrola
HERNANDEZ: By dominos

At 2:35PM, N/I Ronsman advised that the CI parked in the Festival Foods lot near Domino's Pizza. The CI exited the CI vehicle and entered a black, Toyota Corolla bearing WI license plate AFL-5792 and sat in the back passenger side seat. I heard over the audio transmitter/recorder (wire) verbal contact was made. An unknown white female was driving the vehicle and an unknown Hispanic male was in the front passenger seat. HERNANDEZ was seated in the back driver's side seat.

At 2:36PM the deal was done. N/I Wysocki, N/I Desmond, and I surveilled the CI from Festival Foods to a prearranged location. Visual and/or audio surveillance with the CI was maintained at all times.

Investigators surveilled HERNANDEZ and the other two unknown individuals back to 1492 ½ Harvey St in the City of Green Bay, Brown County, WI.

At 2:40PM, N/I Wysocki, N/I Desmond, and I met with the CI at a prearranged location. The CI turned over a sandwich plastic bag (Exhibit #1) which contained 28.04 grams of green leafy substance (Exhibit #2). Based on my training and experience, the green leafy substance was consistent in appearance and odor with that of marijuana.

The CI also turned over audio/visual recording equipment. I searched the CI's person and N/I Desmond searched the CI's vehicle for U.S. currency and contraband, both with negative results. I obtained a statement from the CI detailing the controlled buy. See attached for details. I showed the CI an unlabeled colored photograph of a male who the CI identified as HERNANDEZ, the male that the CI had just purchased the marijuana from.

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The CI told me, while inside the vehicle completing the deal with HERNANDEZ, the CI believed the unknown male and female both knew what was going on and that HERNANDEZ sold the CI marijuana.

Field Test

I took a sample of the suspect plant material from Exhibit #2 and tested it using the Duquenois Levine Reagent Test. I observed the following: After breaking the first ampoule, no color change was observed. After breaking the second ampoule, I observed the liquid turn purple. After breaking the third ampoule and rotating the packet one-quarter turn, I observed a separation in the purple color, light over dark. These observations indicate a **positive test for marijuana**, which contains THC, a controlled substance. The THC weighed **28.04 grams** without packaging.

3. Your complainant's review of the reports prepared by Narcotics Investigator Plate of the Brown County Drug Task Force, which states in part:

On February 24, 2023 at approximately 3:00PM, I (N/I Plate) briefed a controlled buy where CI #2128, herein after referred to as the CI, prearranged the purchase of two ounces of THC for \$220.00 from **JHONATAN A. HERNANDEZ M/H DOB: 11/06/1996**. Under my direction, the CI contacted HERNANDEZ through Facebook audio calls and Facebook Messenger messages to prearrange the controlled buy. HERNANDEZ uses the Facebook profile name "Jhonaay Cuh."

At 3:32PM, N/I Zeise and I met with the CI at a prearranged location. I examined the CI's cell phone and observed Facebook messages and call records between the CI and HERNANDEZ. The CI advised the calls from HERNANDEZ were in reference to the drug transaction. I searched the CI's person and N/I Zeise searched the CI's vehicle for U.S. currency and contraband, both with negative results. I gave the CI \$220.00 of prerecorded U.S. currency and recording equipment.

At 3:39PM, the CI departed from the prearranged location en route to 1492 ½ Harvey St in the City of Green Bay, Brown County, WI. Surveillance was constantly maintained.

At 3:47PM, N/I Hooper advised the CI arrived and parked in the driveway of 1492 ½ Harvey St.

At 3:49PM, N/I Hooper observed HERNANDEZ exit 1492 ½ Harvey St using the front door and get into the front passenger seat of the CI's vehicle. I heard verbal contact was made over the wire.

At 3:50PM, the deal was done. N/I Zeise and I surveilled the CI from 1492 ½ Harvey St to a prearranged location. Visual and/or audio surveillance with the CI was maintained at all times.

At 3:56PM, N/I Zeise and I met with the CI at the prearranged location. The CI turned over one clear plastic "Boulder Storage" bag (Exhibit #1) which contained 28.0 grams of green leafy substance (Exhibit #2) and a second clear plastic "Boulder Storage" bag (Exhibit #3) which contained 28.1 grams of green leafy substance (Exhibit #4). Based on my training and experience the green leafy substances were consistent in appearance and odor with that of marijuana. The CI also turned over recording equipment.

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I searched the CI's person and N/I Zeise searched the CI's vehicle for U.S. currency and contraband, both with negative results. I obtained a statement from the CI detailing the controlled buy. I showed the CI an unlabeled color photograph of HERNANDEZ, and the CI identified the male in the photograph as HERNANDEZ, the same person the CI had just purchased marijuana from.

I maintained custody of the evidence and transported it to the Brown County Drug Task Force for processing. I took samples of the suspect plant material from Exhibit #2 and #4 and tested them using the Duquenois Levine Reagent Test. I observed the following. After breaking the first ampoules, no color change was observed. After breaking the second ampoules, I observed the liquid turn purple. After breaking the third ampoules and rotating the packet one-quarter turn, I observed a separation in the purple color, light over dark. These observations indicate **positive tests for marijuana**, which contains THC, a controlled substance. The substances weighed in total **56.1 grams** without packaging.

During the course of the investigation, I observed St Thomas More School, addressed 1420 Harvey St in the City of Green Bay, Brown County, WI was located in close proximity to HERNANDEZ's residence where HERNANDEZ possessed and sold Marijuana to the CI. I used Brown County Planning and Land Services tool to measure the distance from 1492 ½ Harvey St to St Thomas More School. I observed the distance to be approximately 879 feet.

4. Your complainant's review of the reports prepared by Narcotics Investigator Smith of the Brown County Drug Task Force, which states in part:

On Tuesday, February 28th, 2023, at approximately 1:09PM, Narcotic Investigators from the Brown County Drug Task Force, along with Green Bay Police Department Officer Engelbert, executed a Search Warrant at 1492 ½ Harvey Street, City Of Green Bay, Brown County, Wisconsin. The following individuals were located in the driveway of the residence (1492 ½ Harvey Street) shoveling snow and were taken into custody; MAGALI NMI ALVARADO, F/H, DOB 07-09-2000 and **JHONATHAN A HERNANDEZ, M/H, DOB 11-06-1996**. Investigators located two (2) small children inside the residence who were identified as ADA & XRVA. The grandmother of the children, ERM F/H DOB 01-16-1963, took custody of the children while the search warrant was being executed. The following Investigators participated in the search warrant; LT N/I Katers, N/I Waege, N/I Prokash, N/I Eickholt, N/I Wysocki, N/I Hooper, N/I Plate, N/I Zeise, N/I Von Loh, N/I Desmond, N/I Ronsman, N/I Tompson, and I, N/I Smith. All times are approximate.

While a team of Investigators were executing the search warrant at 1492 ½ Harvey Street, Investigators made contact at 1492 Harvey Street with a ERM and EBA. CPS Case Worker Cassie Beining was contacted and responded to the scene and took custody of the children.

1492 ½ Harvey Street opens into a bedroom and moving clockwise through the residence is small living room, bedroom, kitchen, mudroom, closet/bathroom and another bathroom.

LT N/I Katers located the following items in the Closet/Bathroom in the rear of the residence. Exhibits 1-15:

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- 1 - RICK AND MORTY TRAY WITH MAGNETIC LID, CONTAINING EXHIBIT #2
- 2 - **1.66 GRAMS** OF GREEN LEAFY PLANT LIKE SUBSTANCE. FIELD TEST POSITIVE FOR MARIJUANA.
- 3 - 6" GLASS PIPE WITH ROUND BULB AT END WITH WHITE RESIDUE SUBSTANCE which based upon my training and experience, is primarily utilized to smoke Methamphetamine.
- 4 - GREY AND BLACK DIGITAL WORKING SCALE.
- 5 - ZIP LOCK BAGGIE CONTAINING EXHIBIT #6.
- 6 - **14.05 GRAMS** OF GREEN LEAFY PLANT LIKE SUBSTANCE. FIELD TEST POSITIVE FOR MARIJUNA.
- 7 - ZIP LOCK BAGGIE CONTAINING EXHIBIT #8.
- 8 - **10.63 GRAMS** OF GREEN LEAFY PLANT LIKE SUBSTANCE. FIELD TEST POSITIVE FOR MARIJUANA.
- 9 - ZIP LOCK BAGGIE CONTAINING EXHIBIT #10.
- 10 - **12.69 GRAMS** OF GREEN LEAFY PLANT LIKE SUBSTANCE. FIELD TEST POSITIVE FOR MARIJUANA.
- 11 - PLASTIC BAG WITH BLACK ZIP LOCK CONTAINING EXHIBITS 12-15.
- 12 - ZIP LOCK BAGGIE CONTAINING EXHIBIT #13.
- 13 - **27.72 GRAMS** OF GREEN LEAFY PLANT LIKE SUBSTANCE. FIELD TEST POSITIVE FOR MARIJUANA.
- 14 - ZIP LOCK BAGGIE CONTAINING EXHIBIT #15.
- 15 - **27.85 GRAMS** OF GREEN LEAFY PLANT LIKE SUBSTANCE. FIELD TEST POSITIVE FOR MARIJUANA.

N/I Hooper located the following item in the bedroom upon entering the residence. Exhibit #16

- 16 - **4 STRIPS** OF 4MG SUBOXONE(BUPRENORPHINE & NALOXONE), a controlled substance.

N/I Zeise located the following items in the kitchen. Exhibit #'s 17 & 18.

- 17 - DUTCH CIGAR PACKAGING CONTAINING EXHIBIT #18
- 18 - **0.27 GRAMS** OF GREEN LEAFY PLANT LIKE SUBSTANCE. FIELD TEST POSITIVE FOR MARIJUANA.

N/I Prokash located the following item in the bedroom upon entering the residence. Exhibit #19

- 19 - TIN FOIL WITH A LINE BURN MARK, which based upon my training and experience is consistent with smoking controlled substances.

N/I Ronsman located the following items in the bedroom upon entering the residence. Exhibits 20-22.

- 20 - GEM BAGGIE CONTAINING EXHIBIT #21.
- 21 - 1/4 QUARTER OF A BLUE COLORED PILL WHICH WAS IDENTIFIED AS ALPRAZOLAM VIA DRUGS.COM.

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22 - \$100.00 IN PRE-RECORDED BROWN COUNTY DRUG TASK FORCE BUY FUNDS IN THE FOLLOWING DENOMINATIONS. 5 - \$20. The buy funds were used to purchase evidence in 22-433-003.

N/I Waeghe located the following item located on HERNANDEZ. Exhibit #23

23 - APPROX 2.5" BLUE PEN TUBE WITH RESIDUE INSIDE, which based upon my training and experience is used to snort/inhale controlled substances.

Based upon my training and experience, the green leafy plant like substance located in Exhibits 2, 6, 8, 10, 13, 15, 18 was consistent in odor and appearance with that of marijuana, a controlled substance.

FIELD TESTING

Samples from Exhibits 2, 6, 8, 10, 13, 15, 18 were tested using the Duquenois Levine Reagent Test. The following was observed. After breaking the first ampoule, no color change was observed. After breaking the second ampoule, the liquid turned purple. After breaking the third ampoule and rotating the packet one-quarter turn, a separation in the purple color, light over dark was observed. These observations indicate a **positive test for marijuana**, which contains THC, a controlled substance.

POSSESSION WITH INTENT STATEMENT

I, N/I Smith, am a Police Officer employed by the City of De Pere, Wisconsin and has been so employed since July of 2019. I have been assigned to the Brown County Drug Task Force as a Narcotics Investigator since December 2022. I was previously employed by the City of Wilkes-Barre, Luzerne County, Pennsylvania since February 2014. During my employment with Wilkes-Barre Police Department, I was a member of the Luzerne County Drug Task Force and have attended trainings to further my drug investigation knowledge. Furthermore, I have also been to formal training and conducted duties as a Criminal Analyst for the Pennsylvania Office of Attorney General's Office - Bureau of Narcotic's Investigation.

I have received on the job and formal training in drug identification, evidence collection, video/visual surveillance, audio surveillance and search warrant executions. I have on the job training and experience to determine the distribution of controlled substances versus simple possession. I have been involved in numerous investigations pertaining to the distribution of controlled substances and am familiar with factors which are indicative of distribution such as drug amounts, packaging material, digital scales, electronics, and large sums of US currency.

Based on my training and experience, the amount of approximately 97.87grams of Marijuana being packaged in multiple baggies, the presence of working digital scales, recovered buy funds, no means of consuming the marijuana, were consistent with possession with intent to deliver as opposed to personal use.

MAINTAINING A DRUG TRAFFICKING PLACE

Due to the controlled buys conducted, controlled substances, paraphernalia, and packaging material located/seized within 1492 ½ Harvey Street, City of Green Bay, Brown County,

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Wisconsin, it is believed the dwelling was resorted to by persons using controlled substances in violation of chapter 961 of the Wisconsin state statutes for the purpose of storing and distributing Marijuana.

NEAR CERTAIN PLACES

During the course of the investigation I observed St Thomas More School was located in close proximity to 1492 ½ Harvey Street residence where HERNANDEZ was in possession with intent to sell marijuana and drug paraphernalia. I used Brown Dog GIS tool to measure the distance from 1492 ½ Harvey Street to St Thomas More School, located at 1420 Harvey Street, Green Bay, Wisconsin. I observed the distance to be approximately 879 feet.

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

Subscribed and sworn to before me on 03/01/23

Electronically Signed By:

Dana J. Johnson

Deputy District Attorney

State Bar #: 1001712

Electronically Signed By:

Maggie R Crawford

Complainant