

State of Wisconsin

Circuit Court

Marquette County

STATE OF WISCONSIN

-VS-

Frederick L Lucht  
 c/o Marquette County Jail  
 PO Box 630  
 Montello, WI 53949  
 DOB: 11/27/1971  
 Sex/Race: M/W  
 Eye Color: Blue  
 Hair Color: Blonde  
 Height: 5 ft 11 in  
 Weight: 200 lbs  
 Alias: Also Known As Fred Lee Lucht  
 Also Known As Frederick Lee Lucht

Plaintiff, DA Case No.: 2008MQ000791  
 Assigned DA/ADA: Richard J Dufour  
 Agency Case No.: 08-S03198  
 Court Case No.: 08CF \_\_\_\_\_  
 ATN:

Criminal Complaint

Defendant,

Chief Deputy Joseph R Konrath, of the Marquette County Sheriff's Department, being first duly sworn, states that:

### Count 1: CONSPIRACY TO COMMIT FIRST DEGREE INTENTIONAL HOMICIDE

The above-named defendant on or about Wednesday, October 01, 2008, in the City of Montello, Marquette County, Wisconsin, conspired to cause the death of Jennifer Moton, with intent to kill that person, contrary to sec. 940.01(1)(a), 939.31 Wis. Stats., a Class B Felony, and upon conviction may be sentenced a term of imprisonment not to exceed sixty (60) years.

### Count 2: CONSPIRACY TO COMMIT ARSON OF BUILDING

The above-named defendant on or about Wednesday, October 01, 2008, in the City of Montello, Marquette County, Wisconsin, by means of fire, conspired to intentionally damage the building of Heather Lorbeck, without that person's consent, contrary to sec. 943.02(1)(a), 939.31 Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) years, or both.

### Count 3: CONSPIRACY TO COMMIT AGGRAVATED BATTERY

The above-named defendant on or about Wednesday, October 01, 2008, in the City of Montello, Marquette County, Wisconsin, conspired to cause great bodily harm to Justin T Rubey, by an act done with intent to cause great bodily harm to that person, contrary to sec. 940.19(5), 939.31 Wis. Stats., a Class E Felony, and upon conviction may be fined

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not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than fifteen (15) years, or both.

**PROBABLE CAUSE:**

Affiant bases the following on the reports of Detective Johnston and Special Agent Greg Phillips as follows:

Detective Johnston indicates that on September 12, 2008 he had contact with citizen witness Emanuel McGruther. Mr. McGruther was an inmate of the Marquette County Jail at that point in time and advised that he had had conversations with the defendant Fred Lucht about killing a District Attorney in Portage County. McGruther also indicated that the defendant wanted the house of his girlfriend Heather Lorbeck burned down and a friend of his by the name of Justin Rubey attacked.

Detective Johnston then contacted the Wisconsin Department of Justice, Division of Criminal Investigations and had Special Agent Greg Phillips assigned to the investigation.

Special Agent Phillips then met with Emanuel McGruther and eventually met with the defendant Fred Lucht.

Special Agent Phillips indicates that on September 22, 2008 while acting undercover he did meet with the defendant Fred Lucht. The defendant, in a statement against interest, offered to pay Special Agent Phillips a total of \$10,000.00 if he killed Portage County Assistant District Attorney Jennifer Moton, burn down the residence of Heather Lorbeck and beat Justin Rubey with a baseball bat. He wanted Rubey injured severely in the baseball bat attack. On September 29, 2008 he also discussed, in general, the need for some collateral.

Special Agent Phillips again met with the defendant on October 20, 2008. He confirmed at that point in time that he needed some type of collateral to assure he would receive his money and that the defendant was serious about wanting to do these things. Discussion was had and the defendant eventually agreed to provide Special Agent Phillips with a .22 rifle as collateral to make sure that he was serious and that he did in fact want these things to be done.

Arrangements were originally made for the rifle to be provided on the coming Saturday, but the rifle was not provided at that time by the defendant's father. On October 25, 2008 he again met with the defendant Fred Lucht. Again they had the discussion and he confirmed that he did want Moton killed, Rubey beaten with a baseball bat, and Lorbeck's residence burned down. Present during that conversation was another individual, unindicted co-conspirator Fred W. Lucht, DOB: 04/11/32. Also present was another individual, Robert C Lucht. At that point in time arrangements were made that Special Agent Phillips would follow Fred W. Lucht to Fred W. Lucht's residence and be provided with the gun. Special Agent Phillips did in fact follow Fred W Lucht to Fred W. Lucht's residence. Special Agent Phillips then followed Robert Lucht to his residence at which time he was provided the gun

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to use as collateral to insure that Phillips would be paid and that Fred L Lucht was serious about wanting Moton killed, Rubey injured seriously, and Lorbeck's residence destroyed by fire.

All of the above, except for the delivery of the firearm, took place in Marquette County, State of Wisconsin.

Joseph R. Konrath  
Chief Deputy Joseph R. Konrath  
Complainant

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

this 26 day of November, 2008

Richard J. Egan  
District Attorney

State Bar No. 1014811