

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

WAUKESHA COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 12-CF-_____

ADAM DAVID KANE,
330 3rd Ave W Unit 606,
Seattle, WA 98119-4193,
DOB: 06/25/1974,

Defendant.

CRIMINAL COMPLAINT

I, Wisconsin Department of Justice, Division of Criminal Investigation Special Agent John Culver, being first duly sworn, state upon information and belief that:

COUNT 1: THREAT TO CAUSE BODILY HARM TO A JUDGE

On or about May 26, 2012, in the City of Waukesha, Waukesha County, state of Wisconsin, the defendant, Adam David Kane, did intentionally threaten to cause bodily harm to the person of Waukesha County Circuit Court Commissioner Linda Georgeson, knowing that Commissioner Georgeson is a judge and in response to actions taken in Commissioner Georgeson's official capacity and without the consent of Commissioner Georgeson, to wit: the defendant sent an email to District Attorney Brad D. Schimel asking that the email be forwarded to Commissioner Georgeson and in which the defendant stated criticized Commissioner Georgeson's issuance of a restraining order and threatened to kill Commissioner Georgeson if he got close enough, in violation of Wis. Stat. § 940.203.

Upon conviction for this offense, a Class H Felony, the defendant may be imprisoned for not more than six years, fined not more than \$10,000, or both.

COUNT II: UNLAWFUL USE OF A COMPUTERIZED COMMUNICATION SYSTEM

On or about May 26, 2012, in the city of Waukesha, Waukesha County, state of Wisconsin, the defendant, Adam David Kane, did with intent to threaten another person send to the person on an electronic mail system with the reasonable expectation that the person will receive the message and in that message threaten to inflict injury or physical harm another person, to wit: the defendant sent an email to District Attorney Brad D. Schimel and other persons asking that the email be forwarded it to Commissioner Georgeson and in which the defendant stated that he would kill the Commissioner if he got close enough, in violation of Wis. Stat. § 947.0125(2)(B).

Upon conviction of this offense, a Class B misdemeanor, defendant may be imprisoned for not more than ninety days, fined not more than \$1,000, or both.

COUNT III: UNLAWFUL USE OF A COMPUTERIZED COMMUNICATION SYSTEM

On or about May 26, 2012, in the city of Waukesha, Waukesha County, state of Wisconsin, the defendant, Adam David Kane, did with intent to harass another person send a message to the person on an electronic mail system and in that message suggest a lewd and lascivious act, to wit: the defendant sent an email to District Attorney Brad D. Schimel in which he threatened to sodomize District Attorney Schimel with a broom handle, in violation of Wis. Stat. § 947.0125(2)(c).

Upon conviction of this offense, a Class B misdemeanor, defendant may be imprisoned for not more than ninety days, fined not more than \$1,000, or both.

PROBABLE CAUSE STATEMENT

1. I am a special agent employed by the Wisconsin Department of Justice, Division of Criminal Investigation (DCI). I have been employed as a law enforcement officer in Wisconsin for the past 17 years. While at DCI, I have been assigned to investigate a variety of criminal activity including narcotics distribution, financial crimes, and public integrity. During part of this time, I have been assigned to the FBI's Joint Terrorism Task Force in Milwaukee. As part of my training and experience, I have learned how to develop evidence from Internet sources including electronic mail communications.

2. I base this Complaint upon information developed through my own personal knowledge, information, and belief of facts and evidence that other law enforcement officers have obtained, and information provided by private citizens to me or other law enforcement officers. I believe these other persons to be truthful and reliable. These facts do not exhaust my knowledge of the allegations contained in this Criminal Complaint.

3. I have been assigned to investigate allegations that the above-named defendant, Adam David Kane, sent electronic mail communications that were abusive and harassing and threatened bodily harm to several public officials, including Waukesha County Court Commissioner Linda Georgeson and Waukesha County District Attorney Brad D. Schimel.

4. Fellow DCI employees conducted a record check for the defendant. They informed me that he has a valid driver's license issued in Washington State and his residence at the address noted above. Further, his date of birth is June 25, 1974. Furthermore, based upon my review of records, including those maintained by the Wisconsin Court System (CCAP), the defendant previously resided in Wisconsin.

5. During the relevant periods of this investigation, I know that Linda Georgeson is a Circuit Court Commissioner, appointed by the Waukesha County Circuit Court, by the

Honorable J. Mac Davis, on September 3, 2009. Further, the appointment order is valid until further order of the court, and I have no knowledge that the appointment order has been withdrawn or otherwise vacated. Further, for purposes of an offense under Wis. Stat. § 940.203(1)(b), I know that the term “judge” includes a court commissioner:

“(b) ‘Judge’ means a supreme court justice, court of appeals judge, circuit court judge, municipal judge, temporary or permanent reserve, judge or circuit, supplemental, or municipal court commissioner.” Commissioner Georgeson’s office is located in the Waukesha County Courthouse which is located in the City and County of Waukesha, State of Wisconsin.

6. Further, I also know that Brad D. Schimel has served as the elected District Attorney in Waukesha County since 2006. District Attorney Schimel is a resident of Waukesha County and his office in the Waukesha County Courthouse which is located in the city and county of Waukesha, state of Wisconsin. Email directed to District Attorney Schimel’s state email address is routed to his office.

7. During this investigation, DCI agents spoke to Jennifer Kane, who is currently married to the defendant. In 2011, the defendant filed a divorce action against Jennifer Kane, Waukesha County Case No. 11-FA-861. That case was subsequently closed. However, Ms. Kane subsequently filed a divorce action against the defendant, Waukesha County Case No. 11-FA-1300. Ms. Kane informed agents that she had been married to the defendant for approximately ten years. In 2009, she observed that the defendant began making statements that people were out to kill him and his family. In April 2010, she became concerned about the defendant’s physical health and behaviors and encouraged him to seek medical attention. In April 2011, Ms. Kane reported that the defendant’s behavior began to escalate, including angry outbursts. On or about July 14, 2011, Ms. Kane states that she was so concerned for the defendant’s safety that she made a false claim of him threatening her with a knife. Officers

responded and arrested the defendant. Ms. Kane was subsequently prosecuted for providing false information to authorities, Waukesha County Case No. 12-FO-12.

8. Although she has not spoken with the defendant since 2011, Ms. Kane stated that the defendant sent her email in April 2012 that prompted her to become increasingly concerned for her family's safety as his erratic behavior appeared to be escalating. Ms. Kane subsequently filed a petition for a restraining order, Waukesha County Case No: 12-CV-1508. I have reviewed the petition along with email that accompanies it. The petition includes an email exchange with District Attorney Schimel in which the defendant complains about the circumstances of his arrest and what he perceives to be an inadequate prosecution of Ms. Kane for false arrest.

9. I have reviewed information related to the harassment restraining order petition in Waukesha County Case No. 12-CV-1508. The petition was filed on May 9, 2012. The Honorable Lloyd Carter, Waukesha County Circuit Court Judge, granted a temporary restraining order on May 9, 2012. The matter was assigned to Court Commissioner Linda Georgeson with a hearing scheduled for May 23, 2012. I have reviewed a return of service document prepared by Deputy Scott Allen of King County Sheriff's Department, Seattle, Washington. Deputy Allen reports that he did serve the temporary restraining order and notice of injunction on the defendant at his Seattle residence. I subsequently contacted Deputy Allen, and he confirmed the information in his return. Following receipt of service and the defendant's nonappearance on May 23, 2012, Court Commissioner Georgeson issued the injunction with a firearm restriction.

10. I have reviewed a written statement of Court Commissioner Georgeson in which she confirmed her issuance of the order following information that the order had been served. Court Commissioner Georgeson reported that she had never met the defendant and that she did

not consent to any contact with the defendant which has caused her to be fearful and intimidated by his threats.

11. I have reviewed email messages written under an email account name, adkane@netzero.net. Ms. Kane stated she and her husband set up this email account together and that he uses it to send email. She has a different email account name with Netzero. Several emails were sent on the account in the defendant's name and sent to a number of public officials including Waukesha County District Attorney Brad D. Schimel. Other public offices including the office of the Governor and the Wisconsin Attorney General were also sent these emails. In addition, I have reviewed the email that has been provided in which the threatening and harassing statements are directed at District Attorney Schimel and Court Commissioner Georgeson.

12. I have reviewed an email dated **Monday May 28, 2012**, at 22:04:34 GMT, from adkane@netzero.net, which was sent to District Attorney Schimel, Ms. Kane's email, and others. The subject line of the email stated, "SUCK IT WISCONSIN." The sender opened the message with

"Hey 'Shit for Brains' Schimel". In the narrative portion of this message the sender stated, "How is your wife and my kids doing??  If I ever see you I'm going to rail your ass with the thicker end of a broom handle and make Walker and Van Hollen watch their bitch take it. I fucking hate you and all the rest of you assholes. How is Georgeson's Mother doing, by the way?? I've heard it can be difficult to have an intervention on how much whoreing around she's been doing? WISCONSIN IS A JOKE!! I WIN NO MATTER WHAT, BECAUSE I'M THE ONLY HUMAN THAT HAS EVER EXISTED THAT CAN STAND UP TO A CRIMINAL ENTERPRISE(this large) AND BE VICTORIOUS. I'M NOT AFRAID OF DEATH, NOR PAIN, NOR CONSEQUENCES. MY ONLY FEAR IS THAT I GO TO MY DEATH BED KNOWING I DIDN'T DO THE RIGHT THING BY OTHERS AND MYSELF. Warmest Regards, Adam D. Kane"

13. I have reviewed an email dated **Saturday May 26, 2012**, at 22:12:28 GMT, an email message from adkane@netzero.net, was sent to District Attorney Schimel and others. In the narrative portion of this message, the sender opened with, "Please Forward to Judge GEORGESON of Waukesha County courthouse". The sender threatened to kill Court Commissioner Georgeson. The email states as follows:

"Dear Judge Asshole, You are now sending me correspondence accusing me of carrying a 9mm hand gun along with a restraining order. The problem here is that when I was tased and then falsely arrested for a crime I never comitted the dickhead SWAT team never found any firearm in my possession. As soon as I was released from being falsely incarcerated and imprisoned for 4 days, I was wisked away out of the state without the opportunity to return to my home, where my firearm remains. I think you are a faggot piece of shit that I will fucking kill if I can ever get close enough. The state of Wisconin is a complete sham from the incompetent governor, attorney general, and yes the fucking prick, BRAD SCHIMEL. Get fucked Mr or Ms. Georgeson. If you want me in court, please be my guest. I will fucking bury you with the evidence I have in my possession. What are you going to do now?? Please notice the CC on this email. And yes my employer is aware of this email. They also know I'm getting bent over on this and I'm at my end with patience. FUCK OFF!!!!!!!!!!!!!! .Thank you for your attention to this matter!!!!"

14. I have reviewed an email dated **On Saturday May 26, 2012**, at 23:14:16 GMT, an email message was sent from adkane@netzero.net, to several persons and copied to District Attorney Schimel. The subject line of the email stated, "Governor Georgeson still an ASSHOLE." In the narrative portion of this message, the sender opened with, "Judge 'ASSHOLE' Georgeson". The sender stated the following:

"One more note, Your Mother is a whore, lick my ballsack, and your kids are midget retards. That goes for Governor Walker, Attorney General Van Hollen, and of course my favorite, Mr. "Pole Smoker" himself, Brad Schimel. Get fucked you asshole Wisconsin pricks. You are so afraid of me for some reason, I wonder why. I was tased by a SWAT team of at least 8 of your best men and for some reason had a hole in my shirt around my kidney area(gun shot?). I didn't receive any medical attention and yet I'm still going strong. If I were you next time I would send more men and bigger guns. As you can tell, threatening a sitting judge, a governor and several others would probably scare the shit out of most people. I'm not afraid just looking for a chance to defend my title, but you

pussy's are making squishy in your pants with the thought of me showing up in Wisconsin unannounced with the leash off. Think of this one, when you arrested me the first time I had something to lose didn't I(kids, great job), so I complied for the most part until things got physical which with me you will lose every time. Now, I have nothing to lose and am waiting for my opportunity to go Hanibal Lector on your ass. Way to promote and develop a COP KILLER. FUCK YOU ASSHOLES!!!! Getty up! Warmest Regards, Adam Kane”

I am familiar with the reference to Hannibal Lecter, a fictional novel and movie character who was a serial killer.

15. I have also reviewed an email sent on **May 27, 2012**, at 05:34:02 GMT, an email message was sent from adkane@netzero.net, to District Attorney Schimel, Ms. Kane, and other persons. In the narrative portion of this message, the sender opened with, “Hi again Judge Georgeson”. The sender stated the following:

“Just to show you how much I respect and give a shit about your law or your bench, I am going to violate your restraining order directly, right now. Isn't that against the law? Isn't that a felony?? Don't I deserve to a day in court outside of the state of Wisconsin based on my claims. What the fuck?? I am so tired of you fuckin' no talent ass clowns, it is not even funny. Does anyone in your office have a tent?? Cause we need one for this circus you call justice. Schimel, Walker, you, VanHollen are so out of the realm of reality and so anti-american it is disgusting. Governor Walker, I bet you would fuck a guy in the ass and not even give him the common decency of a reach around? That is rhetorical. Georgeson--EAT A DICK!! Again, my company is attached to this email to show the seriousness of my claims. How long are we going to not follow the constitution and let a state of this union dictate the law. It is our country and they are just renting space. I say just let these assholes defect or become a member of Canada, if Canada is willing to take on that headache. Anybody ever heard of Eminent domain?? This means that the land that Wisconsin sits on is actually the property of the USA and can be kicked out for any reason. States do it all the time to home owners when they build roadways. Wisconsin is an abomination!! I'm sure GOD is proud of what is happening here. I always stand for what is right and never compromise for anyone. I would give my life for this country and for my GOD. I think I've already proven that!! How about you??? Regards, Adam D. Kane.”

16. On Tuesday, May 29, 2012, Waukesha County District Attorney Schimel forwarded an email to me an email he had received on Tuesday May 29, 2012, at 10:32 a.m.

(central time) from adkane@netzero.net. The subject line of the email was left blank. In the narrative portion of this message, the sender stated, "Do you wonder where I am when your are walking to your car at night??" District Attorney Schimel has expressed to law enforcement including DCI concerns for his family's safety as well as that of Ms. Kane.

17. I received assistance in reviewing the email in this case from Special Agent Eric Szatkowski, who has extensive experience investigating crimes in which the Internet is used to facilitate criminal activity. He informed me that he examined several emails that have been sent under the email account name, adkane@netzero.net, including some of those described above which originated from an IP address under the control of Comcast. Comcast provided information that indicated that that the physical location for that IP address at the time email was sent is at 330 3rd Avenue, Seattle, Washington, the address of the building where the defendant's apartment is located.

Dated this 15th day of June, 2012.



JOHN CULVER
Wisconsin Department of Justice, Division of
Criminal Investigation

Subscribed and sworn to before me and approved for filing this 15th day of June, 2012.



Donald V. Latorraca
Assistant Attorney General and
Special Prosecutor for Waukesha County
Bar # 1011251