

JOHN W. MARKSON
CIRCUIT COURT, BR 1

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

STATE OF WISCONSIN,
WISCONSIN DEPARTMENT OF JUSTICE,
P.O. BOX 7857,
MADISON, WI 53707-7857,

Plaintiff,

v.

RICHARD BREUNIG,
417 DALLAS STREET,
SAUK CITY, WI 53583,

and

\$4,564.50 IN U.S. CURRENCY,

Defendants.

2012 SEP -4 AM 10:48

CIRCUIT COURT
DANE COUNTY, WI

12CV3558

Case No. 12-CV-_____

Declaratory Judgment: 30701

THIS IS AN AUTHENTICATED COPY OF THE
ORIGINAL DOCUMENT FILED WITH THE DANE
COUNTY BOARD OF CIRCUIT COURT.

SUMMONS

CARLO ESCOBEDA
CLERK OF CIRCUIT COURT

THE STATE OF WISCONSIN

TO: RICHARD BREUNIG
417 Dallas Street
Sauk City, WI 53583

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five days of receiving this Summons, you must respond with a written answer, as that term is used in ch. 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The

answer must be sent or delivered to the Court, whose address is Dane County Courthouse, 215 South Hamilton Street, Madison, WI 53703 and to Assistant Attorney General Richard J. Dufour, whose address is Wisconsin Department of Justice, P.O. Box 7857, Madison, WI 53707-7857. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated this 4th day of September, 2012.



RICHARD J. DUFOUR
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State Bar #1014811

Attorneys for Plaintiff

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STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

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STATE OF WISCONSIN,

Plaintiff,

CIRCUIT COURT
DANE COUNTY, WI

v.

Case No. 12-CV-**12CV3558**

Declaratory Judgment: 30701

RICHARD BREUNIG,
417 DALLAS STREET,
SAUK CITY, WI 53583,

and

\$4,564.50 IN U.S. CURRENCY,

Defendants.

COMPLAINT

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COUNTY CLERK OF CIRCUIT COURT.

- CARLO ESQUERRE
CLERK OF CIRCUIT COURT
1. The plaintiff, State of Wisconsin, is a body politic and sovereign member of the United States of America.
 2. That the defendant, Richard Breunig, is an adult male whose last known address is 417 Dallas Street, in the City of Sauk City, County of Sauk, State of Wisconsin.
 3. That \$3,894.50 of the defendant, \$4,564.50 in U.S. Currency, represents money seized from the defendant, Richard Breunig, during the execution of search warrants on February 9, 2007, and February 16, 2007.
 4. That the remaining \$670 represents money paid by the defendant, Richard Breunig, to the undercover agent as winnings for gambling bets.

5. That the search warrants that led to the seizure of \$3,894.50 in U.S. Currency, were issued to investigate allegations of gambling, specifically, the taking of bets on sporting events.

6. That the investigation of defendant, Richard Breunig, began in December 2005 with a tip from a confidential informant (CI). That through said CI, contact was made with the defendant, Richard Breunig. That in a phone conversation with Special Agent Joseph Kapitany, who was working in an undercover capacity, on December 14, 2005, the defendant, Richard Breunig, admitted that all he did was his bookmaking operation. He also admitted that he had been engaged in bookmaking for 24 years.

7. That over the next approximately one-year period various bets were made by Special Agent Kapitany either directly with defendant, Richard Breunig, or another individual who defendant, Richard Breunig, represented was his employee. Special Agent Kapitany, while still acting in an undercover capacity, met with defendant, Richard Breunig, to settle up with Breunig for wins and losses from gambling on sporting events.

8. That in the search warrant executed on February 9, 2007, \$3,755 in U.S. currency was seized from the pocket of the defendant, Richard Breunig.

9. That in the search warrant executed on February 16, 2007, \$189.50 was seized from the bar recently purchased by the defendant, Richard Breunig, which money had notations on the envelope it was contained in that related to gambling activity.

10. That the total money seized in the two search warrants and paid to the undercover agent for gambling winnings was \$4,564.50 and that said money is contraband as that term is used in Wis. Stat. § 968.13(1)(a) in that it is the fruit of the commission of a crime, to wit: commercial gambling.

11. That pursuant to *Jones v. State*, 226 Wis. 2d 565, 594 N.W.2d 738 (1999), items which are contraband need not be returned to the owner and if they are found to be contraband are subject to forfeiture.

12. That the State of Wisconsin has an interest in the determination of whether or not the defendant, \$4,564.50 in U.S. Currency, is contraband in that if the Court determines it is contraband, it is forfeited to the State School fund, pursuant to *Jones v. State*, 226 Wis. 2d 565, and Wis. Const. art. X, § 2.

13. That a declaration of whether or not the defendant, \$4,564.50 in U.S. Currency, is contraband or not will resolve all issues as it relates to the disposition of said currency.

14. That said defendant, \$4,564.50, is being held by the plaintiff, State of Wisconsin, through its agency the Department of Justice, Division of Criminal Investigation, in the County of Dane, State of Wisconsin.

WHEREFORE, the plaintiff, State of Wisconsin, hereby asks the Court for relief as follows:

1. For an order declaring that the defendant, \$4,564.50 in U.S. Currency, is contraband and therefore shall be forfeited to the School Fund;

2. For whatever costs and fees the Court deems equitable and just, if any, pursuant to Wis. Stat. § 806.04(10); and

3. For such other and further relief as the Court may deem fair and proper.

Dated this 4th day of September, 2012.

Respectfully submitted,

J.B. VAN HOLLEN
Attorney General



RICHARD J. DUFOUR
Assistant Attorney General
State Bar #1014811

Attorneys for Plaintiff

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