

State of Wisconsin

Circuit Court

Waukesha County

STATE OF WISCONSIN

Plaintiff,

-vs-

DA Case No.: 2012WK006291  
Assigned DA/ADA: Michele W. Hulgaard  
Agency Case No.: 12-011477  
Court Case No.:  
ATN: 68041000063829

Cody A Foley  
2067 S 78th St  
West Allis, WI 53219  
DOB: 03/19/1993  
Sex/Race: M/W  
Eye Color: Green  
Hair Color: Red  
Height: 6 ft 3 in  
Weight: 214 lbs  
Alias:

Gaige P Grosskreutz  
2311 S 84th St #2  
Milwaukee, WI 53227  
DOB: 11/04/1993  
Sex/Race: M/W  
Eye Color: Green  
Hair Color: Brown  
Height: 5 ft 11 in  
Weight: 160 lbs  
Alias: Also Known As Gaige Paul Grosskreutz

Court Case No.:  
ATN: 68041000062508

Ihor M Sahan  
5557 South Buckhorn Ave Apt 3  
Cudahy, WI 53110  
DOB: 12/24/1993  
Sex/Race: M/W  
Eye Color: Blue  
Hair Color: Brown  
Height: 5 ft 9 in  
Weight: 150 lbs  
Alias:

Court Case No.: *13CF622*  
ATN: 68041000062599  
CRIMINAL/TRAFFIC  
DIVISION

MAY 23 2013

WAUKESHA CO., WI

Defendants,

Criminal Complaint

Linda Lamm, of the New Berlin Police Department, being first duly sworn on oath, upon information and belief, states that:

**Count 1: BURGLARY OF A BUILDING OR DWELLING - PTAC, AS A PARTY TO A CRIME** (As to defendants Cody A Foley and Gaige P Grosskreutz and Ihor M Sahan)

The above-named defendants on or between May 27 and 28, 2012, at 13270 West Van Norman Avenue, in the City of New Berlin, Waukesha County, Wisconsin, as a party to a crime, did intentionally enter a dwelling , belonging to Michael Thompson, without the consent of the person in lawful possession of the place, and with intent to steal , contrary to sec. 943.10(1m)(a), 939.50(3)(f),

05/22/2013

2013 MAY 23 PM 2:40  
CRIMINAL/TRAFFIC DIV.  
CIRCUIT COURT

Waukesha County FILE

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939.05 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 a review of the investigative reports of Officer Rieck, Sergeant Godec and Detective Hart, of the New Berlin Police Department, whom your complainant believes to be truthful and reliable.

Said reports indicate that on May 28, 2012, officers were dispatched to 13270 West Van Norman Avenue in the City of New Berlin to the report of a burglary. Upon arrival at that location, officers made contact with Michael Thompson, a citizen witness believed to be truthful and reliable in this instance. Michael indicated that between May 27 and 28, 2012, someone had entered his residence without his consent and stole three gaming systems. The individual or individuals had also damaged three interior lights without his consent.

Officers also spoke with Therese Thompson, a citizen witness believed to be truthful and reliable in this instance, who indicated she had a party the night before. Several of her friends arrived during the day and they were all hanging out and that her grandmother was there for awhile, but left at about 5:00 p.m. At approximately 6:00 p.m., three males, whom she knew only by their first names arrived. Their names were Gaige, Cody, and Ryan. The fourth male she knew only as "Europa", who arrived at about 7:00 p.m. During the party, she stated that Cody was causing some problems by being loud and intimidating her. The officer was ultimately able to identify the four subjects as Gaige Grosskreutz, Ryan Petri, Ihor Sahan, and Cody Foley. Therese indicated that everyone left at approximately 10:00 p.m., because she was going to someone else's house. She left her home at 10:30 p.m.

Michael Thompson went on to state that because the rest of the family was at a campground, the rest of the house was unoccupied. Michael said he called Therese stating they were returning home because of the weather and would be home at approximately 1:00 a.m. Therese arrived back home at about 1:15 a.m. and noticed that the service light by the garage door located on the eastside of the house was on. She went to check on the door and found it was unlocked and entered the garage and observed a shoe rack located by the access door to the residence was knocked to the ground. She thought that maybe someone had knocked it down by accident or it fell on its own. Michael and the rest of the family arrived home a few moments later.

Later in the morning, the family discovered that several gaming systems were missing, and Michael advised that a Nintendo Wii, a Playstation II and III were all taken. Seven Playstation III games and a Playstation II game were also taken. Suspects also broke three lights in the basement. Therese stated he believed Foley and Sahan may have returned and stolen the items and that Foley was a "jerk" most of the night. When asked why these individuals were at her house, Therese stated she is friends with Grosskreutz and that the others "just kind of showed up with him." They left in two cars, but she did not know who was in each car.

Officers spoke with Ryan Petri, who stated that yesterday, May 27, 2013, he was with Grosskreutz, and they stopped at a gas station in West Allis. They met up with Foley, but he didn't know Foley well and thought he was a "cool guy," and he invited Foley to Therese's house. Petrie said he is also friends with Sahan. He provided Sahan with directions to Therese's house, and he showed up a little

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later. Petrie stated that everyone left at about 10:00 p.m. and that he drove Grosskreutz back to his residence. Petrie state he then went home and went to bed.

Officers learned that Gaige Grosskreutz had on May 28, 2012, sold two Playstation II core units, one being a slim deck and one being a regular size deck and two Playstation II memory cards. Officers were able to confirm that the Playstation II sold by Grosskreutz on May 28, 2012, had the same serial number as the one stolen from the Thompson residence.

Officers made contact with Gaige Grosskreutz, who, in a statement deemed to be reliable inasmuch as it was made contrary to his penal interests, stated that he Ryan Petri and Cody Foley went to Therese Thompson's residence at approximately 6:00 p.m. in Petri's vehicle. They brought along with them two 30 pack cases of Pabst Blue Ribbon beer. Later that evening, Ihor Sahan arrived after getting off of work. Other people at the party were Therese, a male by the name of Jordan, and four other people Grosskreutz did not know.

Grosskreutz initially lied to officers about his total involvement in the burglary to the Thompson residence. Grosskreutz then detailed in a subsequent statement made contrary to his penal interests after being advised of his constitutional rights and waiving the same, admitting ultimately that on the evening the burglary was committed, Foley had talked about burglaries he had committed in the State of Washington where he formally resided. Foley spoke about the "rules of break ins." He cited these rules as 1. Don't stay too long; 2. Don't sell at places like Mega Media Exchange; and 3. Pull the car in the driveway to make it look like you are moving out so after loading the car with your stolen goods, you drive off.

Grosskreutz acknowledged that he would make a recorded phone call to Petri regarding the burglary. During the call, it was obvious that both Petri and Grosskreutz were involved in the burglary. More specifically, Grosskreutz stated that he left the Thompson residence and was driven back to his apartment by Ryan Petri. When he arrived home, his girlfriend arrived at approximately the same time. He stayed at the apartment with his girlfriend, and Petri left. He said a short time later, Petri texted him and asked if they were interested in getting some marijuana. Petri, Foley and Sahan all returned to Grosskreutz's apartment and left briefly to purchase marijuana. All four subjects were in Petri's car smoking marijuana in the parking lot at Grosskreutz's apartment. As they were smoking marijuana, the topic of discussion was about Foley and the burglaries he had committed while living in the State of Washington. During the conversation, they then remembered that Therese wasn't home. Grosskreutz said that one thing led to another, and it started off joke like, ha, ha lets break into this bitch's house. However, Petri and Foley were serious about it, and it wasn't until they were actually in front of Thompson's house that Grosskreutz realized this was actually going to happen. He said they left Grosskreutz's apartment and stopped at Petri's house to pickup something, possibly cigarettes. They left Petri's house and went in the direction of the Thompson's residence, and once there, Petri parked on the street. Initially Grosskreutz stated that he stayed in the car with Ihor Sahan, who was a lookout. He stated that after about 20 minutes, Petri and Foley exited the house and returned to the vehicle and were happy and talking about the property that they had stolen. As they drove, Petri said that since the police didn't come, they should return to the house. Grosskreutz and Sahan told Petri that six or seven cars drove past while they were inside the residence. Sahan told Petri they thought he was in the residence too long. Petri was then determined to go back and get a flat screen TV, but he was told by the group that they would not encourage that, but they did turn back to the Thompson residence and saw Therese in the driveway, so they didn't stop. Grosskreutz admitted that he was actually the one who actually opened the service door where Petri and Foley entered and that he went into the garage. He denied having broken any lights.

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Officers also spoke with Ryan Petri, who told officers in a statement deemed to be reliable inasmuch as it was made contrary to his penal interests, that he was at the Thompson residence getting drunk and having a fun time and that he drove Grosskreutz home and then went home himself. The officer played for him the recorded conversation between he and Grosskreutz, and although he continued to deny his involvement, Petri became noticeably more disturbed by the conversation on the recording. Petri ultimately admitted driving Grosskreutz and Sahan to Mega Media Exchange in order to sell the two Sony Playstation units the day after the burglary.

Officers also spoke with Cody Foley, who indicated that on May 27, 2012, Ryan Petri drove to Foley's residence to pick him up, and inside of Petri's car were two 30 pack containers of Pabst Blue Ribbon Beer. Petri drove to Grosskreutz's, and they picked him up as well. Petri drove Foley and Grosskreutz to the Thompson residence where they were swimming and consuming beer. Approximately 30 minutes later, Sahan arrived, and all four of them began swimming and drinking. Foley was intoxicated when Therese produced a pipe of marijuana and passed it around, and Foley then stated that at 10:00 p.m. Therese was leaving the residence to go to another party, so Foley left with his friends. Foley was driven to his residence by Ihor Sahan, followed by Petri and Grosskreutz in Petri's vehicle. While at Foley's residence, Grosskreutz said, "Lets just get on some hot boy shit and rob her (Therese's house)." Foley and the others all agreed that they shouldn't do that, but they all got into Petri's car and headed toward the Thompson residence (all referring to Foley, Grosskreutz, Petri and Sahan). Foley claimed that he was the one who actually stayed in the car with Sahan as lookouts while Petri and Grosskreutz were committing the burglary. Foley also stated that Grosskreutz broke all the lights with a baseball bat and that the bat was ultimately thrown out of the car window.

Grosskreutz and Petri, according to Foley, were in the house for approximately 35 minutes during which time Sahan and Foley observed approximately 10 vehicles drive past the vehicle while they were waiting outside. Foley said he was nervous and wanted to leave; however, he did not have any other means of transportation. While driving away, Petri wanted to return to the residence and grab the flat screen TV.

The officer confronted Foley with some inconsistencies in his story and told him he believed he had more of an active roll in the burglary than he was telling the officer, at which point, Foley hung his head low and began to cry. He continued to deny entering the premises and then became angry. He then told the officer he no longer wanted to speak with him.

Sahan denied any involvement in the burglary, but he did admit to being with his friends during the time period in question.

Officers spoke with Julio Camacho, a citizen witness believed to be truthful and reliable in this instance. Camacho indicated that seven or eight guys, one of whom was identified by a double blind photo array as Gaige Grosskreutz had talked about some game systems that they wanted to sell, and he ultimately did end up purchasing a gaming system from Ryan Petri. Also being sold by Petri was a Wii gaming system consistent with items taken from the Thompson residence. Camacho said he purchased the gaming system, and the next day, Petri called him back and wanted the PS3 back. Petri returned the money to Camacho, and he gave him back the gaming system. It was discovered that the three, Petri, Grosskreutz and Foley, were trying to return the PS3 to its rightful owner so they would not get into trouble.

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

Madam Linn  
Complainant

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

this 23 day of May, 2013

[Signature]  
Assistant/Deputy/District Attorney  
State Bar # 1017910

MH:mav

EXT=CODE 1

Kenosha County Eye