



STATE OF WISCONSIN - VS - Davitt W Janke  
 Felon  
 Possession of a Firearm by a  
 Felon  
 Possession of a Firearm by a  
 Felon  
 Possession of a Firearm by a  
 Felon

The original of such complaint has been filed in the office of the Clerk of Courts for Waushara County.

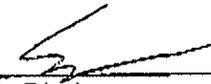
You, the defendant, are therefore summoned to appear before the Circuit Court – Criminal Division of Waushara County, at the Waushara County Courthouse, 209 South Saint Marie Street Wautoma, WI 54982 in Room 230 on:

DATE/TIME: 10/27/2009 at 1:30 PM

And in case of your failure to appear, a warrant for your arrest may be issued.

Your appearance before the Waushara County Circuit Court will also require that you undertake the intake/booking process. You will be required to have photo identification with you to complete that process.

Date: 10/27/09



Scott C. Blader  
 District Attorney  
 Waushara County, WI  
 State Bar No.: 1033953

State of Wisconsin

Circuit Court

Waushara County

STATE OF WISCONSIN

**FILED**

-vs- JANE F. PUTSKEY

David W Janke  
N3816 Cty Rd EE  
Redgranite, WI 54970  
DOB: 12/31/1953  
Sex/Race: M/W

OCT 23 2009

CIRCUIT COURT  
WAUSHARA CO. WIS.

DA Case No.: 2009WS001236  
Agency Case No.:

Court Case No.: *09CF-108*

Defendant,

**CRIMINAL COMPLAINT**

Deputy Angel Jannusch, being first duly sworn, states that:

**Count 1: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, September 30, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Waushara Evidence #1, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

**Count 2: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, September 30, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Waushara Evidence #2, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

**Count 3: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, September 30, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Waushara Evidence #3, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

**Count 4: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, October 6, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Humane Society Evidence #69, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

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**Count 5: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, October 6, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Humane Society Evidence #15, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

**Count 6: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, October 6, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Humane Society Evidence #16, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

**Count 7: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, October 6, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Humane Society Evidence #3, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

**Count 8: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, October 6, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Humane Society Evidence #2, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

**Count 9: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, October 6, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Humane Society Evidence #76, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

STATE OF WISCONSIN - VS - David W Jankc

**Count 10: KEEPING AN ANIMAL WITH INTENT THAT IT ENGAGE IN FIGHTING**

The above-named defendant on or about Wednesday, October 6, 2009, in the Town of Leon, Waushara County, Wisconsin did possess an adult male rooster having Humane Society Evidence #73, with intent that said rooster be engaged in an exhibition of fighting, contrary to Sec. 951.08(2), 939.50(3)(i) 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.

**Count 11: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Tuesday, October 06, 2009, in the Town of Leon, Waushara County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 12: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Tuesday, October 06, 2009, in the Town of Leon, Waushara County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 13: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Tuesday, October 06, 2009, in the Town of Leon, Waushara County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 14: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Tuesday, October 06, 2009, in the Town of Leon, Waushara County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 15: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Tuesday, October 06, 2009, in the Town of Leon, Waushara County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a),

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939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 16: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Tuesday, October 06, 2009, in the Town of Leon, Waushara County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 17: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Tuesday, October 06, 2009, in the Town of Leon, Waushara County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 18: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Tuesday, October 06, 2009, in the Town of Leon, Waushara County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**Count 19: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Tuesday, October 06, 2009, in the Town of Leon, Waushara County, Wisconsin, did possess a firearm subsequent to the conviction for the felony or other crime, as specified in sub. (1) (a) or (b), contrary to sec. 941.29(2)(a), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

**PROBABLE CAUSE:**

Deputy Angel Jannusch, being first duly sworn on oath, affies and states as follows:

1) That your affiant has read and reviewed the official law enforcement reports prepared by Special Agent Joseph Kapitany of the Wisconsin Department of Justice, Division of Criminal Investigation and Lieutenant Randy Thurley of the Waushara County Sheriff's Department, said officers known to your affiant to be truthful and reliable, based upon past professional contacts, and with said reports having been prepared, filed, and maintained during the ordinary course of business of said law enforcement agency.

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2) Special Agent Joseph Kapitany of the Wisconsin Department of Justice, Division of Criminal Investigation – Gaming Bureau, reports that on March 26, 2009 his attention was directed to an individual later identified as David W. Janke M/W dob: 12/31/53 who was allegedly involved in illegal rooster fighting. Specifically, Special Agent Kapitany reports that he received information from a confidential informant who himself had been involved in illegal rooster fighting, that there was a subject identified as "Davy" in the Redgranite area who was raising and breeding roosters for the ultimate purpose of fighting them and selling them to other rooster fighters. This informant also provided a geographical location where Davy could be found and a description of his residence. With this information, Special Agent Kapitany along with Detective Sergeant Randy Thurley did identify "Davy" as David W. Janke whose residence was located at N3816 CTH EE, Redgranite, Waushara County, Wisconsin.

3) On April 15, 2009 Special Agent Kapitany as well as Detective Sergeant Randy Thurley conducted surveillance on Janke's home located at N3816 CTH EE, in Redgranite. While doing so, they observed a residence that was located in a rural wooded setting set back from the roadway approximately a couple hundred feet. Special Agent Kapitany observed numerous 55 gallon type plastic barrels some of which had small doors cut open on them with roosters on the ground in the vicinity of these barrels. Further, there were several makeshift shelters made from blue plastic tarps and wood along the west property line and a series of stacked individual cages with at least 12 cages to a row containing roosters in some or all of the cages. Special Agent Kapitany could hear a variety of roosters cackling from areas near the property. It should be noted, that Special Agent Kapitany conducted further surveillance of Janke's residence on May 20, 2009 and once again observed a series of roosters that were tethered by a leg with a rope to individual barrels and cages that contained roosters. Further, he was not able to immediately discern any "hen houses" or what appeared to be egg laying houses consistent with a farming operation.

4) Special Agent Kapitany reports that on June 24, 2009, he did utilize an undercover computer station to conduct multiple internet searches seeking information on David Janke and rooster fighting. As a result of these searches, Agent Kapitany identified an individual on multiple roosters fighting websites known as "DavyMax." Agent Kapitany also found "DavyMax" on two separate known rooster fighting websites identified as – sabong.net, and gamerooster.com. Further, he was able to find a third rooster fighting website detailing a directory for "DavyMax" and his "Wisconsin Shuffler Game Farm". Further, there was a phone number listed of 920-566-4040 as well as a variety of pictures of "DavyMax" as well as pictures of his roosters. Special Agent Kapitany then compared those photographs with photographs known of David W. Janke from the Department of Transportation and identified them to be of the same person. Special Agent Kapitany also served a court ordered subpoena on Century Tel and received a response that phone number (920) 566-4040 was listed to David Janke, N3816 CTH EE, Redgranite, Wisconsin.

5) Special Agent Kapitany reports that on June 25, 2009, he did meet with Yvonne Bellay and Paul McGraw of the Wisconsin Department of Agriculture, Trade and Consumer Protection to inquire whether or not Janke could be possessing the aforementioned roosters for the purposes of agriculture production of poultry. DVM McGraw advised Special Agent Kapitany that in order to sell any poultry or livestock in the

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State of Wisconsin a person/entity must be registered as outlined in Wisconsin State Statutes, Sections 95.51 and Chapter 17. As part of the livestock/poultry requirements a poultry farm that is selling any birds must also conduct Salmonella pullorum tests for salmonella disease, in order to sell or move any poultry. DVM McGraw queried David Janke's name and address through the DATCP licensing database. Neither Janke's name nor address was licensed in the State of Wisconsin.

6) Special Agent Kapitany reports that on June 30, 2009 he once again undertook an undercover computer search of David Janke using his user name of "DavyMax." During the course of his search, he did find comments left by DavyMax on the rooster fighting website - sabong.net. During the course of DavyMax postings, he explains that he was the sole carrier of the renowned Wisconsin "Red Shuffler" rooster. Davymax went on to describe that this line of roosters had been specifically preserved and dated back to the early 1900's when an individual known as Dudley H. Pierce, had used the roosters for fighting purposes. In his posting, it was suggested that Dudley H. Pierce went on to be the founder of Pierce Manufacturing but that he had initially made more money fighting Roosters than he did selling manufactured products.

7) Special Agent Kapitany reports that on July 31, 2009 he did acquire the assistance of a private investigator identified as Thomas Farro. Farro then placed a call to David Janke's home at 920-566-4040. Farro later had a conversation with Janke and the same was recorded. During the course of this conversation, Farro engaged Janke in conversation about a fictitious uncle from the State of Tennessee who wished to purchase roosters from Janke in an attempt to beat the national rooster fighting champion known as "Ramsey." During the conversation, Janke stated that he knew "Ramsey" and identified him specifically as Sammy Ramsey and stated that he had a son named Mike Ramsey. Janke went on to report that he was well aware that the Ramsey's were into rooster fighting and were champions. Janke also advised that it was very possible for persons who engage in rooster fighting to make a great deal of money depending on how many birds they fought, and whether they had to split the proceeds with other persons. Janke went on to report that he sold roosters and hens to people all over the country and out of the country, including the Philippines. Janke then advised Farro that he would willing to sell him roosters at the rate of \$300 a piece if Farro was willing to have some one pick them up.

8) Special Agent Kapitany reports that on Wednesday, September 16, 2009 Investigator Farro, using the name of "Bill Tate" once again had an extended discussion with David Janke in reference to the purchase of roosters for the purposes of fighting them. During this conversation, Janke answered the phone stating "this is Davy." Farro then discussed with him the previous phone contact the two had had in reference to the purchasing of roosters that were ready to train or fight. Janke reported that he had three rooster brothers which he described as "battle crosses" that were "perfect" and "ready to do." According to Janke, these roosters had the shuffler ability as well as the smartness of another breed of roosters known to be the "Lacy Round Heads." Janke further explained that the roosters were approximately 2½ years old and would be out of their molt and ready to be "conditioned". Farro then discussed with Janke that his "uncle" wanted the birds for fighting with the intention that the birds would get high enough through the winning derbies to fight the champion, "Ramsey." Farro then asked Janke if the birds have any lineage history and if they were winners and Janke laughed and stated that his birds were. Janke even stated that it would be sweeter for him if Farro's uncle fought "Ramsey"

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and won with one of his birds, as Janke's birds would then get credit. Janke went on to describe how roosters can be fed on what is called a "keep" and a diet regimen to sustain them adequately. Janke reported that the birds he was willing to sell would soon be out of their molt, and that it would not be prudent to fight a rooster while it was still in the molt as it is very painful for the roosters. Farro then advised that he was going to have his brother-in-law, identified as "Al Blackwood" actually come to purchase Janke's roosters.

9) On September 30, 2009, Special Agent Kapitany reports that he had Special Agent Michael Sasse acting in an undercover capacity as "Al Blackwood" meet with David Janke and purchase the aforementioned roosters. Special Agent Sasse initially had phone contact with Janke, during which Janke gave Special Agent Sasse his address of N3816 CTH EE, Redgranite, Wisconsin. Special Agent Sasse did meet with David W. Janke at his address of N3816 CTH EE, Redgranite, Wisconsin with the intention of purchasing three roosters for \$900. Special Agent Kapitany reports that Special Agent Sasse was equipped with a digital recorder and the conversation between he and Janke and was subsequently recorded. Special Agent Sasse then arrived at Janke's residence at 3:40 p.m. at which time he observed numerous roosters in the yard of the residence which appeared to be tethered to either barrels or chicken coops. He then made contact with David Janke who was carrying three boxes containing roosters. Special Agent Sasse then provided Janke with \$900 in prerecorded U.S. currency as and for the three packaged roosters. During the course of the sale, Janke made reference to the conversation he had had with "Bill" from Tennessee about the roosters. Special Agent Sasse can also be heard to question Janke about how one would actually get the roosters to fight at which time Janke responded that the roosters "just do it." Janke then requested Special Agent Sasse to sign a receipt for the roosters-for "income tax purposes" and Special Agent Sasse did using the name "Al Blackwood." Special Agent Kapitany reports that three roosters which were purchased were later marked and labeled rooster #1, #2, #3 and are now maintained by the Waushara County Sheriff's department as evidence.

10) On October 5, 2009 Thomas E. Farro once again had undercover telephonic contact with David W. Janke. During the course of the conversation, Farro once again used the undercover persona of "Bill Tate" and engaged in conversation with a person who identified himself as "Davy" at number 920-566-4040. During the course of this conversation, Davy informed Farro that Farro's "man" had come by and purchased roosters. During the conversation Janke advised Farro that the recipient of the birds should feed them well and condition them and that they would perform "great." Farro then discussed with Janke that the birds would ultimately be given to his uncle who would be intending to fight the birds and further had a discussion regarding the use of knives and gaffs which are commonly attached to roosters legs during the course of fights. Janke went on to wish Farro's "uncle" great success against the Ramsey's, and their champion cock fighting rooster. Janke also advised Farro to keep him posted as to the future of his birds and how they performed as he took great interest in it.

11) Special Agent Kapitany reports that on October 6, 2009 he along with various other law enforcement agencies did execute a search warrant at David Janke's residence located at N3816 CTH EE in Redgranite. During the course of the execution of this warrant, agents did recover a variety of items including but not limited to:

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- a) 157 chickens and roosters along with feed and transport boxes. These chickens included, but were not limited to, adult male roosters later tagged and identified as HS rooster numbers: 69, 15, 16, 3, 2, 76 and 73.
- b) Plastic split rings, spool of wax string, several woven leg cuffs, red sparring balls with Velcro cuffs
- c) A variety of Derby schedules for cock fighting detailing times, dates and locations of various rooster fights.
- d) Approximately 30 game cock magazines which Special Agent Kapitany recognizes to be magazines specifically addressing issues of rooster fighting, breeding and training of birds for the purpose of fighting them.
- e) Issues of "Grit and Steel" magazine which Special Agent Kapitany knows to be a magazine primarily focused upon breeding, raising and fighting roosters.
- f) A DVD entitled "2006 World Slasher Cup 8 Cock Derby" found in the master bedroom associated with David W. Janke. Special Agent Kapitany knows that a "cock derby" is a rooster fighting derby.
- g) Advertisement for the 2005 World Slasher Cup 8 Cock Derby.
- h) One dried chicken foot and two leather chicken leg cuffs found on the couch in the living room.
- i) Two gaffs, which are steel shanks with a sharp point and a tying apparatus, found in a drawer of a desk located in the basement. Special Agent Kapitany knows from his experience and training in investigating cock fighting activities that gaffs are specifically used for rooster fighting and that the gaffs are affixed to the roosters legs so that during the fights the steel gaffs inflict serious injury to the opposing bird. Special Agent Kapitany also knows that rooster fights can be executed with either "gaffs" or "knives." Knives describe razor blades/sharpened blades that can also be affixed to roosters feet to inflict more injury to the opposing bird.
- j) Approximately eight firearms including: a Rugger new model single six .22 caliber revolver, one Savage Model 12 gauge pump shotgun, one Rugger Model 10 .22 rifle, one Rugger Super Black Hawk .44 caliber revolver, one Marlin Model 336 .35 caliber lever action, one New England firearm Model 410 single shot shotgun, one Marlin Glenfield Model 620 .22 caliber rifle, one Winchester Model 94 30-30 caliber rifle. Special Agent Kapitany reports that officers found the majority of these firearms in the master bedroom gun cabinet which was associated with David Janke.

12) Special Agent Kapitany reports that he along with Lieutenant Randy Thurley of the Waushara County Sheriff's Department did undertake an interview of David Janke on Tuesday, October 6, 2009. Janke was advised that he was not under arrest and did not need to speak with agents if he desired. Janke went on to state that he believed he was

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doing nothing wrong as he was simply raising roosters. He further advised that he had simply sold roosters to "Al Blackwood" for breeding purposes. Janke went on to advise agents that there was no Wisconsin law curtailing this activity or suggesting that implements such as knives or gaffs were illegal to possess in of themselves. Special Agent Kapitany then advised Janke that the person who had arranged for the purchase of birds was in fact an undercover agent and that Janke had freely discussed how the birds could be fought and what implements could be used during the rooster fights themselves. Janke then began to speak to officers and suggested that he had been engaged in the raising of roosters for approximately seven years. He reported that the roosters that he primarily was engaged in raising, were of the purest Wisconsin Shuffler bloodline and that he currently had between 12 and 13 full grown roosters while the balance of the birds would be young stock and hens.

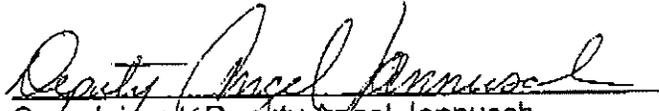
13) During the course of his interview with Special Agent Kapitany and Detective Thurley, Janke admitted to being at cock fights in the State of Wisconsin located in the Turtle Lake area. He further advised that he had attended world championship rooster fights in the State of Oklahoma and had made some personal connections while there. Janke reported that the last time he was personally at a rooster fight, it was in the Turtle Lake area of Wisconsin and that he did take five cock roosters and participated in the fights themselves. Janke went to admit that at the fight, the entry fee for the derby was \$100 per person and that there were between nine to ten people who had actually engaged in the derby. Janke admitted that in addition to the 9 or 10 rooster fighters there were an additional 20 people present who were spectators of the fights. Janke went on to report that these fights were arranged in such matter that only birds who had the same weight were matched up to ensure fairness.

14) Janke went on to state that he is currently self-employed and that he has not gone out of state recently to engage in cock fights because he cannot afford to. According to Janke, he is just selling the birds as a hobby and suggested that this was for "breeding purposes." Janke did admit that he had taken the \$900 provided to him by Agent Sasse in the undercover buys of the three roosters and placed it into his Anchor Bank checking account. In his estimation, Janke stated that he only made 4 to 5 "sales" of birds in a year. He expounded that an average "sale" could be a Trio of three birds, or a pair, consisting of two birds.

15) Special Agent Kapitany further notes that during the course of his investigation he was made aware that David W. Janke was a convicted felon after having pled no contest to the felony offense of Possession with Intent to Deliver a Controlled Substance in Winnebago Case 1994CF104 on March 11, 1994. Accordingly, Wisconsin law precludes him from constructively possessing any firearms. Special Agent Kapitany notes that during the course of the search of Janke's residence, officers did locate approximately nine different firearms many of which were loaded and located in a master bedroom, which was David Janke's room. Special Agent Kapitany did learn through the course of his investigation that Janke did purchase gun-deer hunting licenses for himself in the years; 2000, 2002 and 2005. Special Agent Kapitany also received records of said license purchases from Investigator Brian Knuepper of the Wisconsin Department of Natural Resources Environmental Crimes Unit. Janke did purchase these gun deer licenses in three separate years after his conviction.

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16) Your affiant believes the statements of David Janke to be truthful and reliable as they were made against his penal interest.

  
Complainant, Deputy Angel Jannusch

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

This 23 day of October, 2009.

  
\_\_\_\_\_  
Scott C. Blader  
District Attorney  
Waushara County, WI  
State Bar No.: 1033953