

State of Wisconsin

Circuit Court

Ozaukee County

STATE OF WISCONSIN

-VS-

JACOB JP BANAS
W63 N678 WASHINGTON AVE
CEDARBURG, WI 53012
DOB: 07/10/1980
Sex/Race: M/W
Alias:

Plaintiff,
DA Case No.: 2004OZ000151
Assigned DA/ADA:
Agency Case No.: 04-47
Court Case No.: 04CF *22*
ATN: 46033247

FILED
OZAUKEE COUNTY, WISCONSIN

JAN 29 2004

Defendant

JEFFREY S. SCHMIDT
CLERK OF COURTS

Criminal Complaint

2004 JAN 29 PM 3:44

OZAUKEE COUNTY
CLERK OF CIRCUIT COURT

The undersigned law enforcement officer being first duly sworn, states that:

Count 1: THREATS TO INJURE OR ACCUSE OF A CRIME

The above-named defendant on or between January 13, 2004 and January 23, 2004, in the City of Cedarburg, Ozaukee County, Wisconsin, did maliciously threaten to accuse the person of J.F.K., with intent to extort money or any pecuniary advantage, contrary to sec. 943.30(1), 939.50(3)(h) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

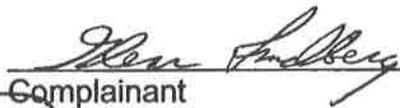
PROBABLE CAUSE:

Complainant alleges that on January 24, 2004, Detective Backes met with J.F.K., a W/F, DOB 5/4/1970. J.F.K. related some information involving someone she knew as Jacob Banas, a person she had known for two years. J.F.K. stated that on January 14, 2004, she received an instant message on her computer from Banas stating that he was "pissed at her" stating "didn't you know that Matt [the friend] has cameras in his apartment and has you on tape taking advantage of me while I was passed out." J.F.K. stated that she and Banas had sexual relations the evening before. J.F.K. stated that she had not taken advantage of him and that Banas replied that Matt had told Banas that Banas should go to the police, but that Banas wanted \$800 instead. Banas then wrote to J.F.K. that she should put the money in a sock and put it in his Jeep by 3:00 behind his apartment. Detective Backes learned that Banas' apartment is located on Washington Avenue in the City of Cedarburg, Ozaukee County, Wisconsin. J.F.K. stated that Banas told her that this would be the end of it all and that they could still be friends. J.F.K. stated that she took \$800 and went to Banas' apartment where she put it in his center console. J.F.K. stated that the next day at work she received another instant message from Banas asking how much money she had in the bank. J.F.K. stated that Banas then stated that he wanted \$1,000 more and that he would leave her alone. Banas wrote that he had talked to a

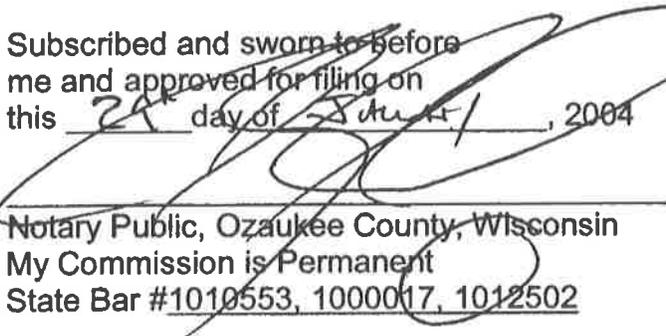
lawyer and that if he got the lawyer involved, the lawyer would have to report the matter to the police. Banas wrote that if he and J.F.K. handled the matter between themselves, "it would be less expensive." J.F.K. replied to Banas "do you really want to ruin my life." Banas replied that J.F.K. should come up with a way of dealing with it that day so he would not have to call the lawyer back. Banas wrote "o.k., well one more payment then we can drop this whole thing and never tell anyone. How much do you think? So I don't have to call the lawyer who will call the cops." When J.F.K. did not immediately reply, Banas later wrote "I guess you would rather me call the cops." J.F.K. stated that eventually they settled at \$1,000 which she also withdrew. J.F.K. stated that she wanted the tape of the activity before she gave the money and that they meet at a friend's house where Banas turned over to her a CD which was broken and J.F.K. gave Banas \$1,000. J.F.K. stated on January 17, 2004, she received more communications by instant message from Banas in which he told her that J.F.K. had gotten off easy by only paying \$1,800 and that he might need another \$1,000. On January 25, 2004, Detective Backes received a page from J.F.K. stating that she was presently on line talking to Banas and that Banas wanted more money. J.F.K. reported that Banas and her eventually settled at a sum of \$800 which was to be dropped off again at Banas' residence in the City of Cedarburg. Detective Backes and J.F.K. put simulated currency in a sock which J.F.K. then took to Banas' residence. Detective Backes monitored the vehicle where the money was placed and saw Banas leave the home, enter into the vehicle and retrieve the simulated money. On January 25, 2004, Detective Backes interviewed Banas who stated that he was sorry for what he did to J.F.K., but that he needed money for gambling and that he would do anything for that.

Complainant further alleges that all the above stated events occurred in Ozaukee County, Wisconsin.

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


Complainant

Subscribed and sworn to before
me and approved for filing on
this 28 day of Sept, 2004


Notary Public, Ozaukee County, Wisconsin
My Commission is Permanent
State Bar #1010553, 1000017, 1012502

State of Wisconsin

Circuit Court

Ozaukee County

STATE OF WISCONSIN

Plaintiff,

SUMMONS

-VS-

JACOB JP BANAS
W63 N678 WASHINGTON AVE
CEDARBURG, WI 53012

THE STATE OF WISCONSIN TO SAID DEFENDANT:

A complaint, a copy of which is attached, having been made accusing the defendant of committing the crime(s) of:

THE CRIME(S) OF:

Threats to Injure or Accuse of
a Crime

DATE OF VIOLATION:

on or between January
13, 2004 and January
23, 2004

CONTRARY TO WIS. STATUTE(S):

943.30(1)

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

**You, the defendant are therefore summoned to appear before
the Circuit Court on the date and time indicated on the attached
Notice of Hearing**

(SEE NOTICE OF HEARING ATTACHED)

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

Enc.

Sandy A. Williams

District Attorney

State Bar No. 1010553

FILED
OZAUKEE COUNTY, WISCONSIN

SEP 03 2004

JEFFREY S. SCHMIDT
CLERK OF COURTS

Impact Statement by Jackie Klann

February 16, 2004

The crime in question, which Jacob Banas has committed against me, has affected me on many levels.

The total dollar amount of \$1,800, which Mr. Banas blackmailed me for, is the easiest to describe. I am in the middle of a divorce procedure with legal fees to pay, as well as the money I am trying to put aside to start my life new and on my own again once my divorce is final. He depleted the cash that I had saved up to practically nothing.

The emotional turmoil is much more personal and difficult to describe.

Due to my divorce proceedings, I was already suffering through an un-stable emotional state. I am not proud of my alcoholic condition on the evening in question, from which the blackmail stemmed. However, I do feel that I was sexually violated and taken advantage of (at Jake's friend's apartment) while I was in no condition to make any judgment calls and was clearly not in sound mind. I do not even know how conscious I was, or was not, to remember what entirely happened. After that evening, I felt so ashamed.

Mr. Banas later contacted me and told me he had a video of that evening. He then accused me of taking advantage of him and demanded I pay him money. My initial shock of that information turned quickly to fear when I was concerned about what was on the video and what he would do with it. I considered the fact that there maybe something mentally wrong with him and was not sure what he was capable of. I imagined seeing this video of myself on the Internet or that copies would be mailed to my family and friends.

I paid Mr. Banas the \$800 he requested assuming that that would end this nightmare. After I paid him, I felt emotionally and psychologically scarred. I was feeling very depressed and actually considered suicide for the first time in my life. I did not want to be social with my friends or talk to anyone for fear that they would find out about what this person had done to me and that I had put myself in this situation. It was an all-time low in my life.

The following day, what turned out to be only the "installment" payment, he insisted on more money and he seemed even more disturbed. He harassed me at work; continuously stating "you do not want to make me mad". I was fearful for many reasons. The messages he left for me were mean, demeaning and very harsh. I was aware that he knew where I was staying and I feared he would come there to harass me or even harm me. I was also afraid he might attempt to rob my parent's house because he seemed so desperate for money. I paid him the \$1,000 thinking this would now end and I just wanted him out of my life. Money had become to mean nothing to me compared to what he was now putting me through.

I was able to spend some quality time by myself and thought about everything that was happening. I thought it a possibility that the blackmailing was not going to end and I decided it was time to report it to the police. As it turned out, I made the correct decision as another attempt was made by Mr. Banas to extort another \$1000 from me at which time he was apprehended.

He was not the victim. I was the victim. He violated me and took advantage of me being very aware of my intoxicated condition on that evening. He continued to take advantage of me and my emotionally vulnerable situation in the weeks following that evening. He took

something that is private and used it against me for
blackmail.

State of Wisconsin, Plaintiff,
-vs-

**Probable Cause
Statement and
Judicial Determination**

JACOB J.P. BANAS, Defendant

Name

7-10-80

Date of Birth

Case No 2004-047

A. I state as follows:

- 1a. I am the arresting officer in this case.
- 1b. I am a law enforcement officer and make this statement on information and belief.

2. The defendant was arrested without a warrant on Jan 25 04 at 2:42 a.m. p.m.

3. I have probable cause to believe that the defendant committed the following offense(s):
Offense(s) Statute Number(s)

Threats to Communicate Derogatory Information 2 counts 943.31
1 count 943.31 - 939.32 Attempt

4. I believe the defendant committed this offense(s) because: (Summarize and/or attach documentation.)

ON 1-25-04 DEFENDANT UNDER MIRANDA ADMITTED TO EXTRACTING MONEY FROM VICTIM JACQUELINE KLANN. DEFENDANT + JACOB BARKES ON 1-14-04 OBTAINED \$800 ON 1-15-04 \$1000. AND ON 1-25-04 Attempted to obtain \$800. THE ABOVE ACTION OCCURRED IN CEDARBURG WI. OZARK CO. See attached.

B. I request that the court make a probable cause determination that the defendant may be continued in custody pending further proceedings.

Optional:
Subscribed and sworn to before me on 1/25/04
W. A. Esselmann
Notary Public, State of Wisconsin
My commission expires: 3/12/04



James A. Barkes
Signature of Officer
JAMES A. BARKES
Name Printed or Typed
1-25-04 4:13 pm
Date Time

Probable Cause Determination

I have reviewed the probable cause statement from the arresting officer. Based on this statement:

- 1. I find probable cause to believe that the defendant committed the crime(s), and direct that the defendant be held in custody pending further proceedings in this matter.
- 2. I find insufficient probable cause to have been presented and direct that the defendant be released from this custody.

Telephone Conference Call Determining Probable Cause
The initial probable cause was determined by a telephone conference call. The call was recorded and the judge/commissioner instructed me to affix the decision, his/her signature, and date and time in the appropriate location, to be countersigned later by the judge/commissioner.

Officer's Signature _____

BY THE COURT:
Tom R. Wolfson
Circuit Court Judge/Court Commissioner
1/26/04 1:35 PM
Date Time

Distribution: 1. Court - Original; 2. Sheriff; 3. Facility; 4. D.A.; 5. Defendant/Counsel