

State of Minnesota
County of HoustonDistrict Court
3rd Judicial DistrictProsecutor File No.
Court File No.18CR00241
28-CR-18-925

State of Minnesota,

Plaintiff,

COMPLAINT

Summons

vs.

BRAD WILLIAM UNDERHILL DOB: 12/17/197644080 Dakota Valley Dr.
Dakota, MN 55925

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):**COUNT I****Charge: Check Forgery**

Minnesota Statute: 609.631.2(2), with reference to: 609.631.4(2)

Maximum Sentence: 10 years in prison, a \$20,000 fine, or both

Offense Level: Felony

Offense Date (on or about): 04/28/2016

Control #(ICR#): 18004314

Charge Description: On or about April 28, 2016, in Houston County, Minnesota, Brad William Underhill, did wrongfully and unlawfully, falsely endorse or alter a check so that it purports to have been endorsed by another; and the forged check was used to obtain or in an attempt to obtain, property or services of more than \$2,500.

COUNT II**Charge: Felony Theft**

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(2)

Maximum Sentence: 10 years in prison and/or \$20,000

Offense Level: Felony

Offense Date (on or about): 04/28/2016

Control #(ICR#): 18004314

Charge Description: On or about April 28, 2016 in Houston County, Minnesota, Brad William Underhill, did wrongfully and unlawfully, intentionally and without claim of right take, use, transfer, conceal or retain possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property and the value of the property or services stolen exceeds \$5,000.

COUNT III**Charge: Theft**

Minnesota Statute: 609.52.2(a)(1), with reference to: 609.52.3(4)

Maximum Sentence: Not more than 1 year and/or \$3,000

Offense Level: Gross Misdemeanor

Offense Date (on or about): 04/28/2016

Control #(ICR#): 18004314

Charge Description: On or about April 28, 2016, in Houston County, Minnesota, Brad William Underhill, did wrongfully and unlawfully intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property and the value of the property or services stolen is more than \$500 but not more than \$1,000.

STATEMENT OF PROBABLE CAUSE

That complainant is a duly appointed, qualified and acting law enforcement officer in and for the County of Houston, State of Minnesota and has personally investigated and/or has knowledge of the facts recited herein.

On November 6, 2018, City of La Crescent Police Chief Doug Stavenau received from the Winona Police Department a report of a check forgery involving BRAD WILLIAM UNDERHILL, DOB: 12/17/1976. The incident involved a check drafted by Grinnell Mutual Reinsurance issued to ABRA Auto Body of La Crosse and to Brad and Emily Underhill for repair work done to a vehicle belonging to Brad Underhill.

Chief Stavenau reviewed the report and learned that in January 2016 UNDERHILL had received an estimate to repair his Ford truck for \$13,363.85 from ABRA Auto Body located in La Crosse, Wisconsin. UNDERHILL subsequently left the truck with ABRA for repairs. Grinnell Mutual issued two checks for payment to ABRA. The second check was mailed to UNDERHILL's address. The check required the signatures of ABRA, UNDERHILL, and UNDERHILL's wife to be cashed. The check was cashed at a branch of Merchant's Bank located at 316 Main Street La Crescent, Minnesota on April 28, 2016. Law enforcement obtained a copy of the cashed check. The check contained the signatures of UNDERHILL, UNDERHILL's wife, and an employee of ABRA. Law enforcement also learned \$3281.99 was deposited in UNDERHILL's Merchant's Bank account on April 28, 2016, and \$3282.00 was placed in UNDERHILL's wife's Merchant's Bank account the same day.

Law enforcement met with the ABRA employee who confirmed he had never met UNDERHILL until he dropped his truck off for an estimate. Further, the ABRA employee stated he was not authorized to sign an ABRA check; rather, a company stamp is used to sign checks. Law enforcement then met with UNDERHILL's wife. She stated they were separated and were divorcing. She stated she was aware of the check, but did not sign it. She further indicated UNDERHILL had handled all of their personal finances.

Law enforcement met with UNDERHILL regarding the cashing of the check. UNDERHILL admitted to law enforcement he had "fucked around with signing that stuff but when I took it to a bank in Winona they said without my wife I couldn't cash it." Underhill also stated when he went to ABRA to pick up his truck he was told the bill was already paid by the insurance company. UNDERHILL indicated he then thought the check was void. When law enforcement asked UNDERHILL why would he attempt to cash a check he thought was void, he stated he thought the check was good and he was "hurting for money."

NOTICE: YOU MUST APPEAR FOR EVERY COURT HEARING REGARDING THIS CASE. FAILURE TO APPEAR FOR COURT IS A CRIMINAL OFFENSE AND MAY RESULT IN ADDITIONAL CRIMINAL CHARGES BEING IMPOSED AND PUNISHED AS PROVIDED IN MINNESOTA STATUTES SECTION 609.49.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant declares under penalty of perjury that everything stated in this document is true and correct. Minn. Stat. § 358.116; Minn. R. Crim. P. 2.01, subds. 1, 2.

Complainant

Luke Michael Ahlschlager
Sergeant
315 Main St
La Crescent, MN 55947
Badge: 305

Electronically Signed:
12/28/2018 03:19 PM
Houston County, MN

Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney

Suzanne Bublitz
Assistant County Attorney
306 S Marshall Street
Suite 2300
Caledonia, MN 55921
(507) 725-5802

Electronically Signed:
12/28/2018 12:48 PM

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

☒ **SUMMONS**

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on **January 23, 2019 at 9:30 AM** before the above-named court at 306 S Marshall Street Suite 2100, Caledonia, MN 55921 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ **WARRANT**

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

☐ **Execute in MN Only**☐ **Execute Nationwide**☐ **Execute in Border States**☐ **ORDER OF DETENTION**

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$

Conditions of Release:

This complaint, duly subscribed and sworn to or signed under penalty of perjury, is issued by the undersigned Judicial Officer as of the following date: December 28, 2018.

Judicial Officer

Carmaine Sturino

Electronically Signed: 12/28/2018 03:59 PM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HOUSTON
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Brad William Underhill

Defendant

LAW ENFORCEMENT OFFICER RETURN OF SERVICE
*I hereby Certify and Return that I have served a copy of this
Summons upon the Defendant herein named.*

Signature of Authorized Service Agent:

DEFENDANT FACT SHEET

Name: Brad William Underhill
DOB: 12/17/1976
Address: 44080 Dakota Valley Dr.
Dakota, MN 55925

Alias Names/DOB:

SID:

Height:

Weight:

Eye Color:

Hair Color:

Gender: MALE

Race:

Fingerprints Required per Statute: Yes

Fingerprint match to Criminal History Record: No

Driver's License #:

Alcohol Concentration:

STATUTE AND OFFENSE GRID

Cnt Nbr	Statute Type	Offense Date(s)	Statute Nbrs and Descriptions	Offense Level	MOC	GOC	Controlling Agencies	Case Numbers
1	Charge	4/28/2016	609.631.2(2) Check Forgery-Falsely Endorse	Felony	C1112	N	MN0280300	18004314
	Penalty	4/28/2016	609.631.4(2) Check Forgery-Prop/Services Val More Than \$2,500	Felony	C1112	N	MN0280300	18004314
2	Charge	4/28/2016	609.52.2(a)(1) Theft-Take/Use/Transfer Movable Prop-No Consent	Felony	TS001	N	MN0280300	18004314
	Penalty	4/28/2016	609.52.3(2) Theft-Value over \$5,000 or Trade Secret, Explosive, Controlled Substance I or II	Felony	TS001	N	MN0280300	18004314
3	Charge	4/28/2016	609.52.2(a)(1) Theft-Take/Use/Transfer Movable Prop-No Consent	Gross Misdemeanor	TV001	N	MN0280300	18004314
	Penalty	4/28/2016	609.52.3(4) Theft-Value More Than \$500 But Less Than \$1001	Gross Misdemeanor	TV001	N	MN0280300	18004314