

STATE OF WISCONSIN**CIRCUIT COURT****RACINE COUNTY**

STATE OF WISCONSIN

Plaintiff,

vs.

NOLAN R GURDAK
 5660 N Forest Glen Ave
 Chicago, IL 60646

DOB: 11/26/1986
 Sex/Race: M/W
 Eye Color: Brown
 Hair Color: Brown
 Height: 5 ft 10 in
 Weight: 150 lbs
 Alias:

Defendant.

CRIMINAL COMPLAINT

DA Case No.: 2020RA001299
 Assigned DA/ADA:
 Agency Case No.: 20-009664
 Court Case No.: 2020CF
 ATN: 52003001076265

For Official Use

Status: Prisoner on Friday, February 14, 2020 at 1:30 PM
 Citation: BE8187200
 Officer: Brittany M Weiss # 10279, of the Racine County Sheriff

The defendant did:**Count 1: ATTEMPTING TO FLEE OR ELUDE AN OFFICER**

The above-named defendant on or about Thursday, February 13, 2020, in the Town of Yorkville, Racine County, Wisconsin, while operating a motor vehicle on a highway, after having received a visual or audible signal from a traffic officer, federal law enforcement officer, or marked or unmarked police vehicle that the operator knew or reasonably should have known was being operated by a law enforcement officer, did knowingly flee or attempt to elude a traffic officer by willful disregard of the visual or audible signal so as to interfere with the traffic officer, contrary to sec. 346.04(3), 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.

And furthermore, invoking the provisions of Wisconsin Statute 343.31(3)(d)1, upon conviction the department shall revoke the defendant's operating privileges for 6 months.

Count 2: POSSESSION OF A CONTROLLED SUBSTANCE

The above-named defendant on or about Thursday, February 13, 2020, in the Town of Yorkville, Racine County, Wisconsin, did knowingly possess alprazolam, a controlled substance, without a valid prescription, contrary to sec. 961.41(3g)(b), 939.61(2) Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than \$500 or imprisoned not more than 30 days or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

Count 3: POSSESSION OF TETRAHYDROCANNABINOLS (THC)

The above-named defendant on or about Thursday, February 13, 2020, in the Town of Yorkville, Racine County, Wisconsin, did knowingly possess or attempt to possess a controlled substance, Tetrahydrocannabinols (THC), contrary to sec. 961.41(3g)(e) Wis. Stats., a Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned for not more than six (6) months, or both.

And the Court may suspend the defendant's operating privileges for not less than six (6) months nor more than five (5) years. If the defendant's driving privileges are already suspended, any suspension imposed must be served consecutively.

The official records and files of the Racine County District Attorney's Office, the Wisconsin Department of Justice and/or Department of Transportation reflect that the defendant has the following record of convictions:

The complainant, being first duly sworn on oath, on information and belief, alleges and states that in the County of Racine, State of Wisconsin, the defendant did commit the above described offense(s) and prays that said defendant be dealt with according to the laws of the State of Wisconsin.

The complainant states that he is an adult citizen and has reviewed the official law enforcement reports prepared under the above mentioned complaint numbers by the above stated officer, whose reports your complainant relies upon as truthful and accurate inasmuch as they were prepared during the course of an official law enforcement investigation. The complainant relies upon the statements of the mentioned witnesses inasmuch as they are citizens and their statements are based on personal knowledge or eyewitness observations; the complainant relies upon the statements of the defendant, if any, inasmuch as they are contrary to the defendant's penal interests and are, therefore, to be believed.

The complainant thereby informs the court that the basis for the above charge(s) is as follows:

On February 13, 2020, Dep Weiss and Dep Winger were traveling southbound on I-94 at STH 11 in Racine County, Wisconsin when they observed a white Mercedes Benz work van rapidly approaching their squad. The van abruptly changed lanes without signaling, nearly striking a semi-truck and then again changed lanes without signaling. Deputies activated their emergency lights and sirens to initiate a traffic stop. The vehicle continued traveling at speeds of approximately 100mph. Deputies observed the driver of the van stick his hand out the window and extend his middle finger as if he were "flipping off" deputies. The driver also stuck his phone out of the opened driver's window and appeared to be recording the event. The van eventually came to a stop just north of STH E in Kenosha County, approximately 3 miles from where the stop was initiated.

The driver, later identified as Nolan Gurdak, was removed from the vehicle. Dep Drewitz utilized his K-9 partner to conduct an open-air sniff around the vehicle. The K-9 did alert to the presence of controlled substances within the van. In the vehicle's dash area, deputies located a yellow pill that was identified as alprazolam using drugs.com. Also recovered between the front seats was a plastic container with a green leafy substance that appeared to be marijuana. The pill weighed .2 grams. The suspected marijuana tested positive for the presence of THC and weighed 14.5 grams.

Deputies spoke with Gurdak and he denied ingesting any controlled substances. Gurdak said he does not have a prescription for alprazolam. Gurdak also informed deputies that he was filming himself and did not realize deputies were trying stop him. Deputies viewed a snapchat video on Gurdak's phone which showed Gurdak driving the vehicle with marked squads pursuing him with activated lights. Gurdak stated he turned on is hazards and pulled over when he saw the deputies behind him. Gurdak was transported and field sobriety tests were performed. Gurdak was eventually cited for operating while under the influence.

Subscribed and sworn to before me on 02/14/20

Electronically Signed By:

Thomas Koss

Assistant District Attorney

State Bar #: 1104672

Electronically Signed By:

Dep. W. Embrey7777

Complainant