

## UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

MICHAEL JOSEPH KRZYZANIAK, A/K/A MICHAEL JOSEPH CROSBY, A/K/A MICHAEL JOSEPH MONROE, A/K/A JAMES COOPER, A/K/A JAMES CORRIGAN, A/K/A TIM YOUNG, A/K/A MIKE KRYZNAK, A/K/A MICHAEL JOSEPH JEFFREYS, A/K/A MICHAEL JOSEPH CARLISLE AND A/K/A MICHAEL JOSEPH KREYZANIAK.

Case No.

13-mj-218 FLN

## CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about March 30, 2013, in St. Louis County, in the State and District of Minnesota, defendant

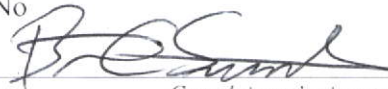
knowingly escaped from the Federal Prison Camp, Duluth, Minnesota, an institutional facility in which he was lawfully confined at the direction of the Attorney General by virtue of a judgment and commitment of the United States District Court for the District of Minnesota upon conviction for the offenses of income tax evasion and aiding and abetting wire fraud, all

in violation of Title 18, United States Code, Section 751(a).

I further state that I am a Deputy United States Marshal and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Complainant's signature

BRIAN SMITH, Deputy U.S. Marshal

Printed name and title

Sworn to before me and signed in my presence.

Date:

4/1/13



Judge's signature

City and state: Minneapolis, MN

The Honorable Franklin L. Noel

Printed name and title



STATE OF MINNESOTA     )  
  ) ss.     AFFIDAVIT OF BRIAN SMITH  
COUNTY OF ST. LOUIS     )

1. I am and have been employed with the United States Marshals Service ("USMS") since May 2006. During my entire employment with the USMS, I have held the position of Deputy United States Marshal.
2. As a Deputy United States Marshal, my duties and responsibilities include conducting investigations of fugitives, providing court security, transporting and processing prisoners, and serving civil process for the courts. I have been involved in more than fifty fugitive investigations since January 1, 2013.
3. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant for Michael Joseph KRZYZANIAK and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about March 30, 2013, in the city of Duluth, St. Louis County, in the State and District of Minnesota, KRZYZANIAK knowingly escaped from the Federal Prison Camp Duluth, an institutional facility in which he was lawfully confined at the direction of the Attorney General by virtue of a judgment and commitment of the United States District Court for the District of Minnesota upon conviction for the offenses of income tax evasion and aiding and abetting wire fraud, all in violation of Title 18, United States Code, Section 751(a).
5. On February 17, 2012, the United States District Court for the District of Minnesota entered a judgment in a criminal case against KRZYZANIAK, adjudging KRZYZANIAK guilty of income tax evasion and aiding and abetting wire fraud.
6. On February 21, 2012, the United States District Court for the District of Minnesota sentenced KRZYZANIAK to 151 months' imprisonment to be served at a Bureau of Prisons ("BOP") facility. On April 10, 2012, KRZYZANIAK was designated and transferred to the BOP facility in Duluth, Minnesota, Federal Prison Camp ("FPC") Duluth.

7. FPC Duluth is a prison camp and does not have walls or fences to contain prisoners; rather, using an "honor system," prisoners agree that they will not leave the camp. Prisoners are not allowed to leave the grounds, but within the confines of the institution they can use recreational facilities, make phone calls, eat, sleep, attend college courses, and greet visitors in designated areas. Prisoners can also leave the confines of the institution on furlough for medical appointments, but they must receive approval of furlough requests by BOP officials to do so. In such cases, prisoners usually must leave and return to the grounds at a specified time.
8. BOP officials at FPC Duluth conduct six "double counts" of prisoners every day. During a double count, prisoners are required to report to their assigned units, where they are locked down and counted by two BOP officials. The counts are reported to FPC Duluth's control center by a call and by transmission of a written count slip. The control center tallies the counts and checks them against FPC Duluth's inmate list. If the counts do not match the check by the control center, BOP officials conduct a "bed book" count, where inmates report to their assigned units and are identified by BOP officials using photographs of the inmates.
9. On March 30, 2013, KRZYZANIAK was accounted for during the 4:00 p.m. double count of prisoners. During the 10:00 p.m. double count of prisoners, KRZYZANIAK and another inmate, Gerald James Greenfield, were found to be missing. BOP officials conducted a recount and a bed book count, and confirmed KRZYZANIAK and Greenfield had not reported for the count. BOP officials notified FPC Duluth management and locked down the institution. BOP officials also conducted a search of the FPC Duluth grounds but did not find KRZYZANIAK or Greenfield.
10. KRZYZANIAK did not have permission from prison officials to leave the institution.



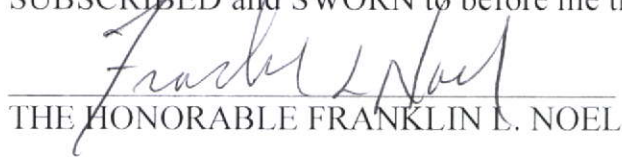
11. Based on these facts, I have reason to believe that Michael Joseph KRZYZANIAK is in violation of Title 18, United States Code, Section 751(a).

Further your Affiant sayeth not.



BRIAN SMITH  
Deputy U.S. Marshal

SUBSCRIBED and SWORN to before me this 1<sup>st</sup> day of April 2013.



THE HONORABLE FRANKLIN L. NOEL