

Successful Criminal Prosecution of Energy Theft

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Successful Criminal Prosecution of Energy Theft

1. Conduct a thorough and detailed investigation
2. Commit resources
3. Partner up with law enforcement
4. Document everything you do
5. Throw the book at him!

Successful Criminal Prosecution of Energy Theft

1. Conduct a thorough and detailed investigation

- Ask lots of questions- must have these answers
 - ☐ Identity of thief
 - ☐ Means to accomplish the theft
 - ☐ Opportunity to accomplish the theft
 - ☐ Motive to accomplish the theft

Successful Criminal Prosecution of Energy Theft

1. Conduct a thorough and detailed investigation

- Ask lots of questions

- ☐ Who did this?

- ☐ What did he do?

- ☐ How did he do it? Special knowledge required?

- ☐ When? How long has this been going on?

- ☐ Who else knows about it? Family? Friends?
Neighbors? Repairman?

- ☐ Why did he do it?

- ☐ Greed? Cover up another crime? (marijuana grow)

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2. Commit resources

- Pledge to do whatever you can to get the case through court:
 - ☐ Your time
 - ☐ Your knowledge and expertise
 - ☐ Your co-workers time and expertise
 - ☐ Your bosses' money

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3. Partner up with law enforcement

- You need them to work the case with you
 - ☐ Safety and security
 - ☐ Credibility with prosecutor and court
 - ☐ Resources –search warrant/subpoena?
 - ☐ Knowledge of the law

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4. Document everything you do

- ☐ Photographs
- ☐ Videotape
- ☐ Report writing
- ☐ Written and/or recorded statements from witnesses

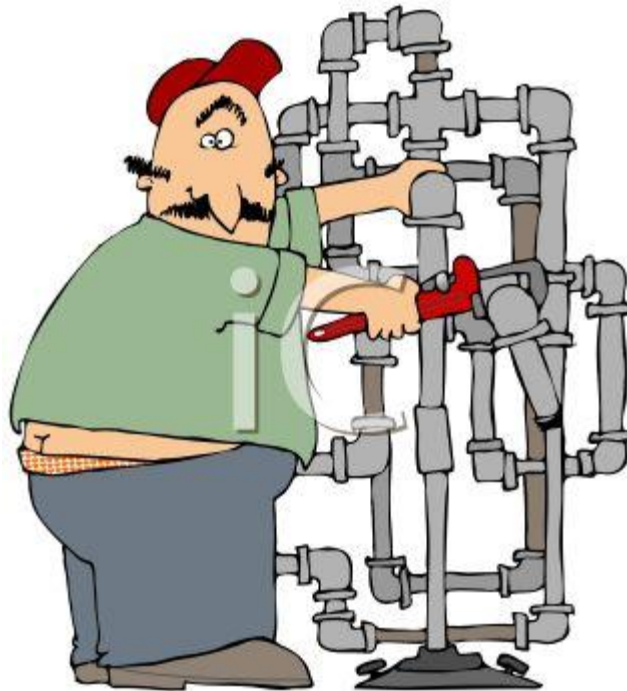
Successful Criminal Prosecution of Energy Theft

5. Throw the book at him!

- What laws were broken?
 - ☐ Did he take property of another?
 - ☐ Did he damage property of another?
 - ☐ Did he trespass on property of another?
 - ☐ Did he tap lines or intercept energy?
 - ☐ Did he use fraud or deception?
 - ☐ Did he lie when questioned by police?

Case study

State of Wisconsin v. Guenther Huebner
2007CF1116













Successful Criminal Prosecution of Energy Theft

- What is going on? Theft?
- WHO DUNNIT??
- No eyewitnesses
- No confession
- Circumstantial case – the circumstances allowed jury to conclude it was the defendant who tapped the gas line and the defendant was stealing gas

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- **WIS JI-CRIMINAL 170 CIRCUMSTANTIAL EVIDENCE** It is not necessary that every fact be proved directly by a witness or an exhibit. A fact may be proved indirectly by circumstantial evidence. Circumstantial evidence is evidence from which a jury may logically find other facts according to common knowledge and experience. Circumstantial evidence is not necessarily better or worse than direct evidence. Either type of evidence can prove a fact. Whether evidence is direct or circumstantial, it must satisfy you beyond a reasonable doubt that the defendant committed the offense before you may find the defendant guilty

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- Defendant had the knowledge and materials to tap the line (means)
- Bypass was on his property (opportunity)
- Defendant built fake wall in basement to conceal the theft from others (knowledge and intent)
- Defendant used natural gas to heat his multiple buildings, pool, hot tub (motive)

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- To Prove who did do it, also helpful to prove who did not do it
- Eliminate defenses
 - Repairman
 - Prior owner or tenant







Throw the book at him!

State of Wisconsin	Circuit Court	Waukesha County
STATE OF WISCONSIN	Plaintiff,	DA Case No.: 2007WK003346
-vs-		Assigned DA/ADA: Susan L. Oppen
		Agency Case No.: 06NBPD0003521
		Court Case No.:
Guenther Nmi Huebner		ATN: 68041000002959
5665 S Martin Road		
New Berlin, WI 53146		
DOB: 07/25/1941		
Sex/Race: M/W		
Eye Color: Brown		
Hair Color: Brown		
Height: 5 ft 8 in		
Weight: 240 lbs		
Alias:		
Defendant,	Criminal Complaint	

Officer Rhonda Eisold with the New Berlin Police Department, being first duly sworn on oath, upon information and belief, states that:

Count 1: THEFT - MOVABLE PROPERTY (> \$10,000)

The above-named defendant between January 1, 1974 and September 20, 2006, at 5665 S. Martin Road, in the City of New Berlin, Waukesha County, Wisconsin, did intentionally take and carry away movable property of Wisconsin Electric, having a value greater than \$10,000, without consent, and with intent to permanently deprive the owner of possession of the property, contrary to sec. 943.20(1)(a) and (3)(c), 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 2: FRAUDULENT TAPPING OF WIRES/METERS/PIPES

The above-named defendant between January 1, 1974 and September 20, 2006, at 5665 S. Martin Road, in the City of New Berlin, Waukesha County, Wisconsin, with the intent to defraud any vendor of gas, did connect or cause to be connected by wire or any other device, with the wire, cables or conductors of any such vendor, without permission, and for the purpose of obtaining gas, contrary to sec. 941.36(1)(a), 939.51(3)(c) Wis. Stats., a Class C Misdemeanor, and upon conviction may be fined not more than Five Hundred Dollars (\$500), or imprisoned not more than thirty (30) days, or both.

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- Commit resources
- Witnesses for the State
 - Senior Business Process Analyst for Billing Operations for WE Energies
 - WE Energies Crew leader
 - Energy engineer hired by WE Energies
 - Fraud Investigator







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Necessity to prove value

- Severity of theft
- Restitution

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- Questions?

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