

JUDGE TAGGART

STATE OF WISCONSIN

CIRCUIT COURT

P. A. Barrett
SAUK COUNTY

STATE OF WISCONSIN,

FILED CASE # _____

Plaintiff,

CRIMINAL COMPLAINT

FEB 13 2009

Vs.

Sauk Co., WI Circuit Court
Vicki Meister, Clerk

Court Case No. 09CF 33

GERARD RAYMOND GERATHS, DOB 07/10/1983
225 4TH STREET
PRAIRIE DU SAC, WI 53578,

Agency No. 09-533/6

ATN: 57003000114682

Defendant.

Your complainant, having been first duly sworn, on oath, states that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Wednesday, February 11, 2009, Sauk County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s) of a child; to wit K.A.P. DOB 9/1/91 engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d) Wis. Stats., a Class D Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617, upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least three years. The Court may impose a sentence less than three years or place the person on probation upon a finding on the record that the Court finds the lesser sentence is in the best interests of the community and the public will not be harmed.

And furthermore, invoking the provisions of Wisconsin Statute 973.042(2), upon conviction for a crime under 948.05 or 948.12 and the defendant is at least 18 years of age at the time of the commission of the crime, the Court shall impose a surcharge of \$500.00 for each image or each copy of an image, as defined in 973.042(1), associated with the crime. The court shall determine the number of images or copies of images associated with the crime by a preponderance of the evidence and without a jury.

Count 2: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Wednesday, February 11, 2009, Sauk County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s) of a child; to wit: K.A.P. DOB 9/1/91 engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d) Wis. Stats., a Class D

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Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617, upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least three years. The Court may impose a sentence less than three years or place the person on probation upon a finding on the record that the Court finds the lesser sentence is in the best interests of the community and the public will not be harmed.

And furthermore, invoking the provisions of Wisconsin Statute 973.042(2), upon conviction for a crime under 948.05 or 948.12 and the defendant is at least 18 years of age at the time of the commission of the crime, the Court shall impose a surcharge of \$500.00 for each image or each copy of an image, as defined in 973.042(1), associated with the crime. The court shall determine the number of images or copies of images associated with the crime by a preponderance of the evidence and without a jury.

PROBABLE CAUSE: Your complainant is a law enforcement officer and signs this Criminal Complaint on information and belief.

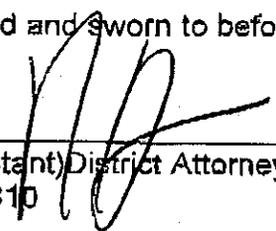
On or about February 11, 2009 Special Agent Price had occasion to meet with Gerald Geraths at his residence in Sauk Prairie, Sauk County, Wisconsin reference child pornography and child exploitation.

Geraths admitted that a laptop located at his residence belonged to the victim, K.A.P DOB 9/1/91, but both she and Geraths used the computer. Geraths advised that he sometimes stores his photographs on K.A.P.'s laptop. When asked what the officers would find on the computer, Geraths indicated that they would "probably" find provocative and murder pictures of K.A.P. on the computer.

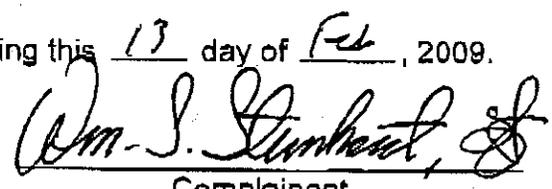
S/A Price had occasion to view photographs on the laptop, one of which contained a picture of K.A.P. performing oral sex on a male subject. Another picture depicted a female wearing light blue panties with black polka dots. The panties were pulled to the side leaving the labia exposed. The labia was touching a penis. In subsequent photos K.A.P is seen wearing the same light blue polka-dotted undergarments.

Your complainant believes the statements of Gerard Geraths to be truthful and accurate as they are statements made against penal interest. Your complainant knows Special Agent Price is a law enforcement officer, working in an official capacity and with lawful authority, and therefore believes the above information to be accurate and reliable.

Signed and sworn to before me and approved for filing this 13 day of Feb, 2009.



(Assistant) District Attorney
1000810



Complainant

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2009SA000434

I find probable cause that a crime has been committed and the defendant has committed it and order that he shall be held to answer said complaint hereto:

2-13-09

10:10 AM

Date

Time

Patrick J. Taggart

Patrick Taggart
Circuit Court Judge
Branch I
Sauk County, Wisconsin