

State of Wisconsin

Circuit Court

Pierce County

STATE OF WISCONSIN

DA Case No.: 2009PI000227  
Assigned DA/ADA: John M. O'Boyle  
Agency Case No.:

Plaintiff,

-vs-

Court Case No.:  
ATN:

Luke James Hofmeister  
W1266 - 355th Avenue  
Plum City, WI 54761  
DOB: 05/14/1980  
Sex/Race: M/W  
Eye Color: Blue  
Hair Color: Brown  
Height: 5 ft 10 in  
Weight: 195 lbs  
Alias:

**Criminal Complaint**

Defendant.

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The undersigned being first duly sworn on oath states that,

**Count 1: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on Monday, April 06, 2009, in the Town of Union, Pierce County, Wisconsin, did, having attained the age of 18, knowingly possess motion picture(s) of a child engaging in sexually explicit conduct, and reasonably should have known that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a) 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.

**PROBABLE CAUSE:**

The report of Special Agent Jon Spallees from the Wisconsin Department of Justice, Division of Criminal Investigation states in part as follows:

A DCI special agent in an undercover capacity located a computer that was available to share videos of known child pornography with other computer users. An investigation revealed that the computer at Luke J. Hofmeister's residence, W1226 – 355<sup>th</sup> Avenue, Plum City, WI, was being used to facilitate the possession of known child pornography. DCI Agents obtained a search warrant for Hofmeister's residence. On 4/6/2009, at approximately 3:45 pm, the Pierce County Sheriff's Department assisted DCI agents with the execution of the search warrant at W1266 – 355<sup>th</sup> Avenue, Plum City, Pierce County, WI.

Subsequently, several computer hard drives and computer related media were discovered at the residence. Hofmeister spoke with agents and showed agents where evidence containing child pornography would be located at the property. Hofmeister admitted that he may have an addiction (to child pornography). Hofmeister denied ever having sexual contact with a minor child. Hofmeister claimed that he was a virgin. Hofmeister also stated that the computer located in his upstairs bedroom would possibly contain child pornography. He had "no comment" when asked if he downloaded or viewed child pornography. Hofmeister stated that the only two occupants of the residence were Hofmeister and his father, Tim Hofmeister. Luke Hofmeister indicated that his father's computer, located on the first floor of the residence, would not contain child pornography. Luke Hofmeister's computer, located in his upstairs bedroom, would possibly contain child pornography. Luke Hofmeister stated that only he used his computer in his bedroom, although he indicated that another person may have used the computer a long time ago (no specific time given).

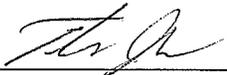
An on-scene preview of Hofmeister's computer hard drives and peripheral computer media revealed hundreds of videos of child pornography, and still images of child pornography. At this point in time, the on-scene preview indicated that these videos consisted of, not only pre-pubescent teens engaging in various acts of masturbation and vagina intercourse, but there also appeared to be children as young as two to three years of age as well. The investigation has also revealed that these videos and images had to actually be selected in order to download them to a specific folder on Luke Hofmeister's computer. The images and videos do not appear to be simply located in files created by the computer's operating system, such as temporary Internet files.

Hofmeister was arrested at the scene and transported to the Pierce County Jail pending formal charging by the Pierce County District Attorney's Office. Hofmeister was arrested for 20 counts of possession of child pornography. Hofmeister is currently unemployed and lives at his father's residence. Hofmeister is a 28 year old male.

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me,  
and approved for filing on:

This 7<sup>th</sup> day of April, 2009.

  
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Complainant

  
\_\_\_\_\_  
John M. O'Boyle  
District Attorney  
State Bar No. 1017287