

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.: 2009ML001839

Plaintiff,

vs.

Complaining Witness:

MICHAEL HOELL

Rasmussen, Mark L  
524 East Lyon, #1  
Milwaukee, WI 53203  
DOB: 07/25/1958

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

**Count 1: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Friday, February 13, 2009, at 524 East Lyon, #1, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly possess a photograph of a child engaged in sexually explicit conduct, knowing the character and content of the sexually explicit conduct in the material, under circumstances in which defendant reasonably should have known that the child engaged in the sexually explicit conduct had not attained the age of 18 years, contrary to sec. 948.12(1m) and (3)(a), 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant 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 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.

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.

**Count 2: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Friday, February 13, 2009, at 524 East Lyon, #1, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly possess a photograph of a child engaged in sexually explicit conduct, knowing the character and content of the sexually explicit conduct in the material, under circumstances in which defendant reasonably should have known that the child engaged in the sexually explicit conduct had not attained the age of 18 years, contrary to sec. 948.12(1m) and (3)(a), 939.50(3)(d) Wis. Stats.

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### **Count 3: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Friday, February 13, 2009, at 524 East Lyon, #1, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly possess a photograph of a child engaged in sexually explicit conduct, knowing the character and content of the sexually explicit conduct in the material, under circumstances in which defendant reasonably should have known that the child engaged in the sexually explicit conduct had not attained the age of 18 years, contrary to sec. 948.12(1m) and (3)(a), 939.50(3)(d) Wis. Stats.

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### **Count 4: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Friday, February 13, 2009, at 524 East Lyon, #1, in the City of Milwaukee, Milwaukee County, Wisconsin, did knowingly possess a photograph of a child engaged in sexually explicit conduct, knowing the character and content of the sexually explicit conduct in the material, under circumstances in which defendant reasonably should have known that the child engaged in the sexually explicit conduct had not attained the age of 18 years, contrary to sec. 948.12(1m) and (3)(a), 939.50(3)(d) Wis. Stats.

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**PROBABLE CAUSE:**

I am a State of Wisconsin law enforcement officer and I base this complaint upon statements contained in police reports generated by State of Wisconsin law enforcement officers Special Agent Michael Hoell and Special Agent Eric Szatkowski. I have relied on said reports in the past and have found them to be truthful and reliable. Said reports set forth the following information:

On December 19, 2008, S/A Eric Szatkowski reviewed documents provided by ICE S/A Steve Kurkowski that Mark Rasmussen of 1501 N. Jackson Street, Milwaukee, WI, was identified by ICE as having purchased six 30-day memberships into child pornography websites in 2006 and 2007. The memberships were purchased through PayPal.

On February 12, 2009, S/A Eric Szatkowski obtained search warrants for child pornography for 1501 N. Jackson Street, and 524 E. Lyon Street, Milwaukee. Both locations are linked to suspect Mark Rasmussen.

The warrants were reviewed by Milwaukee County ADA Sara Lewis and signed by Milwaukee County Circuit Court Commissioner Barry Phillips.

On 02-13-2009, WI DOJ DCI and the US ICE agents executed a search warrant at the home and business of Mark L. Rasmussen in the City of Milwaukee. The establishment was cleared without incident. A search of the business was conducted and no items of evidentiary nature were seized. The business was left in the custody of Rasmussen's employees, with his permission, at approximately 1:50 pm.

On 2-13-2009, WI DOJ DCI agents along with US ICE agents executed search warrant at the home of Mark L. Rasmussen in the City of Milwaukee. The residence was cleared and secured without incident and no occupants were encountered. A search of the premise was conducted and computers and computer media were located. A computer forensic preview was conducted at the scene by DCI forensic analyst Mark Howard and several child pornography images were located. Rasmussen was later arrested for the offense.

On 2-13-2009, WI DOJ DCI along with US ICE agents executed search warrant at the home and business of Mark L. Rasmussen. Subsequent to this, Rasmussen was interviewed. Rasmussen stated he was the only user of his current new laptop. Rasmussen said he had

contracted computer viruses on his old laptop likely from "surfing porn". Rasmussen was asked what he all used the internet for. He said he checked his email, looked at "porn", chatted (using Windows Chat), and did some social networking. Rasmussen was asked what type of pornography he looked at and he said that he looked at a "little of all". He said that he came across child pornography but it was by accident through miscellaneous spam email years ago. Rasmussen was then asked about the purchases he made into child pornography sites. He said he did purchase into a sites that advertised all models as over 18 yoa, but once in the site, he realized they were likely "younger", and canceled his membership to the site and deleted any pictures he clicked on. Rasmussen said he was disturbed by the images he saw. Rasmussen was asked if he had purchased into any pornography sites recently. He said he had bought into a pornography site yesterday. He said if child pornography images were found they were there accidentally and they were not from his surfing in the pay sites. Rasmussen said on picking one site, the cover page of the site can cause your monitor to populate with many thumb nail images of children who might be under age. He said that if the images are of children underage, he would just look at them and then delete out of it and pick another in which he thought the girls were older than 18 yoa. Rasmussen was asked why DCI was finding child pornography images and he stated that the images were there by accident and after he would view them, determine they were too young, he would delete them. Rasmussen agreed write out a statement. He wrote that he might Google young models having sex, etc., and look at the results. He wrote further that he might download the images, determine their age, and delete them if he found they were "inappropriate".

On 2-13-2009, WIS DOJ DCI S/A Michael Hoell and Eric Szatkowski interviewed Mark L. Rasmussen at the DCI Milwaukee Office following his arrest for possession of child pornography. Rasmussen said that he "web surfed" today and found child pornography but did not download them. He said that he views them and moves on. Rasmussen said that he feels dirty viewing them. He thought that if he only viewed them, it was not possession. Rasmussen said that he was addicted to cocaine in the past and felt he was addicted to sex as of 1995 or 1996. He said that he masturbates frequently to on-line pornography. He realized it was a crime to view and possess these images. Rasmussen was asked if he knew that the purchases into these sites would get him child pornography images and he said he did know. Rasmussen said that he would masturbate to child pornography approximately 5% of the time compared to adult pornography. Rasmussen was asked if he knew the names of any of the child pornography sites he visited. He said there was a site called "PedoBiz.net" and "Lolita Sex." He said that while surfing through young models having sex he would find the child pornography sites that popped up. Rasmussen said that he knew it was illegal to possess child pornography. He knew it preyed on the weak. He also said that at times he did put images in his My Pictures folder.

On February 13th and 15th, 2009, WI DOJ DCI S/A Michael Hoell examined images from a forensic computer preview conducted by WI DOJ DCI F/A Mark Howard. The images depicted child pornography (in full-size and thumbnail images) taken from a computer hard drive seized from the home and computer of Mark L. Rasmussen subsequent to serving a search warrant at this home. This list may not be all inclusive of the child pornography images on Rasmussen's hard drives. There are over 50 images on this disk that all contain images of prepubescent or adolescent children posing in lewd fashion or engaged in sexual activity.

#### **AS TO COUNT 01:**

The factual basis for the allegation set forth in Count #1 of this criminal complaint is a photographic image located on the defendant's hard drive during the above described forensic analysis which depicts three nude early pubescent girls lying on a bed on their back with the focal point being the genital area.

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#### **AS TO COUNT 01:**

The factual basis for the allegation set forth in Count #1 of this criminal complaint is a photographic image located on the defendant's hard drive during the above described forensic analysis which depicts three nude early pubescent girls lying on a bed on their back with the focal point being the genital area.

**AS TO COUNT 02:**

The factual basis for the allegation set forth in Count #2 of this criminal complaint is a photographic image located on the defendant's hard drive during the above described forensic analysis which depicts a nude prepubescent girl with an erect male penis placed over her mouth area.

**AS TO COUNT 03:**

The factual basis for the allegation set forth in Count #3 of this criminal complaint is a photographic image located on the defendant's hard drive during the above described forensic analysis which depicts a semi-nude prepubescent girl performing oral sex on adult male in what looks like a forced fashion.

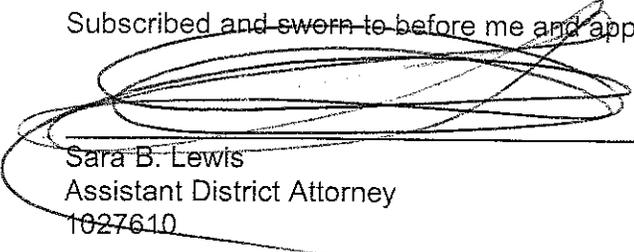
**AS TO COUNT 04:**

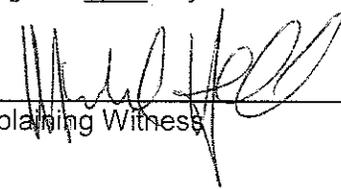
The factual basis for the allegation set forth in Count #4 of this criminal complaint is a photographic image located on the defendant's hard drive during the above described forensic analysis which depicts a nude prepubescent girl from the waist down with an adult male penis placed on her genital area.

The above described photographic images that form the factual basis for each of the present criminal charges against the defendant are only four of the 50 images of apparent child pornography located by investigators on defendant's computer hard drive.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 19 day of February, 2009.

  
Sara B. Lewis  
Assistant District Attorney  
1027610

  
Complaining Witness

Initials of DA/ADA/SBL

-- Felony Complaint --