

State of Wisconsin

Circuit Court

Outagamie County

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2009OU000374

Assigned DA/ADA: Andrew J. Maier

Agency Case No.:

-vs-

Kevin M. Trochil  
212 N Green Bay Road  
Appleton, WI 54911  
DOB: 12/13/1979  
Sex/Race: M/

Court Case No.:  
ATN:

Alias:

Defendant,

**Criminal Complaint**

SGT. GERVAIS

, being first duly sworn, states that:

**Count 1: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, January 22, 2009, in the City of Appleton, Outagamie County, Wisconsin, did, having attained the age of 18, knowingly possess motion picture(s) of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m) and (3)(a), 939.50(3)(d), 973.046(1g) 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.

And the court may impose a deoxyribonucleic acid analysis surcharge of \$250.

**PROBABLE CAUSE:**

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

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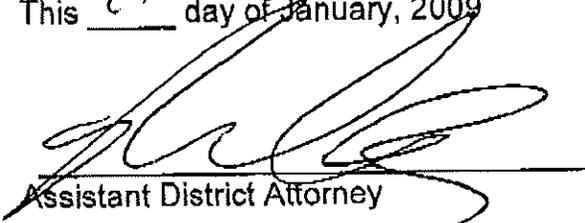
Complainant states that (s)he is an employee with the Outagamie County Sheriff's Department and bases this complaint upon the reports and investigations of S/A Joann Schmitt of the Wisconsin Department of Justice-Division of Criminal Investigation, as well as statements from Kevin Trochil. Complainant and S/A Joann Schmitt are presumed truthful and reliable as sworn law enforcement officials. The statements of Kevin Trochil are presumed truthful and reliable as they were made against his penal interests.

S/A Schmitt reports that she, along with law enforcement officials from the Wisconsin Department of Justice-Division of Criminal Investigation and the Appleton Police Department, executed a search warrant at the residence of Kevin M. Trochil, located at 212 N. Green Bay Road, in the City of Appleton, Outagamie County, Wisconsin. S/A Schmitt reports that located at this residence was Kevin Trochil. S/A Schmitt reports that a preview of an external hard drive of a computer belonging to Trochil identified videos of children, which were sexually explicit. S/A Schmitt reports that during an interview with Trochil, Trochil stated that he downloaded child pornography utilizing Lime Wire software, and utilizing search terms "Lolita" and "hussyfan," which are search terms associated with child pornography. Trochil stated that he was the owner and used of the external hard drive.

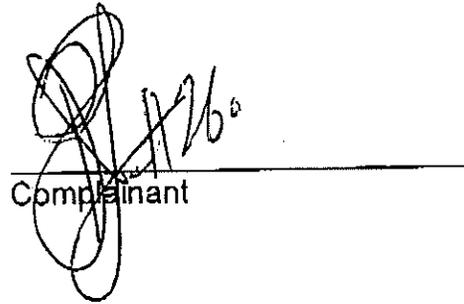
S/A Schmitt reports that she viewed the videos and identified them to be sexually explicit videos of children. S/A Schmitt reports that one of the videos from the external drive is labeled as (pthc) Family 2 – ReelFamilySex – entire clip – Hot Motion licks her 8yo Daughters sweet pussy as her brother fucks hr – r@ygold – ddoggprn – incest REELKIDDYMOV.mpg. S/A Schmitt reports that the description of this video is that it is a 7 minute 59 second video. The video depicts a prepubescent naked female laying on her back on the abdominal area of a naked pubescent male as a pubescent female rubs the male's penis on the prepubescent female's vagina with her fingers while continuing to rub the vagina with the penis. The adult female then performs oral sex on the prepubescent female and pubescent male at the same time. Then, the adult female discontinues oral sex and rubs the prepubescent female's vagina with her fingers while masturbating the male. The prepubescent female then turns around and lies on the male, facing the male as the adult female rubs the male's penis on the vaginal area of the prepubescent female. The prepubescent female then gets up and straddles over a red bucket as the adult female holds her up, with her fingers on either side of the prepubescent female's labia. The prepubescent female then urinates into the red bucket. The next scene depicts the same prepubescent female lying on her back, performing oral sex on an early pubescent male while the adult female rubs the male's penis with her fingers and directs the penis into the prepubescent female's mouth. The adult female then performs oral sex on the male while the prepubescent female rubs the male's genitals. The adult female then discontinues performing oral sex on the male and the male masturbates himself while kneeling over the prepubescent female's face. The adult female again performs oral sex on the male and the last scene of the video depicts the male masturbating himself as he ejaculates on the face of the prepubescent female. S/A Schmitt reports that the prepubescent female has no breast development and no pubic hair and appears to be approximately 12 years old. The male has no visible pubic hair and based on genital and body development, he appears to be approximately 15 to 16 years old.

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

This 23 day of January, 2009

  
Assistant District Attorney

State Bar No. 1034922 for Assigned DA/ADA

  
Complainant