

09-2681/19

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

STATE OF WISCONSIN,

Plaintiff,

CRIMINAL COMPLAINT

vs.

05/16/1959

ANTHONY C. WENDT, D.O.B. 06/16/1969,

Defendant.

CRIMINAL CHARGE

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Friday, August 14, 2009, in the Town of Menasha, Winnebago County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(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), 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 Friday, August 14, 2009, in the Town of Menasha, Winnebago County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(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), 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.**

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AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

J. Goggins/J. Venne/J. Curtis of the Winnebago County District Attorney's Office, being first duly sworn on oath and in that capacity has knowledge of the following:

Your affiant is informed from the reports of the State of Wisconsin Department of Justice Division of Criminal Investigations kept in the normal and ordinary course of business in which your affiant believes to be truthful and reliable and have proven so on numerous occasions in the past that on or about Wednesday August 14, 2009 Special Agent M. Joy and Special Agent D. Matthews of the State of Wisconsin Department of Justice Division of Criminal Investigation executed a search warrant at the residence of **ANTHONY C. WENDT, D.O.B. 6/16/1969** located at 807 Louise Road in the Town of Menasha, Winnebago County, Wisconsin. Special Agent Matthews reports that on Wendt's office computer, which is a Compaq laptop, he found images of child pornography. Special Agent Joy reports that this computer was brought into the residence by Wendt when officers were executing the search warrant. Special Agent Matthews reports that the images were as follows:

Name 12591324KaB{1}.jpg
File Created 08/14/09 05:26:47AM
Last Accessed 08/14/09 05:26:47AM
Hash Value 51ce8bcf9d147d7273fb8978ff24ea14
Full Path 09-2681 Menasha\2\C\Users\Tony\AppData\Local\Microsoft\Windows\Temporary Internet Files\Low\Content.IE5\0REKE910\12591324KaB{1}.jpg

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Description: An image of a prepubescent girl, who is lying on her back with her arms extended out to her side. The area from the top of her head to mid-thigh is visible. The girl is topless, and has no breast development. The girl appears to be wearing a dress which has been pulled down to her waist, the skirt has been pulled to the top of her thighs. A portion of the girl's pubic area is visible, the girl has no pubic hair. The girl appears to be under the age of 18.

Name 12591325Pws[1].jpg

File Created 08/14/09 05:26:51AM

Last Accessed 08/14/09 05:26:51AM

Hash Value 38fla146923023b5ec4c74d867380652

Full Path 09-2681 Menasha\2\C\Users\Tony\AppData\Local\Microsoft\Windows\Temporary Internet Files\LowContent.IE5\J9PSGCPN\12591325Pws[1].jpg

Description: An image of a prepubescent girl, the area from the girl's head to knees is visible. The girl's back is to the camera. Her head is turned so she is looking over her right shoulder. Her face is visible. The girl has her hand on her thighs. The girl's right breast is visible and has minimal breast development. The girl is nude. The girl appears to be under the age of 18.

Special Agent Joy reports that Wendt had stayed in the Milwaukee area for business on or about August 13, 2009 and he returned to his residence on August 14, 2009. Special Agent Joy reports that he spoke with Wendt who stated that he had been involved with trading pictures, never of children, but there were individuals who sent that "stuff." Wendt stated that he got rid of it right away. Wendt stated that he had seen images of 9, 10, 11, and 13 year olds. Wendt stated that he "battles" with pornography and he stated that child pornography was not of interest to him. Wendt stated that he has traded "porn pictures" but he stated that if he received images of child pornography from individuals by trading he would delete that user. Wendt stated that he used Google Hello but thought he discontinued it about two years ago. Wendt stated that his old Google Hello screen name might have been "jimbo." Wendt stated that he had several Hello accounts. Wendt stated that he also received pornographic images from privatevoyer.com and wifelovers.com. Wendt also stated that Voyerweb was an internet location where images could be obtained. Wendt stated that there is also an internet website called Dirtyhello.com where individuals advertise their interests.

Wendt stated that his age of attraction was "late teens." Wendt stated that this was "16 and 17." Special Agent Joy reports that Wendt asked him if images of persons who were

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clothed were considered pornographic. Wendt stated that he realized his attraction was wrong and stated that he is trying to understand why the need is there. Wendt stated that he is most aroused by "candid" photos.

Special Agent Joy reports that Wendt described the screen view of Google Hello and stated that on the left hand column there would be the buddy list with the individuals who were online on the top of the list. Wendt stated that at the bottom would be a slide containing the images which had been sent to you. Wendt stated that the only way to stop a download was to shut your computer off. Wendt stated that in order to delete images you had to go into the Hello folder and the Caches. Wendt stated that Hello automatically put the images in Picasa or Picasa. Wendt also stated that the pictures were saved to a Hello folder.

Wendt stated that he used his office computer in the basement office at his home on Louise Road to use Google Hello. Wendt stated that he currently uses Yahoo Messenger to trade pictures and he identified his screen name as jimboj6964@yahoo.com. Wendt stated that he uses this screen name to trade pornographic pictures. Wendt stated that he previously had another Yahoo screen name, which was walkonwater1977@yahoo.com.

Special Agent Joy reports that he asked Wendt if any images of child pornography would be located on his computer, to which Wendt responded that "it was possible." Wendt stated that he is sure that some of the images that had been sent by him via Google Hello met the definition of child pornography. Wendt stated that if he did it, it was probably more to get people to interact with him. Wendt stated that he had received those images via trades and then he would trade them. Wendt stated that although he tried to delete all images of people under 18, he "probably missed some."

Special Agent Joy reports that he asked Wendt what type of search terms he uses when he goes to websites and Wendt responded "Teen Bikini" "Teen" and "Naturist or Naturalist. Wendt stated that he actually typed in the word "teen" on August 14, 2009. Wendt stated that when he did this he saw one girl who was really young, but she was clothed. Wendt admitted to

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downloading that image. Wendt stated that there was also a girl lying in bed and you could only see her backside. Wendt stated that the girl had underwear or a bikini on and he stated that she was probably 15 or 16 years old. Wendt stated that he downloaded the images of people under 18 on August 14, 2009 for trading purposes. Wendt admitted to Special Agent Joy that he "should be held accountable" for what he did.

It is believed the statements of Anthony Wendt are made contrary to his penal interest.

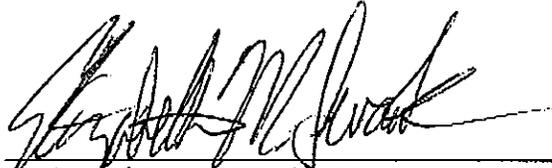
All of the above incidents occurred in Winnebago County, Wisconsin.

WHEREFORE, as said affiant verily believes and prays that the said **ANTHONY C. WENDT** might be arrested and dealt with according to law.


Complainant

Subscribed and sworn to before
me and approved for filing
this 18 day of August, 2009.

Defendant's Date of Birth: 06/16/1969
Address: 807 LOUISE RD, MENASHA, WI 54952
Physical Description: M MW / / / /


Assistant/Deputy District Attorney
Winnebago County, Wisconsin

Prosecuting Attorney: Tracy A. Paider/ms