

State of Wisconsin

Circuit Court

Ozaukee County

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2009OZ002134
Assigned DA/ADA: Adam Gerol
Agency Case No.:

-VS-

MICAH D STERN
135 W. 16TH STREET
NEW YORK, NY 10011
DOB: 08/25/1970
Sex/Race: M/W
Alias:

Court Case No.: 2009CF

ATN:

Defendant,

Criminal Complaint

The undersigned law enforcement officer being first duly sworn, states that:

Count 1: USE OF A COMPUTER TO FACILITATE A CHILD SEX CRIME

The above-named defendant on or about Thursday, December 10, 2009, in the City of Cedarburg, Ozaukee County, Wisconsin, did use a computerized communication system to communicate with an individual who the actor believed or had reason to believe had not attained the age of 16 years with intent to have sexual contact or sexual intercourse with the individual in violation of s. 948.02 (1) or (2), contrary to sec. 948.075(1r), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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 five years. The Court may impose a sentence less than five 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.

PROBABLE CAUSE:

Complainant alleges that on December 10, 2009, Detective Yanke accessed Craigslist as part of an ongoing prostitution investigation focus. Craigslist is a internet based bulletin board or communications service where people commonly post items for sale, or offer other services. As part of that investigation, Detective Yanke was searching personal ads in the Cedarburg area and observed an ad for "Coach seeking boy - 39 (Cedarburg, Port Washington Area)." Detective Yanke was concerned that this person could be trying to

exploit a child, and asked Special Agent Szatkowski if the State of Wisconsin, Department of Justice, Division of Criminal Investigation Internet Crimes Against Children Taskforce for assistance in determining the intent of the person who posted this ad. Special Agent Szatkowski agreed.

Complainant further alleges that at Detective Yanke's request, Special Agent Szatkowski signed onto milwaukee.craigslist.org in the Milwaukee DCI Office. Special Agent Szatkowski viewed the "Personals" section, and clicked on the tab "men seeking men." Special Agent Szatkowski then narrowed the searched by using the keyword "Cedarburg." Special Agent Szatkowski observed several sexually charged ads on the page, including the one referred to by Detective Yanke titled "Dec 9 - Coach seeking boy - 39 - (Cedarburg, Port Washington Area)" Special Agent Szatkowski clicked on that link, and was taken to a "craigslist warning and disclaimer" page. Included on that page were several conditions, including that the user was at least 18 years old. Special Agent Szatkowski knows that there is no age verification on this site, enabling underage users to access this ad on craigslist if they chose to lie when clicking on the link at the bottom of the page, "men seeking men." Special Agent Szatkowski then clicked on the link, and was taken to another page at <http://milwaukee.craigslist.org/m4m150193789.html>, with the title: Coach seeking boy - 39 (Cedarburg, Port Washington Area)(posted on December 9, 2009, @ 7:51 AM CST). The ad included the following information:

I am in town until Friday bored as hell and even more horny.

I am a dominate man. Football player build, hairy chest, and shaved head.

I am into younger guys who like aggressive men.

IF you crave cock and want to have a hot time e-mail me with your AGE, FACE picture, and when you are looking.

- Location: Cedarburg, Port Washington Area
- it's NOT ok to contact this poster with services or other commercial interests

Special Agent Szatkowski saw that on the ad, underneath the words, were 2, very graphic, color cartoon pictures of older men having sex with younger looking males. The picture on the left showed an older man wearing an unbuttoned dress shirt and tie, kneeling on a bed and having anal sex with a naked younger male who is on his back on the bed. The picture on the right showed a naked older man lying on his back on a bed, with a naked younger male lying next to him. The younger male, who has an erection, is holding the erect penis of the older man.

Special Agent Szatkowski, on December 10, 2009, acting in an undercover capacity, signed onto Yahoo! Messenger in the Milwaukee DCI Office and created an alternate identity, "Peter Powerpuff", a pseudonym he created for this investigation. Special Agent Szatkowski created the profile as being a 114 year old male from Cedarburg, WI. Agent

Szatkowski used the age "114" because it is a commonly used device for underage people and pedophiles to defeat age related restrictions on website usage, while still communicating to knowledgeable users that the true age of the person is actually 14 years old. Special Agent Szatkowski's fake profile also included a cartoon picture of a young male wearing swimming trunks, standing in front of an underground pool in a summer-type setting. Special Agent Szatkowski then went to the craigslist reply page for the person who posted the ad "Coach seeking boy - 39 (Cedarburg, Port Washington Area). Special Agent Szatkowski clicked on the response e-mail, pers-pz4pc-1501930789@craigslist.org. SPECIAL AGENT Szatkowski was then directed to the Yahoo! mail account for Peter Powerpuff, with an e-mail set-up to respond to the ad. SPECIAL AGENT Szatkowski as "Peter Powerpuff" replied as follows:

hey dude wassup! got home from school tday bored outta my mind and saw yur ad. im only 14 years old but i live in cedarburg and u seemd very cool. i put my pic here for u. up to u if u wanna get back to me

ttyl

peter

Special Agent Szatkowski also attached a picture of Mount Pleasant Police Officer Matt Prochaska, when Officer Prochaska was about 13 or 14 years old to his reply. In the picture, Prochaska is in a bathroom, shirtless, wearing white shorts and sticking out his tongue in a joking manner. Approximately 5 minutes later "Coach seeking boy - 39" replied, stating:

Need to see more face pictures
Where are you at?
Have you ever been with guys before?

Special Agent Szatkowski then created a MySpace account, on which he posted other photographs and then emailed "Coach seeking boy -39" an invitation to look at them. Special Agent Szatkowski also wrote "im young but I aint like innocent if u kno what I mean :)" An email dialogue continued, with "Coach seeking boy -39" later writing "where are you looking to meet ... what do u want to do?" At 5:17 PM "Coach seeking boy -39", now also displaying the name "Shane" or "Shane McCloud" wrote:

I need to see more pictures
What do you want to do?
What have you done?
I am 39
Where in cedarburg can you meet?
Where do u live in cedarburg?

Special Agent Szatkowski replied at 6:15 PM:

Hey shane

I gotta finish this homework shit and eat supper. I should be done by like 7 if that's ok with u or if u wanna wait til my moms in bed I could sneak out later. Or ill have to make somthin up so she don't question me.

After, followed several emails where a meeting location and time were discussed and Special Agent Szatkowski, posing as "Peter Powerpuff" discussed his sexual experience. "Coach seeking boy -39", also using the name "Shane" also wrote asking if "Peter" was with law enforcement. "Coach seeking boy -39" requested a phone number and Agent Szatkowski provided him with the phone number for another undercover officer who began a recorded series of conversations with the man, resulting in an agreement to meet at the Cedarburg McDonalds Restaurant, located on Washington Avenue, in the City of Cedarburg, Ozaukee County, Wisconsin at 9:00 PM. "Coach seeking boy - 39" was told that 'Peter' would be in the bathroom.

Detective Yanke was with fellow officers doing surveillance of the McDonald's restaurant around 9:00 PM, when officers saw a red vehicle drive around the store, and eventually park. Officers observed the driver, later identified as Micah Stern, exit the car, walk into the McDonalds store and walk directly to the bathroom. Detective Yanke knows that at this time a police radio on a nearby officer went off, Stern then immediately walked to the counter of the store, spoke to the cashier, and then left. Stern's vehicle was stopped and he was taken into custody. Stern was found to be 39 years of age and from New York. Stern initially told arresting officers that he was staying in a hotel in Port Washington, but later stated that he was staying with his brother and his brother's girlfriend in their home in Port Washington. The vehicle Stern was driving was a rental car, which was towed, impounded, and searched at which time a new box of condoms as well as an apparently unopened bottle of personal lubricant were found in the car.

On December 11, 2009, Detective Yanke spoke with Micah Stern's brother Larry Stern at his home in the City of Port Washington, Ozaukee County Wisconsin. Detective Yanke found this to be a single story residence with a basement. Larry Stern informed Detective Yanke that his brother Micah had been staying with him, since arriving earlier in the week for a funeral. Larry directed Detective Yanke's attention to two computers that Micah had brought with him from New York, one a silver Apple laptop, and the other that was still in a Targus brand laptop satchel. Both these computers were in the basement, where Larry said that Micah had been sleeping. Larry said that his brother Micah had been using the internet while staying with him, accessing the internet through the home's network.

DCI Special Agent Hoell and Detective Vahsholtz obtained a search warrant and seized Micah Stern's computers which were then transported to the Wisconsin Department of Justice, Technical/Forensic Unit. DCI Forensic Computer Analyst Brian Heling did a media preview, searching for descriptors unique to Special Agent Szatkowski's dialogue with "Coach seeking boy." Among the terms that Analyst Heling searched for were "peterpowerpuff" the name of the pseudonym that Special Agent Szatkowski had created as a 14 year old boy, "Shane" the name that "Coach seeking boy" used to refer to himself

when communicating with Special Agent Szatkowski's pseudonym, as well as "Coach seeking boy." Analyst Heling discovered over 12,000 hits for these keywords when he examined the harddrive from the Apple notebook computer seized from the basement where Micah Stern was staying.

Complainant further alleges that all the above stated events occurred in the County of Ozaukee, State of Wisconsin.

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

Complainant

Subscribed and sworn to before
me and approved for filing on
this _____ day of _____, 2009

Notary Public, Ozaukee County, Wisconsin
My Commission is Permanent
State Bar #1012502, 1000017, 1025876

State of Wisconsin

Circuit Court

Ozaukee County

STATE OF WISCONSIN

Plaintiff,

SUMMONS

-VS-

Court Case No. 2009CF

MICAH D STERN
135 W. 16TH STREET
NEW YORK, NY 10011

THE STATE OF WISCONSIN TO SAID DEFENDANT:

A complaint, a copy of which is attached, having been made accusing the defendant of committing the crime(s) of:

<u>THE CRIME(S) OF:</u>	<u>DATE OF VIOLATION:</u>	<u>CONTRARY TO WIS. STATUTE(S).:</u>
Use of a Computer to Facilitate a Child Sex Crime	12/10/2009	948.075(1r)

The original of such complaint has been filed in the office of the Clerk of Courts for Ozaukee County.

You, the defendant are therefore summoned to appear before the Circuit Court on the date and time indicated on the attached Notice of Hearing

(SEE NOTICE OF HEARING ATTACHED)

In case of your failure to appear, a warrant for your arrest may be issued.

This is a criminal case which can affect your rights and your liberty. You should strongly consider consulting with an attorney. If you believe you cannot afford an attorney, you should contact the Public Defender's Office, **PRIOR TO YOUR COURT APPEARANCE**, at (262)284-1862, located at 1032 S. Spring Street, Port Washington, WI 53074.

Enc.

Adam Y. Gerol
District Attorney
State Bar No. 1012502