

State of Wisconsin

Circuit Court

Brown County

STATE OF WISCONSIN

-vs-

Plaintiff,

DA Case No.: 2010BR000614
Assigned DA/ADA: Lawrence J. Lasee
Agency Case No.: ADPS10752
Court Case No.:

Joshua D Yelland
2182 Carstensen Lane #110
Green Bay, WI 54304
DOB: 12/15/1981
Sex/Race: M/W

CRIMINAL COMPLAINT

AUTHENTICATED COPY
FILED

Defendant,

Complainant, a Deputy District Attorney, being first duly sworn on oath, deposes and says that:

WILSON
CLERK OF CIRCUIT COURT
BROWN COUNTY, WI

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant, on or about Friday, January 22, 2010, in the Village of Ashwaubenon, Brown County, Wisconsin, did, having attained the age of 18, knowingly possess videotape(s) of a child engaging in sexually explicit conduct, and knew or 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 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 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.

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Complainant is a Deputy District Attorney with the Brown County District Attorney's Office and knows of the above offense on information and belief based upon:

PROBABLE CAUSE:

1. His personal observation of a Village of Ashwaubenon Department of Public Safety Incident Report and accompanying reports, which reports he knows to be prepared in the normal course of departmental business and which reports are similar to reports that he has used in the past and found to be truthful and reliable. That said reports reflect that Matthew D. Joy, a Special Agent with the Wisconsin Department of Justice, Division of Criminal Investigation, reported that on Friday, January 22, 2010, he along with officers from the Ashwaubenon Department of Public Safety executed a search warrant at the apartment of the defendant, Joshua D. Yelland, at 2182 Carstensen Lane, Apt. #110, in the Village of Ashwaubenon, Brown County, Wisconsin. Special Agent Joy indicated that he prepared and had executed the search warrant authorizing the search of Yelland's apartment for child pornography. He indicated that the defendant, Joshua D. Yelland, was present at the apartment when officers arrived to execute the search warrant. He indicated that he interviewed the defendant in a vehicle in a parking lot adjacent to the defendant's apartment building while other officers conducted the search.

During the course of his interview with the defendant, Yelland indicated that he is the sole occupant of Apt. #110. He indicated that he had a computer in his apartment and that he actually built the computer approximately a year ago. He indicated that he was accustomed to searching the internet for pornography. He indicated that he understood that the officers were there for purposes of searching for child pornography.

During the course of their conversation, Special Agent Joy informed Yelland that there was a forensic analyst on the scene conducting a forensic analysis of the defendant's computer hard drive. The defendant responded by stating that he assumed that he would be placed under arrest. Special Agent Joy then asked the defendant if there were going to be any types of files "like that", referring to child pornography as outlined in the search warrant, on the defendant's computer, and at that time, the defendant responded yes. The defendant stated that there were illegal files on his computer. Special Agent Joy inquired as to how those files got there and the defendant responded that he did not want to talk about it. The defendant stated that there were quite a bit of files like that on his computer and responded that there was more than a handful of those types of files on his computer.

Special Agent Joy indicated that he inquired of the defendant what the defendant felt should happen. The defendant stated that there were illegal files on his computer and he stated that he assumed that once Special Agent Joy was able to look at the files that Special Agent Joy would want to place him under arrest. He indicated that he assumed that he was going to be arrested that day and that they might as well get it over with. At that point, Special Agent Joy indicated to the defendant that he was going to find out what had been located during the search, and that while the defendant remained in the vehicle with Investigator Diana Lawler of the Ashwaubenon Department of Public Safety, Special Agent Joy consulted with Special Agent David S. Matthews of the Wisconsin Department

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of Justice, Division of Criminal Investigation, who was conducting a forensic preview of the defendant's computer. Special Agent Matthews informed Special Agent Joy that numerous sexually explicit files of child pornography had been located on the defendant's computer hard drive and that the files had been created on January 16, 2010.

The defendant was then taken into custody.

Special Agent Joy then indicated that on Sunday, January 24, 2010, he reviewed a disk which had been created by Special Agent David S. Matthews after previewing Joshua D. Yelland's computer hard drive. The disk contained items that had been on the defendant's hard drive. Among the items that Special Agent Joy saw on the disk that he reviewed was a video with a file name of "Daughters-Girls from 12 Years Old to 14 Years Old Having Sex Experiences". Special Agent Joy noted that the video was fourteen minutes and thirty-one seconds long and included multiple video clips of different girls. He indicated that the girls appeared to be in the early stages of puberty, approximately ages twelve to fourteen. He indicated that there were also girls that appeared to be younger. He indicated that in one of the clips on the video fingers of an unknown male were observed digitally penetrating the child's vaginal area. He indicated that in the next clip, the same girl appeared to be lying on the same bed and was seen from the stomach down with a male standing between her legs. He indicated that the male inserted his penis into the girl's vagina. Special Agent Joy described several additional clips from that same video depicting sexual activity involving young girls. Special Agent Joy also described a video with the name of "Threesome". He described that this video was eight minutes and fifteen seconds long and included three children and the video name identified the children as a nine year old girl, a ten year old boy and a fifteen year old boy. He indicated that he observed that these individuals were lying nude on a bed and that the older boy placed his penis into the girl's mouth while the younger boy placed his penis in or near the girl's vaginal area. The video then includes additionally sexually explicit activity involving these three individuals.

Special Agent Joy continued to describe approximately six additional videos on that same disk, each of which depicted sexually explicit activity involving individuals who obviously appeared to be children.

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 19th day of February, 2010.


Complainant


(Assistant) District Attorney