

State of Wisconsin**Circuit Court****Waukesha County****STATE OF WISCONSIN****-vs-****Plaintiff,****DA Case No.: 2009WK000797****Assigned DA/ADA: Brad D. Schimel****Agency Case No.: 08DOJ6967****Court Case No.:****ATN:**

Dustin J Fassett
W225 N2513 Alderwood Lane
Waukesha, WI 53186
DOB: 11/01/1982
Sex/Race: MAW
Eye Color: Brown
Hair Color: Brown
Height: 5 ft 10 in
Weight: 125 lbs
Alias:

Defendant,**Criminal Complaint**

Special Agent Hoell of the State of Wisconsin, Department of Justice, Division of Criminal Investigation, being first duly sworn on oath, upon information and belief, states that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Friday, January 30, 2009, at W225 N2513 Alderwood Lane, in the City of Pewaukee, Waukesha 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) 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.

PROBABLE CAUSE:

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: Based upon the reports of Special Agent Hoell of the State of Wisconsin, Department of Justice, Division of Criminal Investigation.

Said reports indicate that in August of 2008, Special Agent Matthews, with whom your Affiant has worked with in the past and knows to be competent and reliable, was working an undercover internet operation and identified a computer in Wisconsin that was offering to participate in distribution of child pornography through a peer to peer network on the Internet. The computer user was offering that

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other individuals could access specific video clips that were identified by a unique alpha numeric code that is individual to a particular video. Special Agent Matthews compared the unique identification numbers for the numerous video clips being offered by this computer user to codes for video clips that are known by law enforcement to contain images of children engaged in sexually explicit conduct.

Based upon the information obtained by Special Agent Matthews, agents obtained subpoenas from the Internet service provider to obtain the records pertaining to the account in use as the listed time and date that the videos were being offered. The documents they received from the Internet service provider reflected that the computer router in question was registered to the Fassett residence in the City of Pewaukee.

Said reports further indicate that agents obtained a search warrant to obtain, among other things, computer equipment from the Fassett residence on Alderwood Lane on January 30, 2009. Upon executing the search warrant, agents conducted a computer forensic preview of the computer, and confirmed that child pornography videos similar to that offered over the peer to peer network were, in fact, present on the computer in the residence.

Said reports further indicate that the computer forensic preview revealed, among others, found videos with the following titles present on the computer:

Underage Dee & Desi 13 little girl kiddy child ddoggrn lolita incest ks reelkiddymov kiddie kindergarden preteen;

Two girls (11 yo and 12 yo) and one boy (15 yo) (pthc) Hussyfan Masterbating and Suck;

CP 6yo Kitty 3 (Hussyfan) (pthc) (r@ygold);

(Hussyfan) (pthc) (r@ygold) (babyshivid) Jessica 11 yo get fuckt good;

Pedo - (PTHC) 10yo Kelle And 11 Yo Girlfriend;

Pedo - Vicky Compilation (Pthc) 10yo Kiddy Reality Child Get's What She Wants - All Kinds Of Fuck Fun With No Delusions);

(pthc) Family 2 - ReelFamilySex - entire clip - Hot Mother licks her 8yo Daughters sweet pussy as her brother fucks her - r@ygold - ddoggrn - incest REELKIDDYMOV.

Said reports further indicate that an examination of each of those videos revealed that they contained content similar to what they advertised. They contained images of children who agents believed, based upon the juvenile appearance of the children, their small physical stature, their limited breast development, their lack of genital development and overall appearance, to be children under the age of fifteen engaged in sexually explicit conduct, including lewd display of genitals and private areas and explicit acts of sexual intercourse and contact. The preview revealed sixteen additional video clips of the same general nature.

Said reports further indicate that while agents were executing the search warrant, Dustin J. Fassett, the above-named defendant, arrived home. Fassett met with officers in the residence and gave a statement, which is believed to be reliable inasmuch as it was made contrary to his penal interest. He said that he had searched for videos on the peer to peer network using the search term, "teen," and

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knew specifically of a series entitled, "Little Vicky," which agents know to be a series depicting child pornography, one of which was found on the computer seized at the Fassett residence. The defendant stated that the videos were kept in the Windows Media Player and at the Limewire shared folder. He said he had accessed Limewire as recently as the previous day. He believed that he had less than one hundred images or videos of child pornography.

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

Complainant

APPROVED FOR FILING:

Subscribed and sworn to before me
this ____ day of _____, 2009

Assistant District Attorney

Assistant District Attorney
State Bar # _____

BS/das