

STATE OF WISCONSIN

CIRCUIT COURT

COLUMBIA CO. **COPY**

STATE OF WISCONSIN,

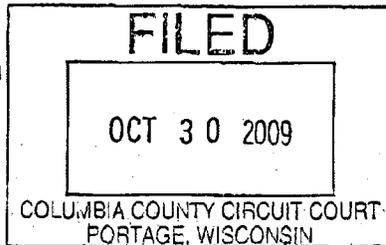
Plaintiff,

CRIMINAL COMPLAINT

Vs.

Court Case No. 09 CF **441**

Warren J Henkelman
212 Henry Drive #8
Portage, WI 53901



DA Case No. 2009CO002988

Agency No. 2009-11133
09-3642

DOB: 04/07/1967
SEX/RACE: M, W

ATN: 11001000130398

Defendant.

LT MARK A. HAHN, of the Portage Police Department, being first duly sworn, states that:

Count 1: 1ST DEGREE SEXUAL ASSAULT OF A CHILD UNDER AGE 12

The above-named defendant on or about October, 2009, in the City of Portage, Columbia County, Wisconsin, did have sexual intercourse (mouth to vagina) with a child under the age of twelve, SEH, DOB 06/12/1998, contrary to sec. 948.02(1)(b) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

And furthermore, invoking the provisions of Wisconsin Statutes 939.616(1r) and (3), the defendant being 18 years of age or older at the time of the offense; the court shall impose a bifurcated sentence under s. 973.01. The term of the confinement in prison portion of the bifurcated sentence shall be at least 25 years. Otherwise the penalties for the crime apply, subject to any applicable penalty enhancement.

Count 2: 1ST DEGREE CHILD SEXUAL ASSAULT - CONTACT WITH A CHILD UNDER AGE 13

The above-named defendant on or about October, 2009, in the City of Portage, Columbia County, Wisconsin, did have sexual contact (finger to vagina) with a person who has not attained the age of thirteen, SEH, DOB 06/12/1998, contrary to sec. 948.02(1)(e) Wis. Stats., a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed sixty (60) years.

Count 3: PHYSICAL ABUSE OF A CHILD - INTENTIONALLY CAUSE BODILY HARM

The above-named defendant on or about August, 2009 to September, 2009, in the City of Portage, Columbia County, Wisconsin, did intentionally cause bodily harm to a child, SEH, DOB 06/12/1998, contrary to sec. 948.03(2)(b) Wis. Stats., a Class H Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than six (6) years, or both.

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Count 4: EXPOSING GENITALS OR PUBIC AREA

The above-named defendant on or about October, 2009, in the City of Portage, Columbia County, Wisconsin, for purposes of sexual arousal or gratification, did cause a child to expose their genitals, contrary to sec. 948.10(1) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 5: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, October 27, 2009, in the City of Portage, Columbia 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) 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 6: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, October 27, 2009, in the City of Portage, Columbia 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) 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

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the number of images or copies of images associated with the crime by a preponderance of the evidence and without a jury.

Count 7: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, October 27, 2009, in the City of Portage, Columbia 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) 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:

Mark Hahn, Dan Pionke and Klaude W. Thompson, of the Portage Police Department, and Special Agent Lourdes Fernandez of the Wisconsin Division of Criminal Investigation (DCI), whose reports have proven to be truthful and accurate in the past, reports the following:

On October 27, 2009, a search warrant was executed at the residence of Warren Henkelman, on Henry Drive in the city of Portage, Columbia County, Wisconsin, after a computer at Henkelman's residence was identified by DCI agent Vandenberg as being involved in offering to participate in the distribution of known child pornography. During the execution of that warrant Henkelman was contacted and gave permission to search his vehicle. DCI agents located printed photographs in a folder in Henkelman's vehicle. There are at least three images that contain female children that appear to be under the age of 18. In one photograph a female child is sitting in a chair. She is naked from the waist down and her knees are up with her feet spread. Her genitals are displayed and they do not appear to have any pubic hair. In a second photograph a female child is sitting straddled on something with her legs spread. She is naked with her breasts exposed and partially covered by portions of her hair. Her hands are resting on either side of her thigh area next to her genitals and pubic hair that are prominently displayed. The third photograph appears to be of the same female child as in the second photograph. In this photo she is lying on her back and is fully naked except for socks. Her right knee is bent with her right leg spread. Her left leg is on the ground with her knee bent and leg spread. Her public hair and breasts are prominently displayed. Henkelman was placed under arrest. Each of these photos has a printed line at the bottom that includes an apparent website and a date of "6/2/2004."

A Cognitive Graphic Interview was conducted on eleven-year-old S.E.H., dob 6/12/98, on October 27, 2009, at Columbia County Human Services. During that interview S.E.H. was able to accurately describe the difference between a truth and a lie and signed the children's oath

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promising to tell the entire truth and nothing but the truth during the interview. During that interview S.E.H. stated that about two weeks ago S.E.H. had a 10 yr old friend P.A.H stay over night at her house, which is located at 212 Henry Drive Apartment #8 in Portage. Present at the residence was her dad Warren Henkelman. S.E.H. stated that her dad got some Grape Pucker Alcohol out and both S.E.H. and P.A.H. drank some. S.E.H. stated P.A.H. asked S.E.H.'s dad if she could have some. S.E.H. stated as they were drinking, her dad stated to them that this was "grape juice on steroids." S.E.H. stated she read the bottle and it indicated there was 15% alcohol in it. S.E.H. stated she and P.A.H. drank this and while doing so, her dad was walking around and he was aware at all times that they were drinking alcohol.

S.E.H. stated that later in the night she woke up and she was in her dad's bed. S.E.H. described herself as being "buck naked" with no clothes on. S.E.H. stated P.A.H. was lying next to her also in her father's bed and she was also naked. S.E.H. could feel her dad licking her crotch and she looked under the covers and could see his head. S.E.H. also saw that P.A.H. was naked and laying right next to her. S.E.H. stated her father kept licking her crotch. S.E.H. said her father also used his fingers to rub the outside of her privates. S.E.H. stated she told her dad to stop. S.E.H. stated she then got up and went into her room and locked the door. S.E.H. stated when she got to her room and locked the door, P.A.H. was still in her dad's room and she heard her say "it feels weird".

During the interview S.E.H. also stated that there was an incident with her father when he told her to open the door to her room or he would kick it open. S.E.H. said she unlocked the door and her father came in her room. Henkelman then got ahold of S.E.H.'s head and began pushing her head down into the bed multiple times. S.E.H. said it hurt and she was having problems breathing. S.E.H. said she thought she was about to pass out. S.E.H. said her nose hurt and there was a bruise on her forehead. S.E.H. said this occurred just before they moved out at their last residence, located at 240 Henry Drive, in the city of Portage, Columbia County, Wisconsin. Agent Fernandez spoke to Michael Duffy, of Professional Property Management Company. Duffy told Fernandez that Henkelman lived in that apartment at 240 Henry from August 7, 2009, to September 20, 2009.

A Cognitive Graphic Interview was conducted on ten-year-old P.A.H., dob 5/17/99, on October 28, 2009, at Columbia County Human Services. During that interview P.A.H. was able to accurately describe the difference between a truth and a lie and signed the children's oath promising to tell the entire truth and nothing but the truth during the interview. During that interview P.A.H. stated that S.E.H.'s dad told them to drink the purple stuff and she didn't know what it was. P.A.H. stated S.E.H.'s dad gave the bottle to S.E.H. P.A.H. stated both she and S.E.H. drank out of the bottle of purple stuff while S.E.H.'s dad stood in the doorway. P.A.H. stated her stomach hurt when she drank it. P.A.H. stated sometime shortly after drinking this, they ended up in S.E.H. dad's room. P.A.H. stated she and S.E.H. were in there dancing while S.E.H.'s dad lay on the bed and watched them. P.A.H. stated while they were in S.E.H. dad's room that S.E.H. dad asked them to take off their shorts. He then stated he was going to show them something. P.A.H. said she was not sure how he said it but S.E.H.'s dad said he wanted to lick their privates. P.A.H. stated that S.E.H. then went over and sat on the bed and S.E.H.'s dad took his hand and touched S.E.H. private parts while she was still wearing her shorts. When P.A.H. was asked about other things that may have happened P.A.H. stated she couldn't remember and there were parts of the night she could not recall at this time. P.A.H. stated the next morning when she got up, S.E.H.'s dad gave her a ride home and told her not to tell anyone about what happened in his bedroom. S.E.H. said she was supposed to go to school but her stomach hurt.

During an interview with Agent Hernandez and Detective Dan Pionke, Henkelman admitted to downloading child pornography but believed it had been deleted off his computer. Henkelman denied knowledge of the photographs found in the envelope in his car. Henkelman

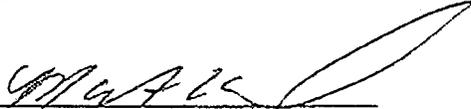
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claimed a friend gave him the folder and he hung onto it for at least 15 years. Henkelman said he went through it every once in awhile and was aware there was an envelope inside but never checked the envelope. Pionke asked Henkelman about any sleepovers that S.E.H. had at the 212 Henry address. Henkelman said there had been no sleepovers with S.E.H. at that residence. Henkelman then said he had begun drinking and smoking marijuana and it was a little hazy. Henkelman admitted having grape Pucker in the fridge and also admitted he suspected S.E.H. was drinking the grape Pucker. Henkelman said he gave her a taste of it previously and recalled a time a few weeks ago when she appeared to be possibly intoxicated. Pionke then asked "is this when (P.A.H.) spent the night?" Henkelman appeared extremely nervous and hesitated 30-60 seconds. Henkelman then said "screw this" and ended the interview.

Your complainant believes the statements of S.E.H. and P.A.H. to be truthful and accurate as they are statements made by an ordinary citizen without expectation of personal gain. Your complainant knows Mark Hahn, Dan Pionke and Klaude W. Thompson, of the Portage Police Department, and Special Agent Lourdes Fernandez are law enforcement officers, working in an official capacity and with lawful authority, and therefore believes the above information to be accurate and reliable.

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

Signed and sworn to before me and approved for filing this 30 day of October, 2009.


Complainant


Linda Hoffman Assistant District Attorney
State Bar No. 1044704