

State of Wisconsin

Circuit Court

Brown County

STATE OF WISCONSIN

-vs-

Plaintiff,

DA Case No.: 2009BR000468  
Assigned DA/ADA: Eric C Tempelis  
Agency Case No.: GBPD08115011  
Court Case No.: 2009CF

Richard A Hosler  
1938 N 73rd Street  
Wauwatosa, WI 53213  
DOB: 01/14/1947  
Sex/Race: M/W

**CRIMINAL COMPLAINT**

JUN 10 2009  
1:54 PM  
CLERK OF COURTS  
BROWN COUNTY, WI

Defendant,

Complainant, an Assistant District Attorney, being first duly sworn on oath, deposes and says that:

**Count 1: ATTEMPT CAUSING A CHILD TO VIEW OR LISTEN TO SEXUAL ACTIVITY**

The above-named defendant on or about Wednesday, October 08, 2008, in the City of Green Bay, Brown County, Wisconsin, attempted to intentionally cause a child who has attained the age of thirteen years but has not attained 18 years of age to view sexually explicit conduct if the viewing is for the purposes of sexually arousing or gratifying the actor, contrary to sec. 948.055(1)&(2)(b), 939.32 Wis. Stats., an attempt to commit a Class H Felony, and upon conviction may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

**Count 2: ATTEMPT CAUSING A CHILD TO VIEW OR LISTEN TO SEXUAL ACTIVITY**

The above-named defendant on or about Monday, December 08, 2008, in the City of Green Bay, Brown County, Wisconsin, attempted to intentionally cause a child who has attained the age of thirteen years but has not attained 18 years of age to view sexually explicit conduct if the viewing is for the purposes of sexually arousing or gratifying the actor, contrary to sec. 948.055(1)&(2)(b), 939.32 Wis. Stats., an attempt to commit a Class H Felony, and upon conviction may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

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

**PROBABLE CAUSE:**

His review of a report of Mallory Pribyl, who in 2008 was employed with the Green Bay Police Department and enrolled in an "Investigating High-Tech Crime" class under the

STATE OF WISCONSIN - VS - Richard A Hosler

supervision of Mike Knetzger, who is an officer with the Green Bay Police Department at 307 South Adams Street, City of Green Bay, Brown County, Wisconsin and an instructor at the Northeast Wisconsin Technical College (NWTC) at 2740 West Mason Street, City of Green Bay, Brown County, Wisconsin.

His review of a report of Mallory Pribyl, which indicates on October 7, 2008 between 12:30 pm and 3:20 pm, she participated in a supervised online chatroom investigation with the false undercover identification of Skyla McKenzie, a thirteen-year-old, white female, living in Manitowoc, Wisconsin using Yahoo Messenger user identification name galloping\_girl13@yahoo.com and display image of a young girl pictured with a pony. She entered a Wisconsin romance chatroom to search for possible predators and requested a communication with a person with the messenger identification screen name of wisc\_male2001@yahoo.com. She stated "Hi," to which wisc-male2001@yahoo.com responded "asl," which she understood to mean "age, sex, location." She responded "13, female, Manitowoc, Wisconsin," and requested his "asl," to which he responded "54, male, Milwaukee, Wisconsin." Wisc\_male2001@yahoo.com asked, "You like talking to older men?" and she responded "yes, I want to learn things." The conversation turned sexual with wisc\_male2001@yahoo.com showing a photograph of a hand grasping the base of an erect penis as his display image. Wisc\_male2001@yahoo.com converted to Richard Smith when she listed him as a contact friend in Yahoo Messenger.

On October 8, 2008 between 2:10pm and 3:26pm, she communicated with Richard Smith and the conversation turned sexual again as Mr. Smith explained sexual things he wanted to do to her and she responded back sexually to maintain the conversation. She questioned why his display picture was no longer there and he stated it was still displayed, but she couldn't see it for some reason, so he offered to send it via email, to which she agreed. Upon receiving the email, the send name read: Richard Hosler. She described the emailed photograph as the same as the original display picture. She then asked if he had webcam, after which a display labeled "web cam for Richard Smith" popped up on the window showing a video of a white male dressed in a white button shirt and dress pants, touching himself in the genital area, through the fly of his pants. The male then removed his penis and started masturbating until he had ejaculated. The male's hands appeared consistent with an older male's and at no time could she see his face.

On October 9, 2008 between 3:32 pm to 4:43 pm, she communicated with Richard and the conversation turned sexual again, during which he sent to her yahoo email account, a picture of a male receiving oral sex by a female. Richard requested photographs of her and she asked if he would ever come to Green Bay, Wisconsin to visit her and her cousin at her cousin's house to teach them things. He responded maybe.

On November 5, 2008 between 3:35 pm and 4:03 pm, she communicated with Richard, during which time he stated he had "been really busy at work" and unable to talk to her. He then requested pictures of her. She stated she hadn't gotten them from her friend yet. She told him, "I've been bummed out" because "member my cousin Christine I told you about her," "she's 15 and she told me u wouldn't b interested in me cuz im 13." He replied "awwww" and stated, "Why did she say that." She replied "cuz she thinks that youd b

STATE OF WISCONSIN - VS - Richard A Hosler

more interested in her than me if you came to visit." He then responded, "I wouldn't talk to you if I didn't like you." She then mentioned that she'd be in Green Bay with her cousin, who would have the house to herself, the week of November 10-15, 2008. She asked, "Would you visit," to which he responded that he would try to visit on Friday, November 14, 2008. She then arranged with him to get her cousin's address and he suggested she "send me an offline message." She explained she didn't want to get pregnant and if he could bring some stuff, to which he responded, "don't worry about that." The conversation then turned sexual as he explained what he wanted to do to her. She asked what he looked like and he responded, "just an older guy," "6'2", 200 pounds" with a mustache. She asked if he'd bring Mikes Hard Lemonade alcoholic beverage and he responded "ok." She then ended the conversation saying her mom would be home soon.

On November 12, 2008 between 3:36 pm and 3:39 pm, she sent him an offline message reading, "Christine got me her address last night 1113 Shea Avenue in green bay." He began communicating sexually with her and described what he would do to her and her cousin when he met them. He wanted to know what they'd do together and he responded "not sure if I can make it to green bay but will try." She said "nnnnnnooooo I hope u can" and he responded "I really do want to have fun with you." He then asked if Christine had a digital camera and stated "think we could use it to take some pics of us" and then explained the types of pictures they could take together. He asked if she was making herself "wet" and to "rub harder" and "faster" while touching herself. She asked for his webcam and he stated yes, "you want to see me stroking my cock?" He explained there were too many people around, so he couldn't turn his camera on. She asked if he had more pictures and he responded "I want you to do this" as he shared eleven different sexually explicit photographs with her. The first was the photo emailed to her by Richard Hosler on October 10, 2008 of a hand grasping an erect penis. The fourth photo was the same photo emailed to her by Richard Hosler on October 9, 2008 with a female copulating a male. The remaining nine photos showed sexually explicit conduct between a male and female, multiple males and a female, and females and females. He then asked "where is mom tonight?" to which she responded she wouldn't be home until 6 pm as she was out with her friend. The remainder of the conversation remained sexual both in chat text and photos received by Ms. Pribyl.

His review of a report of Officer Laitinen of the Green Bay Police Department, which indicates that on November 12, 2008 at approximately 3:39 pm, he observed Mallory Pribyl in a chat session on Yahoo Messenger System. Officer Laitinen reviewed eleven sexually explicit photographs. Nine of them showed a combination of male/female, male, female/male, and female/female doing sexual acts including sexual intercourse, fellatio, and cunnilingus.

His review of a report of Officer Laitinen, which indicates on December 5, 2008, Mallory Pribyl communicated with Richard on Yahoo Messenger under his supervision. They noted a message posted from Richard on November 24, 2008 at 3:21 that said, "you're either mad at me or your sting didn't work." Ms. Pribyl responded via galloping-girl13@yahoo.com stating, "Hey u!!!! I've been in sherburn mn visiting fam for turkey day-

STATE OF WISCONSIN - VS - Richard A Hosler

duh! Why would I b mad at u? whats a sting????? There was no response, so she logged off at 4:33pm. On December 6, 2008 at 5:16 pm, Richard replied, "Oh nothin."

His review of a report of Mallory Pribyl, which indicates that on December 8, 2008 at 10:11 am, Richard sent her an off-line message stating, "Did you have fun the weekend you went to Green Bay?" Thereafter the conversation turned sexual in nature. She asked, "r u busy or can u play with me?" and he responded "what would you like to do, rub yourself till you tingle? She responded, "wut can u do 4 me?????" He asked if she wanted to see more pictures and she asked if they were new ones. He then sent a web cam application, which she accepted, allowing her to view the chair, a bookshelf, and items hung on a wall in his room. He then focused the web cam and proceeded to masturbate and asked if she was rubbing herself. She stated, "that felt sooooooo good" and he responded "well, glad you could tingle." He then stated, "mom will be home soon" and she replied "not til 530." In the past, she indicated that her mom came home at 5:00 pm. The last message he sent was "I like you too" at 4:23 pm.

His review of a report of Mallory Pribyl, which indicates that on January 14, 2009 between 3:04pm and 4:00pm, she and Richard corresponded via Yahoo Instant Messenger. He inquired whether she received any pictures from Christine and then the conversation turned sexual in nature. He stated, "Really want to see you, take any naughty pics?" She told him "Christine got me that awesome toy." He asked, "does it help make you cum fast?" and then stated, "cum for me Skyla." She said she was touching herself and he responded, "ooooo skyla," "feels so good," "I wanna do the toy in you," "then put my cock in you and fuck you for real," "feel me sliding my cock in," "just like the toy," "just bigger," "mmmmmmmm," and "fucking you would be so fun." Richard then sent twelve sexually explicit images for her to view through a Photo Share application. He then stated he had to go. She said she would get the pictures for him and he responded, "You could have her email the pics to me, wisc\_male2001@yahoo.com."

His review of a report of Officer Laitinen, which details the twelve photographs Richard sent to Mallory Pribyl on January 14, 2009, which include a photo of a hand grasping an erect penis, a photo of a younger female with her shirt pulled up orally copulating a male, a photo of a younger naked female with a male's penis on her tongue and apparent ejaculate present, a photo of a naked female orally copulating a male, a photo of two young naked females with one engaged in cunnilingus, a photo of two naked females engaged in cunnilingus, a photo of a girl performing cunnilingus on a second female with a top on but no bottoms, a photo of one naked female with a vibrator in her mouth while the other end of the vibrator is in the anus of a second naked female, a photo of young female holding another young female's nipple area of her breast, a photo of a young female orally copulating a male, a photo of a younger female who is only wearing panties with barely developed or extremely small breasts, and a photo of a female exposing both breasts including nipples with her hand down the front of her panties.

His review of a report of Officer Laitinen, which indicates that on January 22, 2009, he and Wisconsin Department of Criminal Investigations Agent Eric Szatkowski met with defendant Richard Hosler at his residence at 1938 North 73rd Street, City of Wauwatosa,

STATE OF WISCONSIN - VS - Richard A Hosler

Milwaukee County, Wisconsin. They used a ruse, explaining they received a complaint from a parent who was monitoring their daughter's activity on the Internet and found inappropriate chats. They explained they believed Richard Hosler was the one on the other end of those chats. Richard responded, "okay." He stated he retired last week from Corporate Valuation Advisors in Harland, Wisconsin. He stated he used a Yahoo username rick50\_4u@yahoo.com. Officers showed Richard some pictures, including one of an erect penis, some of which included references to a person named Richard Hosler and Yahoo Messenger transcripts of communications between wisc\_male2001@yahoo.com and galloping\_girl13@yahoo.com. Richard agreed it was his name, but stated he never had wisc\_male2001@yahoo.com. Officers later showed Richard photographs of a person masturbating, believed to be the Richard. Richard denied recognizing the pictures. Officer asked if he recognized objects in the office background of the picture, to which Richard responded he believed the bookcase looked like his. He then agreed the fishnet type device on the wall in the pictures looked like one he had. Officers then asked Richard, "Okay, does that refresh your memory at all sir?" to which Richard responded, "Of course it does." Richard then stated, "How much trouble am I in?" Officers told Richard he didn't have to talk to them, but they were conducting a criminal investigation and wanted to get to the bottom of it. When asked if he wanted his rights read to him, he responded, "I know my rights." Officers read Richard his Miranda Warnings and Richard waived them. When asked if wisconsinmale2001 was a familiar chat session, he responded, "Yeah" and admitted it was one of his user names. Richard stated gallopinggirl13@yahoo.com "seemed like a little girl in a-or a...she portrayed herself as a little girl. I don't know if she was or not. There's a lot of guys on the Internet that have a name, you know, and they like to...chat with other guys, ah, and...you really don't know who's on the other side. Ah, it's a...anonymity thing." He stated the chat room was for adults and there's a waiver to sign to get in saying you're an adult. He stated he didn't verify whether gallopinggirl13@yahoo.com was an adult. He agreed theoretically a kid could get into it. He stated gallopinggirl13@yahoo.com was "13 or 14 or 15 or something," she had a horse and he chatted with her 7 to 10 times. Richard admitted to sending eleven sexually explicit photographs on November 12, 2008 and 10-12 sexually explicit photographs on January 14, 2009, all of which were shown to Richard for confirmation. He also stated there may have been two web broadcasts. Richard stated he asked her if it was a "sting" and she asked what that was. He thought the fact she invited him up to the girl's cousin's house and the fact she didn't send any pictures meant it might be a sting. When asked if he knew for sure whether it was not a child he was chatting with, he stated, "No, I didn't know a hundred percent for sure." In relation to the broadcasts, he stated, "I don't--I never really ejaculated. I just exposed myself to her." He admitted to masturbating and Officer Laitinen recalls in both broadcasts there was masturbation and ejaculation. He was asked whether he would approve of his employees doing this at work with a 13 or 14-year-old girl and he stated it would be wrong. When asked if he admitted this was a mistake and wrong, he stated, "Yeah, of course I admit that's-I made a mistake." Later, he stated he chatted with a person who said, "How old do you want me to be? 13, 14, 15, 16, 17?" He stated the girl "got off" on that and he saw her on camera and she wasn't underage, but gallopinggirl13@yahoo.com didn't do or say these things.

STATE OF WISCONSIN - VS - Richard A. Hosler

His review of a report of Officer Laitinen, which indicates he confirmed through a subpoena that Yahoo! User wisc\_male2001@yahoo.com accessed the internet from Corporate Valuation Advisors, 625 Walnut Ridge Drive, Suite 105, Village of Hartland, Waukesha County, Wisconsin, 53029, USA during the chat sessions on October 7, 2008, October 8, 2008, October 9, 2008, October 22, 2008, October 31, 2008, November 5, 2008, November 12, 2008, and November 17, 2008.

His review of a report of Detective Laitinen of the Green Bay Police Department, which indicates he confirmed that Mallory Pribyl engaged in all of her chat sessions with the defendant Richard Hosler at the Green Bay Police Department, 307 South Adams Street, City of Green Bay, Brown County, Wisconsin, except for the chat sessions on October 7, 2008 and October 22, 2008, both of which were conducted by Ms. Pribyl from Northeast Wisconsin Technical College at 2740 West Mason Street, City of Green Bay, Brown County, Wisconsin.

His review of a report of Detective Laitinen of the Green Bay Police Department, which indicates that on February 16, 2009, he met with Detective Bennington, who indicated that he copied both hard drives off defendant Richard Hosler's computer and found Yahoo Instant Messenger Profile transcripts of all of the chat sessions the defendant had with Ms. Pribyl. On February 18, 2009, both detectives reviewed chat transcripts on the defendant's computers and verified that the defendant used profiles including wisc\_male2001, rick50\_4u, and wisc\_male4fun.

Complainant believes the reports of Officers Mike Knetzger, Mallory Pribyl, Officer Laitinen all of the Green Bay Police Department and Wisconsin Department of Criminal Investigations Agent Eric Szatkowski because they prepared their reports in the normal course of their duties as sworn law enforcement officers. 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 29<sup>th</sup> day of May, 2009.

Eric Szatkowski  
Complainant

David J. Jensen

(Assistant) District Attorney

OFFICE OF THE DISTRICT ATTORNEY

Brown County

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FAX TRANSMISSION SHEET

DATE: June 9, 2009  
TO: Eric Szatkowski  
FAX NO.: (414) 227-2104  
FROM: BROWN COUNTY DISTRICT ATTORNEY'S OFFICE  
SENDER: Eric Tempelis  
RE: Richard Hosler

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NOTES: