

STATE OF WISCONSIN

Plaintiff,

-vs-

Matthew R. Roberts

1014 Long Court

Sparta, WI 54656

DOB: 01/01/1982

Sex/Race: M/W

Eye Color: Blue

Hair Color: Brown

Height: 5 ft 6 in

Weight: 175 lbs

Alias: Also Known As Matthew Richard  
RobertsAgency: WI Dept Of Justice Div Of Criminal  
Inves

Sparta Police Department

DA Case No.: 2009MO002660

Assigned DA/ADA: Daniel D. Cary

Agency Case No.: 09-3928

Court Case No.: 2009CF000

ATN: 42002000018719

Defendant,

**Criminal Complaint**

Sheriff Dennis A. Pedersen of the Monroe County Sheriff's Department being first duly sworn, states that:

**Count 1: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, November 12, 2009, in the City of Sparta, Monroe County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s), motion picture(s), or 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) and (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 2: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, November 12, 2009, in the City of Sparta, Monroe County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s), motion picture(s), or 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) and (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.

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**Count 3: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, November 12, 2009, in the City of Sparta, Monroe County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s), motion picture(s), or 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) and (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.

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**Count 4: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, November 12, 2009, in the City of Sparta, Monroe County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s), motion picture(s), or 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) and (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.

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**Count 5: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, November 12, 2009, in the City of Sparta, Monroe County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s), motion picture(s), or 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) and (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.

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**Count 6: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, November 12, 2009, in the City of Sparta, Monroe County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s), motion picture(s), or 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) and (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.

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**PROBABLE CAUSE:**

Complainant relates that he has reviewed an incident report prepared by Special Agent Jon Spallees of the Wisconsin Department of Justice Division of Criminal Investigations, a law enforcement officer believed to be truthful and reliable.

Agent Spallees' report indicates that on November 12, 2009 at approximately 2:25 p.m., he and other agents from the Wisconsin Department of Justice – Division of Criminal Investigations, with assistance from Officers from the City of Sparta Police Department, served a search warrant at 1014 Long Court in Sparta, Wisconsin.

Agent Spallees' report indicates that an investigation revealed that Matthew R. Roberts had viewed and received numerous videos of adult and child pornography via his computer. Roberts would delete some of the videos of pornography after viewing them. Roberts' wife was unaware of his Internet activities.

Agent Spallees' report indicates that he interviewed Roberts. Roberts claimed that he deleted most of the child pornography videos, but an on scene analysis of the computer hard drive revealed several videos of child pornography. Roberts admitted to viewing Internet pornography, including child pornography, for approximately the last eight years. Roberts estimated that he viewed child pornography videos about two to three times per week. Roberts admitted that he would become sexually aroused and masturbate when

viewing the pornography. Roberts stated that he knew it was illegal to possess child pornography.

Roberts obtained the child pornography via a peer to peer software file sharing client reported to be "Frostwire." Roberts had downloaded, or partially downloaded, child pornography videos within the last week. Roberts estimated that he downloaded approximately twelve child pornographic videos during this week. Roberts estimated that his computer hard drive may contain approximately "two dozen" videos that are "questionable."

Agent Spallees' report indicates that Roberts was placed under arrest at the scene and transported to the Monroe County Jail pending formal charging by the Monroe County District Attorney's Office.

Agent Spallees' report indicates that he reviewed six random videos that were discovered during an on scene computer analysis/preview of Roberts' hard drive. Each of the six videos contained pre-pubescent, or early pubescent nude females engaged in sexual acts with males, other underage females, and/or posing with the breast and/or pubic area exposed, typically with the focal point of the camera on the genitalia. A majority of the females had little or no breast development and no pubic hair. Agent Spallees estimates that the age range of the children depicted in the six videos are between seven and fourteen years of age.

Agent Spallees' report indicates that he read Mr. Roberts his Miranda/Constitutional Rights before questioning him about his activities. Roberts agreed to speak with law enforcement and did not request an attorney. The interview with Roberts was digitally recorded by Special Agent Spallees.

On information and belief, the above-related incident occurred in Monroe County, Wisconsin.

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:

Dated:

\_\_\_\_\_  
Dennis A. Pedersen  
Complainant

\_\_\_\_\_  
Daniel D. Cary  
District Attorney  
State Bar No. 1022271

KS:skc