

STATE OF WISCONSIN,

Plaintiff,

DA Case No.: 2009ON001663

Assigned DA/ADA: Michael H. Bloom

-vs-

Agency Case No.:

Court Case No.: _____

ATN:

Brian D. Pawelko

D.O.B. 01/31/1976

3106 Pleasure Point Drive

Rhineland, WI 54501,

Criminal Complaint

Defendant.

Robert Hebein, being first duly sworn, states that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Monday, December 21, 2009, in the Town of Crescent, Oneida County, Wisconsin, did, having attained the age of 18, knowingly possess video recordings 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 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.

Count 2: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Monday, December 21, 2009, in the Town of Crescent, Oneida County, Wisconsin, did, having attained the age of 18, knowingly possess video recordings 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 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.

Count 3: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Monday, December 21, 2009, in the Town of Crescent, Oneida County, Wisconsin, did, having attained the age of 18, knowingly possess video recordings 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.

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Count 4: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Monday, December 21, 2009, in the Town of Crescent, Oneida County, Wisconsin, did, having attained the age of 18, knowingly possess video recordings 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 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.

Count 5: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Monday, December 21, 2009, in the Town of Crescent, Oneida County, Wisconsin, did, having attained the age of 18, knowingly possess video recordings 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 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.

PROBABLE CAUSE:

Complainant is an officer with the Oneida County Sheriff's Department and bases this complaint upon the reports of Special Agent Loreen C. Glaman of Wisconsin Department of Justice, Division of Criminal Investigation, who, as a fellow sworn law enforcement officer with first hand knowledge of the matters reported, is believed to be truthful and reliable.

Complaint is further based on the statements of the defendant, Brian D. Pawelko, whose statements are believed to be truthful and reliable in that they were given against his penal interests.

On Monday, 12/21/2009, Special Agents with the Wisconsin Department of Justice, Division of Criminal Investigation (WDOJ / DCI) assisted by the Oneida County Sheriff's Department, executed a search warrant at the residence of Brian D. Pawelko, DOB 01/31/1976, located at 3106 Pleasure Point Drive, Town of Crescent, Oneida County, Wisconsin. In Brian Pawelko's bedroom a computer was located. DCI analyst Andrew Schoeneck conducted an on-scene search of the computer's hard-drive and located images of child pornography. Analyst Schoeneck provided Special Agent Glaman a preview disc which he labeled 09-4723 #1 containing 9 of the digital files he located.

On 12/22/2009, Special Agent Glaman examined the contents of the preview disc and observed the following five video recordings:

1) A video recording 4:01 in length, which begins with a naked girl lying on her back in a chair. She has little breast development and no pubic hair, consistent with an 11-13 year old. An adult male is digitally penetrating her vaginal and/or anally. He then uses his penis to penetrate her anally. While he is raping her, the girl opens and chews two pieces of gum. She picks at an unknown substance on her vaginal area. On a few occasions, she looks up at the camera. Approximately 3:39 into the video the little girl begins groaning and grimacing. The male yells, "HOLD IT!" The male ejaculates and removes his penis. He is wearing a condom. The girl says something unintelligible and then says "Get off me!" as she pushes him away.

The file containing the above-described video is titled "(Pthc Pedo) Laura - 12-yo, daughter, ptsc).mpg." According to the computer analysis conducted, the above described video file was created on September 12, 2009 and was last accessed on November 7, 2009.

2) A video recording 1 minute in length showing a girl and male engaged in sexual intercourse on a bed. The male is penetrating the girl vaginally with his penis. The girl

has no pubic hair and no breast development, consistent with an 11 – 12 year old. The girl is initially lying on her belly on the bed and the male is on top of her. The camera zooms in to the girl's buttocks and shows a close-up of her vagina. The next scene is of the male lying on the bed and the girl crouched on top of him, with his penis in her vagina.

The file containing the above-described video is titled "Menina de 12 anos fazendo sexo anal e na bucinha lisinha sem pêlos, seios em forma de filma bem perto Sexo Infantil Raygold PTHC Incesto Girl pedo babyj Kids Child Porn.mpg." According to the computer

analysis conducted, the above described video file was created on September 13, 2009 and was last accessed on November 7, 2009.

3) A video recording 8:43 in length which appears to be filmed with a webcam, possibly while on-line chatting. It begins with two clothed girls, though it seems as though one girl leaves. The remaining girl has long dark hair. She lifts her white tank top and displays her naked chest. She later pulls down her plaid pajama pants revealing her vagina. She has some breast development and some pubic hair, consistent with an 11 – 13 year old. She stands on the desk chair and pulls down her pants, again revealing her vagina. She again pulls down her pants, and digitally rubs her vagina. The other girl returns briefly. The one with the long dark hair again pulls down her pants revealing her vagina. She pushes her hips closer to the webcam as she rubs her hand on and around her vagina. She continues to display her breasts and vagina in a similar fashion.

The file containing the above-described video is titled "(pthc) webcam - new sexy lil bitch 11 yo(2).avi." According to the computer analysis conducted, the above described video file was created on September 12, 2009 and was last accessed on November 4, 2009.

4) A video recording approximately 5 minutes in length. The video opens with nude white female child under the age of 16 years on bed kneeling forward with her vaginal and anus areas as the point of focus. She is spreading her buttocks open to expose her anus and digitally stimulates herself. She changes position and lies on her back and continues with similar activity. She has no pubic hair and no breast development, consistent with an 11 – 12 year old child. The video cuts to an adult male sexually assaulting the child from behind either anally or vaginally. The video cuts to the child on her back and she is again sexually assaulted, penis to vagina. The adult male ejaculates and rubs his penis on the girl's vagina.

The file containing the above-described video is titled "Vicky willing bed rape pthc 11yo.mpg." According to the computer analysis conducted, the above described video file was created on September 12, 2009 and was last accessed on December 2, 2009.

5) A video recording which begins with a naked adult male kneeling on a bed next to a naked girl. The girl is kneeling on all fours with her buttocks facing the camera.

The adult male digitally penetrates the little girl's anus with his finger. The girl reaches between her legs and digitally touches her vagina. The girl is small in stature and has no pubic hair, consistent with a 10 – 12 year old.

The scene changes to the girl lying on her back with her legs spread, the adult male pushes his penis into her anus as the girl digitally touches her vagina. The male removes his penis, and the girl's anus and vaginal area are filmed.

The file containing the above-described video is titled "peach pie (pthc) pedofilia part4 (1).mpg - Incesto vicky 2.mpg - pedofilia part4 - Vicky anal Defloration.mpg." According to the computer analysis conducted, the above described video file was created on September 12, 2009 and was last accessed on December 2, 2009.

On Monday, 12/21/2009, Special Agent Glaman and Special Agent Ronald W. Glaman interviewed Pawelko in an interview room at the Oneida County Sheriff's Department. During the interview Pawelko stated he has been living at his parent's house located at 3106 Pleasure Point Dr for the past 14 months. He said the computer in his room is primarily used by him, though he has had it at his wife's parent's house. He stated he did not think his father, his wife or his wife's family would have viewed the child pornography, and denied viewing it himself.

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 23rd day of December, 2009.

Complainant

Robert Hebein

(Assistant) District Attorney

State Bar No. 1021464