

State of Wisconsin

Circuit Court

Manitowoc County

STATE OF WISCONSIN

-VS-

David G. Pfalfer  
909 Citrus Lane  
Cleveland, WI 53015  
DOB: 05/28/1950  
Sex/Race: M/W  
Eye Color: Hazel  
Hair Color: Blonde  
Height: 5 ft 11 in  
Weight: 200 lbs

Plaintiff, DA Case No.: 2009MN002072  
Assigned DA/ADA: Jerilyn M. Dietz  
Agency Case No.: S09-05164  
Court Case No.: 2009CF000330  
ATN:

Defendant,

**Criminal Complaint**

The undersigned complainant, being duly sworn, states that the following complaint is true and correct.

**Count 1: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, August 06, 2009, in the Village of Cleveland, Manitowoc County, Wisconsin, did, having attained the age of 18, knowingly possess computer videotape(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), 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.

**Count 2: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, August 06, 2009, in the Village of Cleveland, Manitowoc County, Wisconsin, did, having attained the age of 18, knowingly possess computer videotape(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), 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.

### **Count 3: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Thursday, August 06, 2009, in the Village of Cleveland, Manitowoc County, Wisconsin, did, having attained the age of 18, knowingly possess computer videotape(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), 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.

### **Count 4: POSSESSION OF A FIREARM BY A FELON**

The above-named defendant on or about Thursday, August 06, 2009, in the Village of Cleveland, Manitowoc County, Wisconsin, did intentionally possess a firearm after having been convicted of a felony in Wisconsin, contrary to sec. 941.29(2), 939.50(3)(g) Wis. Stats., a Class G Felony, and upon conviction may be fined not more than Twenty Five Thousand Dollars (\$25,000), or imprisoned not more than ten (10) years, or both.

### **PROBABLE CAUSE:**

The complainant is informed by the reports of Dennis Jacobs, known to the complainant to be a detective with the Manitowoc County Sheriff's Department that on August 6, 2009 he, Det. Bessler, Deputy Carter and agents from the Wisconsin Department of Justice executed a search warrant at the residence of David G. Pfeifer, 909 Citrus Lane in the Village of Cleveland, Manitowoc County, Wisconsin. As the warrant was executed, Det. Jacobs talked to Pfeifer, who stated that he has lived alone at the residence since April 4, 2008. He stated that he uses

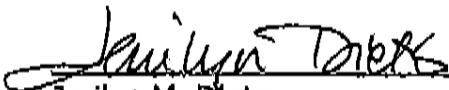
his computer primarily for games, but also to download old rock and roll music on Limewire. He added, however, that he gets in to other things. He stated, for example, that if you search "building association" but abbreviate the word "association," pornography is included in the search results. Pfeifer said that he is not good at spelling so these things happen to him and he gets into things he doesn't like, such as pornography or spam, stays at that site for a couple of minutes, and then is gone. When asked about the pornography, Pfeifer stated that it involved younger girls, and he stayed on the site because he was curious. He said, "If I get arrested for that, fine." Pfeifer later told Detective Jacobs that he viewed child pornography and then deleted it.

During the search of Pfeiffer's residence, officers located nineteen firearms. The complainant is informed by the records of the Clerk of Circuit Court for Sheboygan County, Wisconsin that on February 17, 1976, David G. Pfeiffer was convicted of the felony offense of Forgery in Sheboygan County case number F-780. Detective Jacobs spoke to Susan Pfeifer, who is David Pfeiffer's estranged wife. Susan reported that some of the guns in David's residence belong to her and others belong to him, but they are all registered in both of their names.

A Department of Justice computer forensic technician, David Matthews, showed Detective Jacobs the child pornography he located on Pfeiffer's computer. From his previous training and experience, Detective Jacobs recognized two of the videos as being part of a series entitled, "Dee and Desl." Detective Jacobs was aware that the National Center for Missing and Exploited Children has identified the subjects of this series and verified that they are under the age of 18. The first video of this series depicted a bare-chested pubescent female performing oral sex on a juvenile male. The other video from this series depicts two juvenile females kissing while an adult male masturbates and ejaculates onto them. The third video depicted an adult male penetrating the vagina of a child, whom Detective Jacobs estimated to be four to six years old, with his penis.

The information provided by Dennis Jacobs is believed because he has provided true and reliable information in the past as a police officer. The information provided by Susan Pfeifer is believed because she is providing information based upon her personal observations and experience. The information provided by David Pfeifer is believed because he is providing information against his penal interest. The information contained in the records of the Clerk of Circuit Court for Sheboygan County, Wisconsin is believed because it is information contained in records kept in the regular course of official business.

Approved by complainant for filing:

  
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Jerilyn M. Dietz  
Assistant District Attorney  
State Bar No: 1045945

Subscribed and sworn to before me this 21 day of August, 2009.

  
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(Asst.) District Attorney