

STATE OF WISCONSIN

Plaintiff,

-vs-

DA Case No.: 2010WK003771

Assigned DA/ADA: Brad D. Schimel

Agency Case No.: 10WASO627

Court Case No.:

ATN:

Noah M Borkholder  
229 West Rossman Street  
Hartford, WI 53027  
DOB: 01/21/1975  
Sex/Race: M/W  
Eye Color: Blue  
Hair Color: Blonde  
Height: 5 ft 9 in  
Weight: 240 lbs  
Alias:

Defendant,

**Criminal Complaint**

Michael Hoell, Wisconsin Department of Justice, being first duly sworn on oath, upon information and belief, states that:

**Count 1: USE OF A COMPUTER TO FACILITATE A CHILD SEX CRIME**

The above-named defendant between February 25, 2010 and March 24, 2010, at N85 W15900 Appleton Avenue, in the Village of Menomonee Falls, Waukesha County, Wisconsin and other locations within Waukesha and Washington Counties, State of Wisconsin, did use a computerized communication system to communicate with an individual who the actor believed or had reason to believe had not attained the age of 16 years with intent to have sexual contact or sexual intercourse with the individual in violation of s. 948.02 (1) or (2), contrary to sec. 948.075(1r), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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 five years. The Court may impose a sentence less than five 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:**

And prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is: based upon complainant's personal investigation of this incident.

The reports in the above referenced investigation indicate that your complainant was contacted on February 25, 2010, by officers of the Washington County Sheriff's Department, fellow law enforcement officers believed to be competent and reliable. Those officers report that they had received a contact from a parent of a child who lived in the Hartford area. That child was 13 years of age, and the parent was concerned that the child was communicating online with a grown adult. The mother discovered the internet chats involving her daughter, and surreptitiously took over the identity of her daughter in the internet chat room. During the course of the month of February, the mother

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communicated online with this individual three times. During the first internet chat, the individual informed the mother that he was, "Kinda horny right now," as he believed he was talking with the 13 year old child. He proceeded to ask her what she was wearing and told her that he had a "Big hard on," and asked her if she would like it if he rubbed her panties. He then asked her whether she would like it if he would rub the front of her panties and if he would lick her in the front. In the second chat between the mother, pretending to be her daughter, and this other individual, the other individual talked about coming to Wisconsin in the near future and said he would let the girl know when he was going to be in Wisconsin. He told her not to tell anyone, because he would get in trouble.

Said reports further indicate that in between the second and third chat, an investigator from the Washington County Sheriff's Department made contact with the individual at a phone number that had been provided by the person chatting with the girl. The investigator identified the person at the other end of the number as Noah M. Borkholder, the above named defendant. The defendant admitted that was the person communicating with the 13 year old girl and made a claim that he was only doing so to try to help the girl with some concerns she had about the home she lived in.

There was then a third internet chat between the mother of the girl, pretending to be her daughter, and the defendant. The defendant stated in that online chat that he had been contacted by the Washington County Sheriff, because the girl's mom had called them. He told the girl that he was nervous about having received that call, and that the girl should be making sure to delete all of the conversations they were having.

Said reports further indicate that at this point, your complainant took over the undercover investigation and created an undercover online identity in which he pretended to be a 14 year old girl named Jennifer. He sent a message online to the defendant at the same internet address he was using for the communications with the girl from Hartford. When the complainant and the defendant communicated online, the complainant always maintained the identity of the 14 year old girl named Jennifer. Once the complainant and the defendant were communicating, the complainant posed as a friend of the girl from Hartford, and claimed to have been given the defendant's contact information from the Hartford girl.

The first time the complainant communicated with the defendant online was on February 25, 2010, and that conversation only involved the agent asking the defendant what he was doing and the defendant asking who the agent was.

Said reports further indicate the complainant spoke with the defendant on March 3, 2010 for approximately one and one-half hours, and during this conversation, the defendant confirmed that he was speaking with an 14 year old girl and wanted to know about her physical appearance.

Said reports further indicate that the complainant spoke with the defendant again on March 5, 2010. This time, they spoke for approximately two and one-half hours, and the defendant asked "Jennifer" to masturbate and described in detail how he would perform oral sex on her. He also told her that he would like to ejaculate in her during vaginal intercourse. He told her that when she turned 16, she could come and work for him in the summer if she wanted. He also provided his telephone number.

Said reports further indicate that in the subsequent weeks, the complainant had numerous conversations with the defendant in that undercover capacity. On March 10, 2010, the defendant told the complainant that he wanted to perform oral sex on her and told her to masturbate. He asked her if she wanted his "cock" in her and asked her if he could put his "cock" in her while she would "pee."

Said reports further indicate that when "Jennifer" spoke with the defendant on March 20, 2010, the defendant wanted to know if he was turning her on and said that he was scared because of her age. In that conversation, they began discussing the possibility of meeting.

Said reports further indicate that on May 22, 2010, the complainant learned that the defendant had recently moved to the Hartford, Wisconsin, after moving to Wisconsin from the State of Indiana. Leading up to that time, the complainant had had a number of internet chats with the defendant, and there were more than a dozen times that the defendant had attempted to reach "Jennifer" while the complainant was not online.

Said reports further indicate that on May 22, the complainant engaged in an undercover conversation with the defendant, and the defendant made arrangements to meet "Jennifer" at a bowling alley in the Village of Menomonee Falls. The defendant agreed to bring condoms and two Marlboro cigarettes for "Jennifer."

On the evening of May 24, 2010, undercover officers conducted surveillance at the residence of the defendant, and observed him leave his residence and drive to the Menomonee Falls area just after concluding an online communication to "Jennifer." The defendant had provided a description of the vehicle he would be driving, so that "Jennifer" could find him. When the defendant arrived at the bowling alley that was the arranged meeting place, the defendant pulled up to the front entrance and was looking inside, at which point officers took him into custody. In searching the defendant and his vehicle, officers found condoms in the glove compartment and the agreed upon two Marlboro cigarettes on the defendant's person.

Said reports further indicate that the defendant gave a statement which is believed to be reliable inasmuch as it was made contrary to his penal interests. The defendant initially claimed that he just came to Menomonee Falls to hang out and shoot pool or go bowling. He said he was just driving around and wanted to go to a different town, because one place gets boring. The defendant had driven approximately twenty minutes to get from his home to the meeting place. The agent then revealed that he had more information, and it was important for the defendant to be honest. The defendant then said that the girl he was talking to and her boyfriend had asked him for help. He began talking about the girl from Hartford that he had been talking to online and then said that he met a friend of that girl, who was also 13 or 14 years of age. He said that the parents of the girl from Hartford had called the Sheriff about him, because an officer contacted him in Indiana about two to three months ago. The agent then explained that he had information that the defendant was coming to meet an underage girl that night, and after a pause, the defendant said that it was a possibility that he would meet "Jennifer," and that they had arranged to meet at the bowling alley. He said he stopped at the front door of the bowling alley and that it was a possibility that the girl would get into his car. He claimed that he did not know that the condoms were in the car, and that he did not put them in the glove box. He claimed that the car belonged to his mother. He admitted that in his conversations with "Jennifer," the chats turned sexual, but said that they were not sexual to the "full extent." He was shown printouts of some of the internet chats, including ones that had explicit sexual conversations, and admitted that he recognized them and admitted that he had engaged in those conversations.

Said reports further indicate that the defendant further admitted that if he had seen "Jennifer" at the bowling alley, he would have stayed, and he claimed he was not sure what would have happened if she had gotten into the car. He stated that he was not sure whether he would have had oral sex with her. He admitted that the internet chats were graphic, but claimed that "Jennifer" wanted to do all of those things.

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

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Complainant

Subscribed and sworn to before me,  
and approved for filing on:

this \_\_\_\_ day of May, 2010

\_\_\_\_\_  
Assistant/Deputy/District Attorney

State Bar # \_\_\_\_\_

BDS:mk

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