

STATE OF WISCONSIN,

Plaintiff,

-vs-

Brandon E. Glaus
303 Selma Street
Eau Claire, WI 54703
DOB: 05/05/1983
Sex/Race: M/W
Eye Color: Hazel
Hair Color: Brown
Height: 5 ft 11 in
Weight: 140 lbs
DL State/Number: WI G420-0658-3165-07
Alias:

DA Case No.: 2010EC001126
Assigned DA/ADA: Meri C. Larson
Agency Case No.: 094884
Court Case No.:
ATN:

Defendant.

Criminal Complaint

Richard Berg, Court Officer, being first duly sworn, states that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant did, on or about Monday, March 01, 2010, in the City of Eau Claire, Eau Claire County, Wisconsin, having attained the age of 18, knowingly possess photograph(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) and (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 did, on or about Monday, March 01, 2010, in the City of Eau Claire, Eau Claire County, Wisconsin, having attained the age of 18, knowingly possess

photograph(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) and (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.

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Count 3: POSSESSION OF CHILD PORNOGRAPHY

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Count 4: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant did, on or about Monday, March 01, 2010, in the City of Eau Claire, Eau Claire County, Wisconsin, having attained the age of 18, knowingly possess

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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.

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PROBABLE CAUSE:

The complainant is in possession of police reports by DCI Special Agents Jon Spallees and Vern Vandeberg, with the Wisconsin Department of Justice, which form the basis for this complaint.

Special Agent Spallees states that he and other DCI agents, along with Detectives from the Eau Claire Police Department, executed a search warrant at 303 Selma Street in the City and County of Eau Claire on March 3, 2010. Special Agent Spallees eventually made contact with Brandon Glaus who agreed to speak with officers. Glaus advised that he has two computers in his residence and that he uses Lime Wire software to download pornography. Special Agent Spallees showed Glaus a copy of the search warrant affidavit which lists file names that were accessed via Lime Wire on Glaus' computer.

Glaus reviewed those file names and indicated that he recalled the file name at the top of page 14 of the affidavit, specifically, "Church girls gone wild-13 yo down blouse at baseball game-pthc ptsc". Glaus admitted using the search terms "hussy fan", "ray gold", "lolita", "teen", and possibly "pthc". Through his training and experience, Special Agent Spallees is aware that "pthc" stands for pre-teen hardcore. Special Agent Spallees also knows that "hussy fan", "ray gold", and "lolita" are also common search terms used to search for images of child pornography. Glaus said that he has not been on Lime Wire for approximately the past three months. He estimated the oldest image of a naked child either posing or engaging in a sex act was 16 years of age. He said that he estimated that age based on body development of the images that he saw. Glaus estimated that there were between 50-100 images of child pornography on his computer. Glaus agreed that law enforcement may find images on the desk top hard drive of pre-pubescent nude females either engaged in sex acts or posing nude.

Special Agent Spallees turned over the seized computer equipment, which had been recovered from Glaus, to Criminal Analyst Brian Heling. Heling then examined the desk top hard drive belonging to Glaus and showed Special Agent Spallees several images of nude pre-pubescent to early pubescent white females. Criminal Analyst Heling prepared a preview disk of 121 random images of suspected child pornography from Glaus' computer hard drive. Special Agent Spallees then viewed nine images of a white female completely nude in different poses exposing her vagina or genitalia and breasts. That subject appeared to have some breast development and some pubic hair. Through his training and experience, Special Agent Spallees believes that the female was early pubescent. The term "pubescent" indicates development typically seen in children ages 11-16.

Special Agent Spallees also observed an image of two young females wearing pink panties. One of the females was pouring some type of fluid on the back of the second female. The female with the substance being poured on her back had her buttocks exposed with her panties pulled down to the lower area of the buttocks. The other female was wearing only pink panties and was positioned with her right side facing the camera and her right breast area exposed. Both subjects appeared to be either pre-pubescent or pubescent. Another image Special Agent Spallees observed was a naked white female positioned on her back with her vagina and anus exposed to the camera. The female's feet were extended above her head in a "V" shape, exposing her genitalia and buttocks. He noted there appeared to be no pubic hair and very little breast development. Special Agent Spallees estimated the subject to be either a pre-pubescent or early pubescent female.

Another image Special Agent Spallees observed was of a white female wearing white panties with no other clothing. The child was posed in several different positions in different images with her breast area exposed. Special Agent Spallees noted very little to any breast development. That image appeared to be a pre-pubescent to very early pubescent child.

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 4th day of March, 2010.

Complainant

Assistant District Attorney

MCL #1006680/jan