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State of Wisconsin

Circuit Court

Outagamie County

STATE OF WISCONSIN

Plaintiff,

-vs-

DA Case No.: 2010OU003845

Assigned DA/ADA: Andrew J. Maier

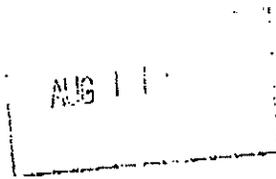
Agency Case No.: 10-1038

Court Case No.:

ATN:

10 cm 949

Eric M. McKee  
734 Chapel View Road #4  
Green Bay, WI 54311  
DOB: 10/09/1987  
Sex/Race: M/W  
Eye Color: Brown  
Hair Color: Brown  
Height: 5 ft 9 in



Defendant,

CLOCK

Criminal Complaint

Dee Lynne Jamer, being first duly sworn, states that:

**Count 1: COMPUTER MESSAGE-THREATEN/OBSCENITY**

The above-named defendant on or about Wednesday, February 17, 2010, in the City of Appleton, Outagamie County, Wisconsin, did with intent to abuse another person, sent a message to a 16-year old female on an electronic mail or other computerized communication system and in that message used obscene language or suggested a lewd or lascivious act, contrary to sec. 947.0125(2)(c), 939.51(3)(b) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

**PROBABLE CAUSE:**

AND PRAYS SAID DEFENDANT BE DEALT WITH ACCORDING TO LAW; AND THAT THE BASIS FOR THE COMPLAINANT'S CHARGE OF SUCH OFFENSE IS AS FOLLOWS:

Complainant is an officer with the Outagamie County Sheriff's Department and, in that capacity, has reviewed the reports of Special Agent Joy of the Wisconsin Department of Justice who is believed to be truthful and reliable as a sworn law enforcement officer. This complaint is further based upon the statements of Eric McKee which are believed to be accurate and reliable as they were made against his own penal interests.

On Monday, April 27, 2010, S/A Joy reviewed CyberTip #797041, which had previously been disseminated to the Wisconsin Department of Justice from the National Center for Missing and Exploited Children (NCMEC). In the CyberTip, MyYearbook.com reported that on 02/17/2010, a MyYearbook agent had received a report from a 22 year old male MyYearbook member (screen name "eric mckee"), stating that an 18 year old female MyYearbook member (screen name "Aims;BBY: =)") was, in actuality, under the age of 18. This prompted a review of the instant message transcript reported, where MyYearbook staff discovered that the reported party (the 18 year old female, Aims;BBY: =)) admitted to being 16 years old.

8/11/2010

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S/A knows that MyYearbook is an online Internet Social Networking Site similar to well known sites like MySpace and Facebook which allows members to chat and send messages to each other through the site.

Upon further review, MyYearbook staff discovered that the 22 year old male had initiated sexually explicit dialogue with the juvenile female. "*Aims;BBY: =)*" listed her age as 18 when the correspondence between *eric mckee* and *Aims;BBY: =)* took place. However, the *Aims;BBY: =)* told *eric mckee* that she is 16 years old. Despite this, *eric mckee* continues to engage in sexually explicit conversation with *Aims;BBY: =)*.

In searching by *eric mckee*'s IP address in MyYearbook member base, MyYearbook staff found one additional profile. Both profiles used the same password and IP address. The suspect is known as Eric McKee.

MyYearbook provided the following suspect information:

MyYearbook profile name: *eric mckee*  
MyYearbook user ID: 25486121  
Date of birth: 1987-10-09  
Age: 22  
Zip: 54911  
City: Appleton  
State: Wisconsin  
e-mail: *crazyeys1@aim.com*  
password: password11  
date joined MyYearbook.com: 2010-01-31  
Last IP address: 24.163.130.81

MyYearbook profile name: *eric mckee*  
MyYearbook user ID: 3738893  
Date of birth: 1987-10-09  
Age: 22  
Zip: 54302  
City: Green Bay  
State: Wisconsin  
School: Preble High School, Green Bay, WI  
e-mail: *atvracer1111@yahoo.com*  
password: password1  
date joined MyYearbook.com: 2007-09-05  
Last IP address: 24.163.130.81

MyYearbook provided the instant message transcript, as well as private message correspondence between McKee and the victim, which are attached to this complaint as ATTACHMENT A (instant message transcript) and ATTACHMENT B (private message correspondence).

MyYearbook provided IP logs for the suspect accounts. S/A Joy knows that an IP log is a record kept by websites which shows the internet address of a computer accessing the website. An IP address is assigned to individual users or account holders and is normally

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the same for a particular user for an extended period of time unless an internet modem or other access point is reset, causing a new IP address to be assigned to the account holder. As a result, S/A Joy knows that determining the assigned account holder for a particular IP address is a reliable manner in determining whose computer accessed a particular website at a particular time. S/A Joy also knows that mobile phones with internet access connect to websites via an IP address known to the mobile phone provider. The IP logs from MyYearbook for the suspect accounts for the relevant dates contained the following information:

<u>Date</u>	<u>Time (ET)</u>	<u>IP address</u>
2010-02-16	23:50:57	24.163.130.81
2010-02-16	23:19:23	206.53.153.225
2010-02-14	10:45:11	174.103.234.217
2010-02-14	10:30:40	206.53.157.39
2010-02-10	03:46:33	206.53.147.130
2010-01-25	01:57:12	24.163.130.81
2010-01-24	12:09:50	174.103.234.217
2010-01-22	14:06:24	24.166.141.183

S/A Joy subsequently conducted a Whois database search on the IP addresses observed that are associated with account logins for Eric McKee. This is a search utilizing a registry of all assigned IP addresses, which allows individuals to determine the internet service provider for a particular IP address. The results of the Whois database search of the IP addresses listed in the MyYearbook IP log were as follows:

<u>IP address</u>	<u>Internet Service Provider</u>
24.163.130.81	Roadrunner
206.53.153.225	Research In Motion Limited
174.103.234.217	Roadrunner
206.53.157.39	Research In Motion Limited
206.53.147.130	Research In Motion Limited
24.166.141.183	Roadrunner

On Tuesday, May 25, 2010, Court Commissioner Brian G. Figy, Outagamie County, authorized the following subpoenas associated with the CyberTip:

- Research In Motion Limited:
  - IP addresses 206.53.153.225; 206.53.157.39; 206.53.147.130
- AOL:
  - E-mail address crazyeys1@aim.com
- Yahoo:
  - E-mail address atracer1111@yahoo.com
- Time Warner Cable:
  - IP addresses 24.163.130.81; 174.103.234.217; 24.166.141.183

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On Thursday, June 3, 2010, S/A Joy received, via fax, a subpoena response from Time Warner Cable regarding IP addresses which had been associated with account logons for the MyYearbook account of "eric mckee."

IP addresses 24.163.130.81 and 24.166.141.183:

Name: Ken W. Malvitz

Address: W3130 E. Broadway Drive, Trailer 204, Appleton, WI 54913-7712

Phone: 920-858-0952

User Name: KMALVITZ3@new.rr.com

Length of Service: 01/12/2010 – Present

IP address 174.103.234.217:

Name: Justin R. Hughes

Address: 734 Chapel View Road, Apt. 11, Green Bay, WI 54311-7694

Phone: 920-406-8029, 920-360-2550

User Name: JHUGHES6@new.rr.com

Length of Service: 02/28/2008 – Present

S/A Joy conducted a background check on Kenneth W. Malvitz and learned that he was under supervision by the Wisconsin Department of Corrections – Division of Community Corrections (Appleton, WI) for prior Cause Child 13-18 to View Sex. Activity and Exposing Genitals to Child convictions. S/A Joy contacted the Wisconsin Department of Corrections – Division of Community Corrections and learned that as conditions of Malvitz's supervision, Malvitz had been ordered to not have a computer or have contact with an individual named Eric M. McKee. Arrangements were made by the Wisconsin Department of Corrections – Division of Community Corrections to conduct a search of Malvitz's residence as part of the normal practice of the Wisconsin Department of Corrections – Division of Community Corrections.

On Tuesday, June 15, 2010, agents from the Wisconsin Department of Corrections – Division of Community Corrections conducted a search at W3130 E. Broadway Drive, Lot 204, Township of Freedom, Outagamie County, WI, the residence of Kenneth W. Malvitz. Agents made contact with Malvitz on the front porch area, at which time Malvitz stated that McKee was currently in the residence. A protective sweep of the residence identified McKee within the rear bedroom.

S/A Joy, who was present at the residence, made arrangements with the defendant to interview him at the McDonald's restaurant, located at 300 Moasis Drive, Little Chute, Outagamie County, Wisconsin.

Division of Community Corrections agents seized a laptop computer during a search of the residence. The defendant identified the laptop as his, and indicated that he utilized the laptop to access the internet via wireless internet access at Malvitz' trailer.

McKee stated that he maintains profiles on Internet social networking sites Facebook, MyYearbook, and MySpace. McKee stated that he has several MyYearbook profiles. McKee identified his e-mail addresses as atvracer1111@yahoo.com and crazyeys1@aim.com.

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S/A Joy explained the basic elements of the CyberTip which was being investigated, in which social networking site MyYearbook identified a profile being used to send an explicit/threatening message to a 16 year old female. S/A Joy provided McKee with the MyYearbook Chat, and inquired if McKee recalled having the aforementioned chat conversation. Ultimately, McKee stated that he was responsible for the chat conversation.

McKee stated that he has had approximately 10 to 15 sexually explicit conversations with persons under the age of 18 via MyYearbook or Yahoo Chat/instant message.

S/A Joy inquired if McKee would authorize a consent search of McKee's online accounts in order for S/A Joy to search for evidence of illegal activity or evidence of ongoing illegal activity. McKee agreed to authorize a consent search of his Yahoo, MySpace, and Facebook accounts, and subsequently provided S/A Joy with the associated passwords.

On Tuesday, June 15, 2010, while at the Appleton DCI office, S/A Joy accessed the following accounts belonging to Eric M. McKee:

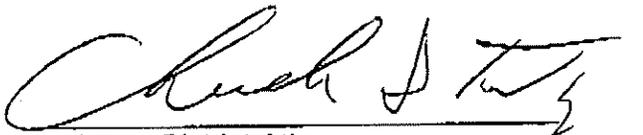
- Yahoo: atvracer1111@yahoo.com
- MySpace: crazyeys1@aim.com
- Facebook: atvracer1111@yahoo.com

Within the MySpace account, S/A joy observed amongst the numerous mail messages three messages that occurred between McKee and 11, 12, and 13 year old females. The messages were threatening/annoying, or implied that McKee wished to have a relationship with the females. All were similar in nature to the conversations with *Aims;BBY; =>* attached to this criminal complaint at Attachments A and B, which are incorporated herein by reference.

Agents with the Wisconsin Department of Justice commenced a forensic examination of the laptop, and the results of said examination are pending.

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

This 11<sup>th</sup> day of August, 2010

  
Assistant District Attorney  
State Bar No. 1034922 for Assigned DA/ADA

  
Complainant

ATTACHMENT A

copy of instant message correspondence suspect had with victim 1.

\*\* Read dialogue from top down

IM Transcript of conversation that took place:

eric mckee (25486121): hi  
Aims;BBY: =) (3671235): hi  
eric mckee (25486121): r u single  
Aims;BBY: =) (3671235): something like that  
eric mckee (25486121): u there  
Aims;BBY: =) (3671235): yup  
eric mckee (25486121): im not old hun  
Aims;BBY: =) (3671235): well im 16 and your what 22 thats 6 years older then me  
eric mckee (25486121): so what thats normal  
Aims;BBY: =) (3671235): really?  
eric mckee (25486121): yes  
eric mckee (25486121): my parents are 10 years apart  
eric mckee (25486121): and my friends parents are 8  
Aims;BBY: =) (3671235): oh...  
eric mckee (25486121): yea  
eric mckee (25486121): u got a cell  
Aims;BBY: =) (3671235): okay.. yeah  
eric mckee (25486121): can i get it  
Aims;BBY: =) (3671235): get what  
eric mckee (25486121): number  
Aims;BBY: =) (3671235): um i dont knoe  
Aims;BBY: =) (3671235): know  
eric mckee (25486121): please ill only txt u  
Aims;BBY: =) (3671235): umm... ldk  
eric mckee (25486121): where u live  
Aims;BBY: =) (3671235): um milwaukee  
eric mckee (25486121): ok  
eric mckee (25486121): what u wearin  
Aims;BBY: =) (3671235): my clothes  
eric mckee (25486121): ic  
Aims;BBY: =) (3671235): yeah  
eric mckee (25486121): u should give me a chance  
Aims;BBY: =) (3671235): give youh a chance?  
eric mckee (25486121): and give me ur number  
Aims;BBY: =) (3671235): idk  
eric mckee (25486121): r u a virgin  
Aims;BBY: =) (3671235): no  
eric mckee (25486121): u wish u were  
Aims;BBY: =) (3671235): no  
eric mckee (25486121): u want me  
Aims;BBY: =) (3671235): no  
Aims;BBY: =) (3671235): what are you talking about do i want you  
eric mckee (25486121): ride my hudge cock  
eric mckee (25486121): its the biggest uve ever seen  
Aims;BBY: =) (3671235): hahahahaha youh disgusting  
Aims;BBY: =) (3671235): and are youh white?  
eric mckee (25486121): yes

**Aims;BBY: =) (3671235):** haha ive seen bigger white guys aint ask big as purtaricans  
**eric mckee (25486121):** 9in 5.5 around  
**Aims;BBY: =) (3671235):** hahhaha do I care I didnt think so your a pig man, talking to a  
16 year old like this  
**eric mckee (25486121):** guess what miss Im with the state patrol  
**eric mckee (25486121):** and u will be reported to myyearbook  
**Aims;BBY: =) (3671235):** what the fuck are you talking about  
**eric mckee (25486121):** it is against the law to have one of these pages untill ur 18  
**eric mckee (25486121):** im a detective  
**eric mckee (25486121):** working on underage cases  
**Aims;BBY: =) (3671235):** ok. well I dont see what im doing bad  
**eric mckee (25486121):** ur not 18  
**Aims;BBY: =) (3671235):** okay. well if youh have to be 18 why do all kinds of 16 years  
old have one and it says 16? jw  
**eric mckee (25486121):** they have limited profiles they cant do as much as as a regular  
page  
**eric mckee (25486121):** they only can talk to people there age  
**eric mckee (25486121):** stuff like that  
**Aims;BBY: =) (3671235):** okay??  
**eric mckee (25486121):** and ur lieing about ur age  
**eric mckee (25486121):** so i think u should b nice to me  
**Aims;BBY: =) (3671235):** be nice to youh?  
**eric mckee (25486121):** yes  
**Aims;BBY: =) (3671235):** are youh sure youh say what you are?  
**eric mckee (25486121):** im sure  
**Aims;BBY: =) (3671235):** ok.  
**eric mckee (25486121):** badge # 4626  
**Aims;BBY: =) (3671235):** okay? i guess?  
**eric mckee (25486121):** so u gona b nice  
**eric mckee (25486121):**well  
**Aims;BBY: =) (3671235):** sure  
**Aims;BBY: =) (3671235):** why not  
**eric mckee (25486121):** get ur number  
**Aims;BBY: =) (3671235):** nooooooooooooo..... youh cant ask me for that  
**Aims;BBY: =) (3671235):** your over age. and im 16. if youh say you a whatever youh  
wouldnt ask an under age kid for her number  
**eric mckee (25486121):** Im reporting u miss  
**Aims;BBY: =) (3671235):** okay  
**Aims;BBY: =) (3671235):** and i can report you for talking to a under age girl like youh  
just did  
**eric mckee (25486121):** I can Its my job  
**eric mckee (25486121):** ill be incontact with ur parents in next week

ATTACHMENT B

copy of private message correspondence suspect had with victim 1 between 01:31 PM and 02:02 PM on 02-17-2010.

\*\* Read dialogue from bottom up

---

Header Id: 7c01f186-a493-4dc9-b19a-f0ddde1b2d4a

Date: 2010-02-17 02:02:19

From: Aims;BBY: (=) [Age: 18] ([REDACTED]-adminblock / 3671235)

To: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

Subject: hey

Body:

ummm idk

---

Header Id: 245d96c9-81a2-4357-a69b-e3f5f0c7dd85

Date: 2010-02-17 01:59:42

From: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

To: Aims;BBY: (=) [Age: 18] ([REDACTED]-adminblock / 3671235)

Subject: hey

Body:

so I like younger do u like older

---

Header Id: 1aa56a61-7b7c-4431-89cf-e6c8a60a5cae

Date: 2010-02-17 01:58:25

From: Aims;BBY: (=) [Age: 18] ([REDACTED]-adminblock / 3671235)

To: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

Subject: hey

Body:

your old lol. im 16

---

Header Id: d61ba311-c9a0-4a25-81be-2f19535046ce

Date: 2010-02-17 01:56:49

From: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

To: Aims;BBY: (=) [Age: 18] ([REDACTED]-adminblock / 3671235)

Subject: hey

Body:

whats wrong

---

Header Id: 13f085d4-567e-4a08-a433-563cd2536eb1

Date: 2010-02-17 01:55:41

From: Aims;BBY: =) [Age: 18] ([REDACTED]-adminblock / 3671235)

To: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

Subject: hey

Body:

holy crap

---

Header Id: 1102dcab-7e20-4032-85c1-1cd4abd0ccec

Date: 2010-02-17 01:54:36

From: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

To: Aims;BBY: =) [Age: 18] ([REDACTED]-adminblock / 3671235)

Subject: hey

Body:

22 i dont lie ever

---

Header Id: 1f4cc10b-ed31-4b9a-8ff7-3fce288496ba

Date: 2010-02-17 01:48:19

From: Aims;BBY: =) [Age: 18] ([REDACTED]-adminblock / 3671235)

To: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

Subject: hey

Body:

well how old are you and dont lie

---

Header Id: bb122661-bc8f-4be1-a5e5-a92a2c620b9a

Date: 2010-02-17 01:47:01

From: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

To: Aims;BBY: =) [Age: 18] ([REDACTED]-adminblock / 3671235)

Subject: hey

Body:

well what is ur yahoo and it b nice for ur number so we could txt

---

Header Id: 7ac190d0-400b-4a2d-a30e-32c0b73973d3

Date: 2010-02-17 01:41:43

From: Aims;BBY: =) [Age: 18] ([REDACTED]-adminblock / 3671235)

To: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

Subject: hey

Body:

ummm I dont have a aim. i have a yahoo. but dont go on it and i really dont know youh to give youh my number

---

Header Id: bd336869-25c5-4bfd-a9c7-983bf95424f0

Date: 2010-02-17 01:31:58

From: eric mckee [Age: 22] ( crazyeys1@aim.com-adminblock / 25486121)

To: Aims;BBY: =) [Age: 18] ([REDACTED]-adminblock / 3671235)

Subject: hey

Body:

how r u do u have aim or yahoo or can i get ur number id like to get to know u