

State of Wisconsin

Circuit Court

Waupaca County

STATE OF WISCONSIN

Plaintiff,

-vs-

COPY

Revis D. Engle
N1499 CTH E
Waupaca, WI 54981
DOB: 09/14/1990
Sex/Race: M/W
Alias:

FILED
MAY 03 2011
WAUPACA COUNTY COURTS
TERRIE J. TEWS

Criminal Complaint

Defendant,

Court Case #: 11 CF 75

DA Case #: 2011WP000586
Agency Case Number: 10-612
DA/ADA Assigned: Brenda S. Freeman

JUDGE ASSIGNED: Judge Kirk

Sgt. Susan Jytie, Waupaca County Sheriff's Department,
being first duly sworn, states that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or between June 30, 2009 and September 25, 2010, in the Town of Lind, Waupaca County, Wisconsin, did, 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)&(3)(a), 939.50(3)(d) Wis. Stats.

(PENALTY: Upon conviction for this offense, a Class D Felony, the defendant 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.)

STATE OF WISCONSIN - VS - Revis ngle

Count 2: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or between June 30, 2009 and September 25, 2010, in the Town of Lind, Waupaca County, Wisconsin, did, 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)&(3)(a), 939.50(3)(d) Wis. Stats.

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Count 3: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or between June 30, 2009 and September 25, 2010, in the Town of Lind, Waupaca County, Wisconsin, did, 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)&(3)(a), 939.50(3)(d) Wis. Stats.

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Count 4: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or between June 30, 2009 and September 25, 2010, in the Town of Lind, Waupaca County, Wisconsin, did, 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)&(3)(a), 939.50(3)(d) Wis. Stats.

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STATE OF WISCONSIN - VS - Revising

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 5: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or between June 30, 2009 and September 25, 2010, in the Town of Lind, Waupaca County, Wisconsin, did, 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)&(3)(a), 939.50(3)(d) Wis. Stats.

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Count 6: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or between June 30, 2009 and September 25, 2010, in the Town of Lind, Waupaca County, Wisconsin, did, 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)&(3)(a), 939.50(3)(d) Wis. Stats.

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STATE OF WISCONSIN - VS - Revis Engle

Count 7: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or between June 30, 2009 and September 25, 2010, in the Town of Lind, Waupaca County, Wisconsin, did, 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)&(3)(a), 939.50(3)(d) Wis. Stats.

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PROBABLE CAUSE:

This complaint is filed on information and belief based upon reports and statements compiled by the Wisconsin Department of Justice, Division of Criminal Investigation and the Waupaca County Sheriff's Department.

On August 31, 2010, Special Agent Matthew D. Joy of the Wisconsin Department of Justice, Division of Criminal Investigation, and Det. Sgt. James Gorman of the Waupaca County Sheriff's Department, along with Criminal Analyst Tobias G. Carlson, met at the Waupaca County Sheriff's Department anticipating a consent search and/or interview at N1499 CTH E, in the Township of Lind, County of Waupaca, State of Wisconsin, known to be the residence of Kurt D. Engle. Special Agent Joy wished to speak with the residents at N1499 CTH E regarding the use of e-mail address missybaker14@live.com, which had been identified by State of Oregon law enforcement as an e-mail address that had sent and/or received child pornography files with an individual in the State of Oregon. Further investigation of the e-mail address missybaker14@live.com identified that the e-mail account had been created and logged onto at N1499 CTH E during 2009.

Further, at approximately 9:35 a.m., Special Agent Joy, Det. Sgt. Gorman and Criminal Analyst Carlson arrived at N1499 CTH E. Special Agent Joy and Det. Sgt. Gorman approached the residence, at which time Special Agent Joy knocked on the interior front door. The door was answered by a juvenile female, later identified as S.E.E. Special Agent Joy displayed credentials, and identified Special Agent Joy as a "police investigator," with the "state police." Special Agent Joy inquired of S.E.E.'s father or an older sibling was home. S.E.E. stated that her "oldest brother," was home, and stated she would notify her oldest brother of law enforcement presence at the residence. S.E.E. returned inside the residence and shortly thereafter returned to the front door, at which time she indicated that her oldest brother would be down shortly. Special Agent Joy inquired if Special Agent Joy and Det. Sgt. Gorman could enter the residence while they waited for her brother. S.E.E. stated that Special Agent Joy and Det. Sgt. Gorman could enter the residence. Special Agent Joy and Det. Sgt. Gorman entered the living room area, at which time Special Agent Joy observed a male, later identified as the defendant, Revis D. Engle (d.o.b. 09/14/90), walk down the stairs and into the living room area. Special Agent Joy informed the defendant that he wished to speak with the defendant regarding an ongoing investigation. The defendant stated he knew

STATE OF WISCONSIN - VS - Revis^{ngle}

why law enforcement officers were present at the residence. The defendant stated it was due to the "illegal things," which the defendant had been doing on the computer. Special Agent Joy informed the defendant he was not under arrest, but that Special Agent Joy wished to speak with the defendant regarding the information which had been received by Special Agent Joy in an attempt to resolve the matter. The defendant stated he would be willing to speak with Special Agent Joy and Det. Sgt. Gorman, and subsequently lead law enforcement officers to the rear porch area where the defendant provided chairs for Special Agent Joy, Det. Sgt. Gorman and the defendant to seat themselves.

Further, during the interview, the defendant authorized consent to search of the desktop computer and laptop computer hard drives which were located at N1499 CTH E, the objects of the search being contraband files including child pornography. Special Agent Joy completed the consent to search form, which the defendant read. Special Agent Joy asked the defendant to read aloud the last paragraph stating that the defendant understood that he had the right to refuse to consent to the search. The defendant read the paragraph in the presence of Special Agent Joy and Det. Sgt. Gorman, and subsequently signed the consent to search form.

Further, Special Agent Joy had contact with Criminal Analyst Carlson, and informed Criminal Analyst Carlson that a consent search had been authorized for the defendant's residence computers. Criminal Analyst Carlson subsequently entered the residence and removed the desktop computer tower. A preview of the desktop computer hard drive, a Western Digital Caviar 40GB Hard Drive, identified one image and one video file which were sexually explicit depictions of children. Pursuant to Criminal Analyst Carlson's discovery of the contraband files, the Western Digital Caviar 40GB Hard Drive was seized pursuant to the defendant's consent search.

Further, the defendant stated he had previously engaged in chats with "underage girls" using MSN and Yahoo chat. The defendant identified his e-mail addresses at rev_13@hotmail.com (password "ironman") and refusrev13@yahoo.com. The defendant stated that there are three computers located at the residence, including the primary desktop computer located in the living room area, a laptop computer with a malfunctioning hard drive, and an old desktop computer that has not been used for many years. The defendant stated he has resided at N1499 CTH E for approximately 12 years.

Further, the defendant stated he has obtained pictures of underage girls, including between the ages of 15 and 19, using picture sharing and e-mail. Special Agent Joy inquired as to what e-mail address the defendant may have used to exchange child pornography files. The defendant stated that he could not recall as he had not used the e-mail address in a very long time. Special Agent Joy inquired if the e-mail address might have been missybaker14@live.com. The defendant stated that that may have been the e-mail address. The defendant subsequently authorized a consent search of the desktop and laptop computer hard drivers, the focus of the search being child pornography files. The defendant stated that he engaged in no "illegal" activities using his Facebook or MySpace accounts, and stated that most of the underage females with whom he had chatted had been met using Tagged. The defendant stated that if he observed a cute girl, he would send her a message and engage in correspondence. The defendant stated that he never met anybody in person and that he traded pictures only, no videos.

Further, the defendant stated he had maintained another e-mail account, believed to be a Yahoo account, in which the defendant posed as a 19 to 20 year old female. The defendant stated that with the missybaker14@live.com account, he was posing as a teenaged female. The defendant stated that ultimately, there were probably 20 or so individuals with whom the defendant had either traded images or received images. The defendant stated he had been struggling to stop being involved with trading images and stated that he had not done it for quite some time. The defendant reiterated that it never went "past" the Internet, and that he had never met anyone off line. The defendant stated that only when he received images through instant messaging/picture sharing did he save the images to a folder on the computer. Otherwise, the defendant stated that the majority

STATE OF WISCONSIN - VS - Revis Engle
of the images which he had traded were maintained in his e-mail account, and more specifically the rev_13@hotmail.com account. The defendant stated that he uses Microsoft Live, which allows him to move e-mails between his multiple e-mail accounts. The defendant stated that he had created "recipes" and a "pics" folder in his rev_13@hotmail.com account and that he had moved e-mails with image attachments from the missybaker14@live.com account to the pics folder in the rev_13@hotmail.com account using Microsoft Live. The defendant stated that the majority of the images which he traded were of girls posing, and may have contained nudity. The defendant stated that he believed the youngest female depicted in any of the images which he had received was approximately 14 years old. The defendant stated the images which the defendant sent were maintained in a folder in which were approximately 15 pictures, and which were of females exposing their "boobs" or "thong picks."

Further, subsequent to being interviewed, Special Agent Joy informed the defendant that the desktop hard drive would be seized as two contraband file/files of interest had been observed. The defendant stated he was aware that this might happen and stated, "I did it." Special Agent Joy informed the defendant that the hard drive would be taken to a forensic lab pending further examination and that Special Agent Joy would contact the defendant after the examination had been completed. Special Agent Joy informed the defendant that at a date deemed applicable by Special Agent Joy regarding the ongoing investigation would be provided to the Waupaca County District Attorney's Office for prosecutorial review.

Further, on October 28, 2010, Special Agent Joy received, via e-mail, a subpoena response from Microsoft regarding e-mail address rev_13@hotmail.com. The e-mail address rev_13@hotmail.com had been identified as the e-mail address of Revis D. Engle, the defendant, which the defendant stated had been used to store e-mails which may have contained child pornography attachments.

Further, on September 2, 2010, Special Agent Joy had faxed a preservation letter to Microsoft regarding e-mail address rev_13@hotmail.com, and the warrant had been authorized and faxed on October 16, 2010. Therefore, in response to the warrant, Microsoft provided account information as of September 2, 2010 (preservation request) and October 15, 2010 (warrant). Microsoft provided user information, history information (IP logs) and account e-mails and e-mail attachments. The following information was provided/observed:

User info: Lot in: rev_13@hotmail.com;
First Name: Rev
Last Name: Engle
State: Wisconsin
ZIP: 54981
Country: U.S.
Registered from IP: 66.168.4.30
Date Registered (Pacific): 11/13/2007 at 4:08:51 p.m.

IP History information showed that between July 5, 2010 and August 21, 2010, the account was logged on to primarily from IP address 68.191.164.183,

Further, the defendant had been interviewed by law enforcement on August 31, 2010. IP log information revealed that on September 2, 2010 the account was logged on to from IP address 96.40.250.224. The account was next logged on to on September 25, 2010, from IP addresses 189.177.116.64 and 200.125.114.196.

Further, as of the date of the preservation request, 763 messages were located in the "Active" e-mail folder and 97 e-mails were located in the "my Pics" e-mail folder. As of the date of the warrant authorization, 232 messages were observed in the "Active" e-mails folder and six e-mails were identified in the "My Pics" e-mail folder.

STATE OF WISCONSIN - VS - Revis'ingle

Further, Special Agent Joy conducted a review of the e-mail attachments and identified approximately 354 image files that were of pubescent females (teenaged and older) which were of the girls in various states of undress, including nude. Many of the images appeared to be taken by the girls, who are posing. Some of the images are sexually explicit in that the girl's mouths are observed placed on penises or with ejaculate on their mouths.

Further, the following is a description of one image attachment, titled "13_cd." In this image, a pre-pubescent girl and pubescent boy who is under the age of 18, are both nude and on a bed. The boy is supported on his knees while the girl is seated, her body facing the camera, her legs opened and exposing her genital area. The girl's head is turned towards the boy, her mouth is placed on the boy's erect penis. The girl exhibits no breast development.

Further, in addition, one video, titled "12yo1_touching_self" was observed as an e-mail attachment. This video is approximately 35 seconds in length, and is of a girl in the early stages of puberty, exhibiting some breast development, who is nude and seated on a chair. A blanket covers a portion of the girl's legs. The girl's hands are placed on her genital area, and she is moving in a back and forth motion over her genital area. The girl is facing the camera.

Further, Special Agent Joy prepared a disc containing image and video attachments to be sent to the National Center for Missing and Exploited Children – Child Victim Identification Program.

Further, in addition, within the e-mails, Special Agent Joy observed approximately 22 e-mails which contained e-mail attachments of the defendant, nude, his penis visible. The images are a series of images of the defendant, culminating with images of the defendant nude, as well as images of an erect penis. Special Agent Joy subsequently prepared a CD containing the information which had been received from Microsoft via secure e-mail.

Further, on December 7, 2010, Special Agent Joy mailed, via registered mail, a CD containing pornographic image and video files to the National Center for Missing and Exploited Children (NCMEC) – Child Victim Identification Program (CVIP) for review. The image and video files had been observed as e-mail attachments associated with e-mail address rev_13@hotmail.com, the e-mail address of the defendant. Special Agent Joy submitted the e-mail attachments to the NCMEC CVIP for review to determine if any of the individuals depicted in the files were child victims known to law enforcement.

Further, on Friday, March 11, 2011, Special Agent Joy received, via e-mail, a report from the NCMEC - Exploited Child Division. Special Agent Joy had previously provided NCMEC with a disc containing images/videos of child pornography to be compared with the Child Recognition and Identification System at NCMEC's Child Victim Identification Program (CVIP) in an effort to identify known child victims. The CVIP report identified that the submitted files were compared with NCMEC's Child Recognition and Identification System and that there were several files that appeared to contain child victims who had been identified by law enforcement. The following series were identified: BluePillow, Golden Angel, Hawaiian Purple, Helen, JADE & MATT, Sabban and Sisters. Special Agent Joy subsequently viewed the e-mail image attachments which had been provided to Special Agent Joy via a Microsoft warrant. The following is a description of the series images:

BluePillow: These are a series of images which are attached to an e-mail sent from e-mail address ash97ash@live.com to e-mail address sarapeterson14@hotmail.com on April 28, 2010. The images are of a girl in the early stages of puberty wearing a bra and underwear, lying on a bed. In the images, the girl is posing, and in some of the images the girl's bra or underwear are removed, exposing her breasts and genital area. The girl has little breast development and no pubic hair.

STATE OF WISCONSIN - VS - Revis Angle

Golden Angel: This e-mail image attachment was identified associated with six different e-mails. This is an image of a girl in the early stages of puberty, nude, lying on a bed, her breasts and genital area exposed. The girl has very little breast development and no pubic hair. The girl's mouth is observed placed on a penis of a male who is lying next to her; the male's hand is observed placed atop of the girl's head.

Hawaiian Purple: These two images were observed as e-mail attachments in an e-mail sent from samcoop@hotmail.co.uk to sarahpeterson14@hotmail.com on May 11, 2010. In the image titled "meonbedlegsopen.jpg," a girl in the early stages of puberty is observed lying on a bed, nude, on her back, her hands placed behind her head. The girl's legs are opened, exposing her genital area. The girl has no pubic hair. In the next image, the girl was observed standing, nude, her side/back to the camera, her buttocks visible. The girl is standing in room with a bookshelf. The girl's breasts are not visible.

Helen: These images were associated with multiple e-mails. They are images of a prepubescent girl, with only the girl's mid-section visible. The girl is nude, her genital area is exposed. The girl has no pubic hair. An erect penis is observed placed in the girl's anus.

JADE&MATT: This image is associated with multiple e-mails, and is an image of a boy and girl, nude, both pubescent. The boy is observed on the girl's right side, with his right hand placed on the girl's genital area. The girl and boy are kissing, and facing the camera. The girl has little breast development.

Sabban: This image is associated with multiple e-mails, and is an image of a nude boy and girl. The boy is kneeling on a bed, while the girl is seated next to him on the bed. The girl's body is facing the camera, her legs are open, exposing her genital area. The girl has no breast development or pubic hair. The girl's mouth is placed on the boy's erect penis. The boy is pubescent and has pubic hair.

Sisters: This image is associated with multiple e-mails, and is an image of a pubescent girl, nude, visible from the waist up. The girl has breast development and is standing in a room facing the camera.

Subscribed and sworn to before me and
Approved For Filing on April 2, 2011.
may

District Attorney John P. Snider
State Bar I.D. #: 1014726
Assistant District Attorney
State Bar I.D. #:
 James H. Fassbender - 1005629
 Vicki L. Clussman - 1010669
 Brenda S. Freeman - 1026150

Sgt Susan K. Dettie
Complainant