

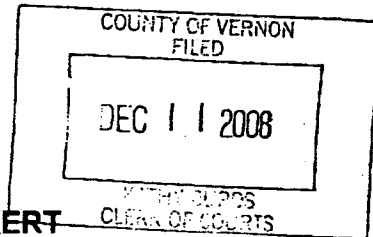
STATE OF WISCONSIN

CIRCUIT COURT

VERNON COUNTY

THE STATE OF WISCONSIN
Plaintiff,

-vs-



AMENDED
CRIMINAL COMPLAINT

STEVEN M. WICKERT
d.o.b. 06-17-1979
1084 Velsen Road
Green Bay, WI 54313
Defendant,

Case No. 08 CF 101

Mark Rahr, Chief of Police for the City of Viroqua, being first duly sworn, says that on the dates stated below, in the City of Viroqua, Vernon County, Wisconsin, the defendant did:

COUNT 1: On August 15, 2008, attempt to cause a child who had not attained 18 years of age to view sexually explicit conduct, contrary to:

Wisconsin Statute **948.055(1), 948.055(2)(b), 939.32, 939.62(1)(b)** – **ATTEMPT TO CAUSE A CHILD TO VIEW SEXUAL ACTIVITY, AS A REPEATER;** A class "H" felony punishable by a maximum penalty of 3 years of imprisonment and a \$5,000.00 fine. And further, because the defendant is a repeat offender, the maximum term of imprisonment for the underlying crime may be increased by not more than 4 years.

COUNT 2: On September 18, 2008, attempt to cause a child who had not attained 18 years of age to view sexually explicit conduct, contrary to:

Wisconsin Statute **948.055(1), 948.055(2)(b), 939.32, 939.62(1)(b)** – **ATTEMPT TO CAUSE A CHILD TO VIEW SEXUAL ACTIVITY, AS A REPEATER;** A class "H" felony punishable by a maximum penalty of 3 years of imprisonment and a \$5,000.00 fine. And further, because the defendant is a repeat offender, the maximum term of imprisonment for the underlying crime may be increased by not more than 4 years.

COUNT 3: On July 31, 2008, with knowledge of the character and content of the description or narrative, attempt to verbally communicate, by any means, a harmful description or narrative account to a child, contrary to:

Wisconsin Statute **948.11(2)(am)1, 939.32(1)(bm), 939.62(1)(a)** – **ATTEMPT TO EXPOSE A CHILD TO HARMFUL MATERIAL, DESCRIPTIONS OR NARRATIONS, AS A REPEATER;** A class "A" misdemeanor punishable by a maximum penalty of 9 months of imprisonment and a \$10,000.00 fine. And further, because the defendant is a

repeat offender, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

COUNT 4: On August 11, 2008, with knowledge of the character and content of the description or narrative, attempt to verbally communicate, by any means, a harmful description or narrative account to a child, contrary to:

Wisconsin Statute 948.11(2)(am)1, 939.32(1)(bm), 939.62(1)(a – ATTEMPT TO EXPOSE A CHILD TO HARMFUL MATERIAL, DESCRIPTIONS OR NARRATIONS, AS A REPEATER; A class "A" misdemeanor punishable by a maximum penalty of 9 months of imprisonment and a \$10,000.00 fine. And further, because the defendant is a repeat offender, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

COUNT 5: On August 15, 2008, with knowledge of the character and content of the description or narrative, attempt to verbally communicate, by any means, a harmful description or narrative account to a child, contrary to:

Wisconsin Statute 948.11(2)(am)1, 939.32(1)(bm), 939.62(1)(a – ATTEMPT TO EXPOSE A CHILD TO HARMFUL MATERIAL, DESCRIPTIONS OR NARRATIONS, AS A REPEATER; A class "A" misdemeanor punishable by a maximum penalty of 9 months of imprisonment and a \$10,000.00 fine. And further, because the defendant is a repeat offender, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

COUNT 6: On August 18, 2008, with knowledge of the character and content of the description or narrative, attempt to verbally communicate, by any means, a harmful description or narrative account to a child, contrary to:

Wisconsin Statute 948.11(2)(am)1, 939.32(1)(bm), 939.62(1)(a – ATTEMPT TO EXPOSE A CHILD TO HARMFUL MATERIAL, DESCRIPTIONS OR NARRATIONS, AS A REPEATER; A class "A" misdemeanor punishable by a maximum penalty of 9 months of imprisonment and a \$10,000.00 fine. And further, because the defendant is a repeat offender, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

COUNT 7: On September 4, 2008, with knowledge of the character and content of the description or narrative, attempt to verbally communicate, by any means, a harmful description or narrative account to a child, contrary to:

Wisconsin Statute 948.11(2)(am)1, 939.32(1)(bm), 939.62(1)(a – ATTEMPT TO EXPOSE A CHILD TO HARMFUL MATERIAL, DESCRIPTIONS OR NARRATIONS, AS A REPEATER; A class "A" misdemeanor punishable by a maximum penalty of 9 months of imprisonment and a \$10,000.00 fine. And further, because the defendant is a repeat offender, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

COUNT 8: On September 12, 2008, with knowledge of the character and content of the description or narrative, attempt to verbally communicate, by any means, a harmful

description or narrative account to a child, contrary to:

Wisconsin Statute **948.11(2)(am)1, 939.32(1)(bm), 939.62(1)(a – ATTEMPT TO EXPOSE A CHILD TO HARMFUL MATERIAL, DESCRIPTIONS OR NARRATIONS, AS A REPEATER**; A class "A" misdemeanor punishable by a maximum penalty of 9 months of imprisonment and a \$10,000.00 fine. And further, because the defendant is a repeat offender, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

COUNT 9: On September 15, 2008, with knowledge of the character and content of the description or narrative, attempt to verbally communicate, by any means, a harmful description or narrative account to a child, contrary to:

Wisconsin Statute **948.11(2)(am)1, 939.32(1)(bm), 939.62(1)(a – ATTEMPT TO EXPOSE A CHILD TO HARMFUL MATERIAL, DESCRIPTIONS OR NARRATIONS, AS A REPEATER**; A class "A" misdemeanor punishable by a maximum penalty of 9 months of imprisonment and a \$10,000.00 fine. And further, because the defendant is a repeat offender, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

COUNT 10: On September 18, 2008, with knowledge of the character and content of the description or narrative, attempt to verbally communicate, by any means, a harmful description or narrative account to a child, contrary to:

Wisconsin Statute **948.11(2)(am)1, 939.32(1)(bm), 939.62(1)(a – ATTEMPT TO EXPOSE A CHILD TO HARMFUL MATERIAL, DESCRIPTIONS OR NARRATIONS, AS A REPEATER**; A class "A" misdemeanor punishable by a maximum penalty of 9 months of imprisonment and a \$10,000.00 fine. And further, because the defendant is a repeat offender, the maximum term of imprisonment for the underlying crime may be increased to not more than 2 years.

And prays that the defendant be dealt with according to law. The basis for complainant's charge of such offense is:

Mark Rahr, your complainant, is Chief of Police for the City of Viroqua, and makes this complaint in that capacity based upon information received in the ordinary course of operations of the Viroqua Police Department, and further based the investigation and observations of Viroqua Police Officer Emilee Nottestad and other law enforcement personnel, all of whom this complainant believes to be truthful and reliable.

On July 29, 2008, Officer Nottestad, while working undercover at the Viroqua Police Department, entered Yahoo! Messenger posing as a 13 year old female with the screen name "lacrossefamily1995" aka "Emily Zithrow". At approximately 15:08 "lacrossefamily1995" received an instant message from "always_racing79" aka "Steve" which led to an online chat. During the initial chat, "always_racing79" told "lacrossefamily1995" that he was 29 years old, lives in Green Bay, and works as a

waiter and bartender. "lacrosseemily1995" stated that she was "a lot yunger than u!" and told "always_racing79" that she was in the 8th grade. "always_racing79" asked for personal information from "lacrosseemily1995" such as her physical description (i.e. height, weight), and began asking questions about her physical development and sexual experience.

On July 30, 2008, Officer Nottestad ran "always_racing79" in the IDN Toolkit and found no prior searches for that screen name.

"always_racing79" engaged "lacrosseemily1995" over the course of the next several weeks with both online and offline messages. "always_racing79" and "lacrosseemily1995" spoke again on the following dates:

July 31, 2008

"always_racing79" tells "lacrosseemily1995" that his name is Steve. "Steve" asked "Emily" what bra size she wears and whether she'd had her first menstrual cycle. He also asked her about her shaving practices. "Emily" identified her age to "Steve" as being 13 years old and in 8th grade.

"Steve" asked "Emily" to send him a picture of herself. "Emily" did not send "Steve" a picture at that time, but "Steve" sent "Emily" 2 pictures of himself using Yahoo! Messenger photo share (see attached).

He asked "Emily" further questions about her sexual experience ("u seen a boy with his pants off? Or a boy seen u with urs off?...so i might be the first... so r u kinda ready to do more stuff with a guy?...like learn what grown ups do... do u rub ur pussy ever?...does ur pussy get kinda wet when u do it?...ur ready to do it all baby").

During this chat, "Steve" told "Emily" that he drives a white jeep.

August 11, 2008

On this date "Steve" told "Emily" that he has "3 younger sisters that are all married and 2 have kids." "Steve" also told "Emily" "u can be my lil sister... but then we could never do anything... or if we did it'd have to be a secret if ur my lil sister...so maybe u can't be my lil sister...cuz i'd rather be able to do some stuff...kiss and stuff..."

"Steve" asked "Emily" more questions about her sexual experience. He then told her "ur the perfect kinda gurl for me." "Emily" asked "Steve" "u dont' think i m 2 yung?" and "Steve" replied, "no." "Emily" further asked "Steve" if he'd had a girlfriend her age before, and he replied "a couple yeah." "Emily" asked "Steve" if his girlfriends were on the Internet, and he stated, "mostly... but 2 actually saw each other a lot...it was mostly after school when they'd come over before mom/dad got home from work...they could ride their bike or walk over...whatever they wanted to try we did...a lot of kissing and touching... 1girl wanted to act like a shew as a mom, so we did it all...we can do as much as u wanna learn."

"Steve" asked "Emily" for more details about her physical description. After asking about her bra size, "Steve" tells "Emily", "they'll get bigger when we're together...just from doin grown up stuff...honestly baby... it happens when u start to have sex...its cuz of hormones."

He then asked her about her menstrual cycle and if she is on birth control. When "Emily" stated that she was not, "Steve" said "we'll just be careful if we have sex." "Steve" talked about coming to spend the night with "Emily" while her mom is at work. He stated "JUST think what we could do all night...that'd be a lot of sex and stuff...cuddle...and kiss...and i could finger u and lick ur pussy..." "Steve" asked whether "Emily's" menstrual cycles regular, "that way i know if i'm planning to come down i know when ur period is/was...just as long as ur not on it when i'm there."

"Steve" then asked "Emily" about her masturbation practices. "how do u lay when u finger..do u lay flat? or have ur knees up...do u spread them pretty wide? or keep them close...how far in dos ur finger go...does it make u thin of having real sex?"

August 15, 2008

"Steve" talked about a new truck he was looking at and that it "could be fun sometime when i come see u." "Emily" again told "Steve" that she is in the 8th grade. He asked her about birth control and her menstrual cycle again. "Steve" asked "Emily", "u kinda excited to see what a real dick feels like in u?...i won't let it hurt...have u ever put anything big in ur pussy?...so playin is fun to do with each other...maybe we'll do that first."

"Steve" asked "Emily" if she'd ever "seen a guys dick before", and asked "u wanna see mine?" "Steve" then sent "Emily" a close-up photo of an erect penis and asked, "will it be ok when u see it in person with me?"

"Steve" asked "Emily", "is ur pussygettin really wet now?...its gotta be real wet for us to do it the first time...if its not wet enoughi can always lick it first". "Emily" asked "Steve" if he'd "ever don it to a gf my age?" and he stated, "couple times yeah...she got reallyreally wet".

August 18, 2008

"Steve" told "Emily" that she couldn't tell anyone about them, "expecially cuz we're having sex and ur in 8th grade."

"Steve" talked to "Emily" about incest: "i almost could be ur dad...some ppl do it actually...cuz there dads or brothers love them so much, and they love them back...some parents want their kid to learn it the right way from them before they go to other guys."

"Steve" asked "Emily" if her mom had a cucumber or carrot or banana. He stated that he was 'rubbin my dick," then began to talk "Emily" through masturbating with a banana. "Steve" said things like, u excited to put the banana dick in ur pussy?...ok...spread ur

legs wide and rub it on ur pussy and get it wet...that feel good?...just start sliding it into ur pussy...are u goin in and out like i will be?...keep goin like my dick wil...6inches...i'm bout to orgasm...does it feel good in ur pussy? nic and full...now u know what it'll feel like when i do it...u still got it in ur pussy?...put it back in again then suck on it like a popsicle..."

September 4, 2008

"Steve" instructed "Emily" on how to send him a photo of herself using Yahoo! Messenger photo share. "Emily" then sent "Steve" a photo of herself. "Steve" asked "Emily" for information about where she lived, and stated that he was "lookin at google map...its like 4hrs from me." "Steve" asked "Emily" if she was excited about the possibility of him coming to see her and stated that he was both excited and scared.

"Steve" stated,"...but if mom knew it was me, i'd probly go to jail or something...we could be together forever...if its ok i'm so much older then u..."

"Steve" told "Emily" that it would "be cool" if she started on birth control. He stated that they could watch porn together and "Emily" could "learn some stuff." "Steve" stated that "it feels really good when the gf sucks the bf dick...its fun too in bed if we're both naked...u lay on top of me with ur pussy by my face and r heard by my dick, and u suck me and i lick u at the same time...ur pussy is spread open by my face..."

"Steve" asked "Emily" about talking on the phone, asking, "u wanna talk on the hone while i rub and u finger in bed?" He then gave "Emily" the phone number 757-515 - 4330 so she could call him, at a later time. "Steve" told "Emily", "ur pussy is so so sooooo ready for my dick and sex and cum".

September 12, 2008

"Steve" talked about being together with "Emily" stating "you'd learn a lot...how to do a bj...while ur suckin i can lick ur pussy...we'd both orgasm pretty fast...we'll do other stuff furst so u know how it tastes...we'll watch each other rub/finger...and when i shoot my stuff u can tast it... just to be with you... lickin ur pussy, feelin ur soft skin and little boobs...the bj will be great."

"Steve again asked "Emily about her menstrual cycle and stated, "u can plan when to have sex or not have sex if they're regular," and told her that if she got pregnant, "i'll take care of u...would u wanna keep it? Or abortion if u get preg" "Emily" asked "Steve" if he thought they should wait to have sex until she was older and he said, "i wanna do it some now...i really like girls like u... not older." "Steve" told "Emily" that maybe he'd take some naughty pictures of her hen they're together.

September 15, 2008

"Steve" told "Emily", "I wanna wanna wanna do it with u NOW...8th grade?...i'll be super honest...you'll be the youngest girl for me". "Emily" asked "Steve" about his other girlfriend her age and "Steve" replied, "yeah but we didn't do it all till she was older...she was 13 when we started dating ...we didn't do anything till she was almost 15".

"Steve" asked "Emily" if she had "anything like a dick in the fridge or cupboard...what can u find that would be like my dick?" He then talked "Emily" through masturbating with a banana, "u rubbin it on ur pussy now?... u got ur legs real wide?...starting to pushit in?...in and out in and out just like getting fucked...r u fucking urself though like i will be?...too bad the banana won't shoot cum in u...i can't wait for that day...go fast in and out and harder...did u go throw the banana dick away? And get dressed again?...good girl...now ur really ready for the real dick and some cum from me".

"Steve" then asked "Emily" to re-send him the picture of herself, which she did. After she sent the photo, "Steve" stated "i'm done now too lol."

"Steve" spoke more of "Emily's" masturbation and what they would do when they're together. He asked her to "get a finger a little wet in ur pussy and lick it a lil bit".

As had happened in the past, "Steve" typed an instant message to "Emily" that appeared to be meant for someone else that he was instant messaging at the same time. On this date, "Steve" sent an instant message stating, "did that make u super wet?" followed by "oops by bad baby", but denied talking to someone else at the same time, stating that he was just sending an email.

"Steve" made further reference to "Emily" going on birth control, "...we'll sneak ya on birthcontrol...it'd be great to have u on it...then i could cum in u more...you'll be my lil princess...and sex angel...you'll be amazing".

September 18, 2008

"Steve" asked "Emily" about making a phone call between them, "itd be so great to hear u with a banana dick on the phone talkin to me...you'd hear me rubbing while u do it". "Steve" talked to "Emily" about her hymen and how "all litte girls have it...so like i'l lhave to push through it."

He asked "Emily" if she'd ever looked at online videos and if she wanted to see what he was talking about. He then sent her a close-up photo of a woman's vagina, which was being held open by fingers. (The ICAC computer went down when the photo was sent, before the picture could be saved).

"Steve" told "Emily" that "seein ur pic makes me cum," and asked her to send it to him again, asking, "is it ok that i cum when i see ur pic baby?"

For an unknown reason, the ICAC computer did not log the entire chat session on this date, ending the lot at 23:05.

On August 29, 2008, District Attorney Gaskell sent a subpoena to Yahoo! Inc requesting the contents of the account register to "always_racing79". On September 26, 2008, the subpoenaed information was received from Yahoo! Inc. The registered