

STATE OF WISCONSIN

-vs-

Plaintiff,

DA Case No.: 2010BR008936
Assigned DA/ADA: David L. Lasee
Agency Case No.: GBPD10216608
Court Case No.: 2010CF 1458

Derek B. Schutzensdorf
2804 Cormier Road
Green Bay, WI 54304
DOB: 11/22/1978
Sex/Race: M/W
Eye Color: Hazel
Hair Color: Brown
Height: 5 ft 9 in
Weight: 150 lbs

CRIMINAL COMPLAINT

Defendant,

Complainant, David L. Lasee, an Assistant District Attorney, being first duly sworn on oath, deposes and says that:

POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant, on or about Wednesday, December 8, 2010, in the City of Green Bay, Brown County, Wisconsin, did, having attained the age of 18, knowingly possess motion picture(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) 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 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.

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.

Complainant is an Assistant District Attorney with the Brown County District Attorney's Office and knows of the above offense on information and belief based upon:

PROBABLE CAUSE

1. His review of a series of reports prepared by the Wisconsin Department of Justice, Division of Criminal Investigations (DCI), primarily compiled by Lead Investigator Matthew Joy. In those reports, it is indicated that during an authorized internet undercover operation, Special Agent Vern Vandenberg of DCI identified a computer in Wisconsin that was offering to participate in the distribution of known child pornography. The computer was traced to a residence located at 2804 Cormier Road in the City of Green Bay, Brown County, Wisconsin. The computer was located with IP address 72.129.135.193. That identification took place on June 30, 2010. A list of files was obtained from that IP address, which Special Agent Vandenberg knows were available for distribution from the suspect computer as of June 30, 2010. Subsequently, on December 8, 2010, reports from DCI indicate that a search warrant was executed by members of DCI, the Brown County Sheriff's Department and the Green Bay Police Department at 2804 Cormier Road in the City of Green Bay, Brown County, Wisconsin. Special Agent Joseph Kapitany and Special Agent Kevin Heimerl of DCI and Officer Scott Schuetze of the Green Bay Police Department initiated contact at the front door of the residence. They made contact with one of the residents of that home, Kurt Nelezen. Nelezen secured the dogs in the residence and officers performed a protective sweep and located no other people in the residence at that time. Law enforcement officers photographed the computer areas of the residence and initiated a search. At approximately 12:37 p.m., another resident, Derek B. Schutzendorf, dob: 11/22/78, the defendant, arrived. He was later interviewed by Special Agent Kapitany, Sergeant Chris Amraen of the Brown County Sheriff's Department and Special Agent Matthew Joy of DCI. The defendant was not placed in handcuffs during the course of the interview until his arrest at the conclusion of the warrant execution. Based upon the admissions of the occupants of the residence, it was determined that the southwest bedroom was occupied by the defendant and Trace P. Paulson. The northwest bedroom was occupied by Kurt P. Nelezen. There was a computer and computer desk located in the dining room of the residence, which was determined to be the defendant's computer. During the execution of the search warrant, the DCI Computer Forensic Analyst Mark Howard conducted a forensic preview of the hard drives that were removed from Nelezen's computer. The forensic preview did not identify any child pornography and those hard drives were returned and left at the residence. Analyst Howard conducted a forensic preview of two hard drives that were located in the computer tower in the dining room. As a result, child pornography videos were found on both of the hard drives. After investigation and statements from all three occupants, it was determined that the computer was used almost exclusively by the defendant. After the interview of the defendant and the forensic analysis of the defendant's computer, at approximately 2:30 p.m., the defendant was placed under arrest by Special Agent Joy of DCI and Officer Schuetze of the Green Bay Police Department. A number of items of evidence were seized and

cataloged as a result of the search, including computer hard drives, memory cards, memory drives, DVD-R discs and other documents.

2. The reports of the DCI agents, particularly Agent Joy, indicate that on December 8, 2010, Special Agent Joseph Kapitany of DCI and Sergeant Chris Amraen of the Brown County Sheriff's Department conducted an interview of the defendant at the kitchen table of the residence. The defendant was informed that officers were conducting a search of the residence based on a search warrant and that the investigation focused on computer crimes. The defendant indicated he resided at the residence for a little over a year. He is aware of three computers in the residence, one in Kurth Nelezen's room, the other in the living room which is used to operate the television and a third in the dining room, which the defendant stated is his computer. He indicated that he uses the computer in the dining room. He has been using the computer for almost the entire time he has lived at the residence. He believed that Trace Paulson used the computer, but that Paulson only used it to check his stocks and did not use it to download any pornography. The defendant indicated it is known among the three members of the household that the computer and computer desk in the dining room belong to the defendant. The defendant stated he listens to various types of music and that programs on the computer that he used included Internet Explorer and LimeWire. The defendant stated he downloads videos and pictures via the LimeWire program. He had downloaded all kinds of pictures including pornography. He stated he downloaded a lot of adult pornography, both videos and pictures. He described the LimeWire program as a program that would allow you to enter in a search term and retrieve a file of that type. He would then click on the ones that he wanted and download them to his computer. He stated he could either click on the title and then click download or he could double-click on the individual files to download them onto the computer. He stated he was always looking for "good porn". The defendant admitted he had accidentally seen child pornography downloaded on his computer. He stated he had always deleted it when he had seen it. He stated that if it looked illegal, he would delete it right away, and by illegal, he meant pornography with individuals under the age of 18. The defendant stated he personally installed the LimeWire program onto his computer. He estimated that there would be between 200 and 300 files of adult pornography, both videos and pictures on the computer. He stated there should be no child pornography on the computer hard drives, reiterating that if he had seen child pornography, he deleted it immediately. The defendant stated there should not be any child pornography on the hard drive at the present time. The defendant was asked to describe specific search terms that he used. He did not wish to describe those specific terms. He stated he was not ever specifically looking for child pornography. Sergeant Amraen asked him again what types of search terms he used and he did state that he would use the search term "girls with small perky boobs".

At approximately 1:17 p.m. on December 8, 2010, Special Agent Joy arrived at the residence. Special Agent Joy then continued the interview with Sergeant Amraen. Special Agent Joy indicates that the interview took place between 1:17 p.m. and 2:23 p.m. involving himself, Sergeant Amraen and the defendant, and the interview continued at the kitchen table. As part of the discussion, the defendant did admit that he had downloaded pornography using LimeWire and identified additional search terms as "small boobs" and

"small tits". The defendant stated when the search terms were entered, the list of results would populate with the search terms as part of the file name. The defendant would then click on a file and it would download. Special Agent Joy explained to the defendant that the computer had been "browsed" at the residence and that child pornography files had been observed. Special Agent Joy informed the defendant that during the browse, approximately 3,000 to 4,000 files had been observed, many of which were files that had names that described child pornography. The defendant stated he was not attracted to little kids and that it was repulsive to him. He stated he would never hurt a child. Special Agent Joy informed the defendant that he did not believe it was possible that a file list of 3,000 to 4,000 files in numbers could be generated using just two search terms. The defendant stated he has used other search terms including "skinny girls". The defendant stated he downloads both pictures and movie pornography files. He stated once they were downloaded, he would return to the saved folder to view the files. He stated if he believed an individual in the file was under 18, he would delete that file. The defendant stated he is attracted to girls who are thin or slender and who have small breasts. He stated he could not think of any other search terms that might have been used to yield those kinds of results. The defendant stated he did not believe Kurt Nelezen used the computer in the dining room. He stated he did not believe Trace Paulson used the computer for LimeWire. Special Agent Joy informed the defendant that neither Paulson nor Nelezen were responsible for downloading child pornography and that there were too many child pornography files to be an accident or mistake. He asked the defendant to tell Special Agent Joy what happened. The defendant stated he already stated what happened and stated he would not intentionally download child pornography. The defendant did state that he has seen child pornography files on the dining room computer. He stated he did not know how many times he had seen child pornography on the computer, but stated it was more than two times. He was asked by Special Agent Joy how old the individuals in the files were and he stated that they were "young". The defendant believed that he had not seen infants or toddlers, but that the people in the images or movies may have been junior high aged, but reiterated he could not recall how many times he had observed those kinds of files. Special Agent Joy informed the defendant that the defendant would have likely known that a title of a video with an age of a 12 year old in it would contain child porn. The defendant stated that was too young and stated that anything under 18 was too young. The defendant did state he had used the search term "tiny tits" and stated he may have used the search term "young". He further indicated that he had probably used the search term "teen" and that out of curiosity, he may have used the search term "incest".

Special Agent Joy reviewed several files with the defendant that had been observed during the browse that occurred in June of 2010 by Special Agent Vern Vandenberg. The file names were descriptive of children engaged in sexual activity. The defendant could not explain how those files with those file names had been put on his computer. Special Agent Joy asked the defendant if he believed either Paulson or Nelezen had put those files on the computer and the defendant stated he did not think so.

Special Agent Joy indicates that on December 8, 2010, he reviewed a preview disc that was generated by Criminal Analyst Mark Howard of DCI, while conducting a preview examination at the residence of the defendant, located at 2804 Cormier Road. During a

preview of the computer tower located in the dining room area, which was the defendant's computer, Analyst Howard observed sexually explicit files of children on the two hard drives. Analyst Howard generated two identical preview discs which contain the files located during his preview of the computer media. Special Agent Joy generated a list containing written descriptions of the videos that he observed on the preview disc with the titles and file paths obtained by Analyst Howard. In the file descriptions, Special Agent Joy uses the terms "prepubescent" and "pubescent". When using the term "pubescent", Special Agent Joy means a child that has begun to develop or display mature body shape and genital organs or secondary sexual characteristics including the development of breasts in females and the appearance of pubic hair and underarm hair, as typically seen in children between the ages of 11 and 16 years old. When Special Agent Joy uses the term "pubescent", it does indicate in his opinion, based on training and experience, that the person depicted is a child, but evidences some physical and sexual maturation consistent with a young teenager or teenager. Special Agent Joy uses the term "prepubescent" to describe a child who does not exhibit any or only very limited physical/sexual development such as those indicators mentioned for children described as pubescent. When he uses the term "prepubescent", he indicates that based on training and experience, he believed the child involved to be well under the age of 18 and likely under the age of 13.

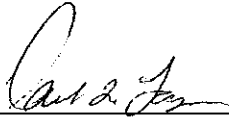
Special Agent Joy generated a list that includes 10 different videos that he believed contain pubescent or prepubescent children engaged in sex acts. Those videos were located on an 80GB Seagate hard drive that previously belonged on the computer owned by the defendant and located in the dining room, and on a 1 TB hard drive that was presently installed in the same computer, belonging to the defendant. The first video described by Special Agent Joy was titled "preteen pedo (pthc) vicky_9yo_early works (rare) beautiful 24min.mpg". The file was approximately 23 minutes and 33 seconds in length. It was a video beginning with a prepubescent girl, clothed, lying on a bed looking at pornographic magazines. In the next clip, the same prepubescent girl is observed nude putting on underwear and a t-shirt while near a bed. In the next clip, the girl is observed nude standing near a bed while an adult male, who is also nude, seats himself next to the girl on the bed. The adult male and girl look at pornographic magazines. Ultimately, the male places his penis in the girl's anus while the girl places her fingers in her vaginal area. Another video located on the 80GB hard drive was entitled "Hindoo-3-Indian FAVORITE BAMBINA-Collection_01-Real_Child_Porn!!!" That video was approximately 11 minutes and 26 seconds in length. In that video, a prepubescent girl, who is nude, is observed lying and standing on a table. Ultimately, the girl places a cylindrical object shaped similarly to a penis in her genital area. In addition, the girl places her fingers in her genital area. The girl is later seen holding onto a male's penis, which she places in the vicinity of her genital area.

Complainant believes the reports of the Wisconsin Department of Justice, Division of Criminal Investigations (DCI), particularly those reports of Special Agent Matthew Joy, as

he is a sworn law enforcement officer whose reports your complainant has reviewed in the past and found to be truthful and reliable. 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 10th day of December, 2010.



Complainant



(Assistant) District Attorney