

Cosh, William A.

From: Delgado, Rosa [Rosa.Delgado@da.wi.gov]
Sent: Monday, November 23, 2009 2:15 PM
To: Cosh, William A.
Subject: Complaint - Criminal_1 - Derks, Kevin M

This is what we filed.

State of Wisconsin

Circuit Court

Kenosha County

STATE OF WISCONSIN

Plaintiff,

-vs-

Kevin M. Derks

DOB: 05/14/1956
Sex/Race: M/W
Eye Color:
Hair Color:
Height: 5 ft 7 in
Weight: 160 lbs

Defendant,

Kenosha County Assistant District Attorney Rosamaria I. Delgado, being first duly sworn, states that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Wednesday, November 18, 2009, in the City of Kenosha, Kenosha County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s) of a child engaging in sexually explicit conduct, and knew or 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 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.

Count 2: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Wednesday, November 18, 2009, in the City of Kenosha,

11/23/2009

Kenosha County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(s) of a child engaging in sexually explicit conduct, and knew or 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

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Count 5: POSSESSION OF CHILD PORNOGRAPHY

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Count 6: POSSESSION OF CHILD PORNOGRAPHY

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Count 8: POSSESSION OF CHILD PORNOGRAPHY

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Count 10: POSSESSION OF CHILD PORNOGRAPHY

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Count 11: POSSESSION OF CHILD PORNOGRAPHY

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Count 12: POSSESSION OF CHILD PORNOGRAPHY

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Count 14: POSSESSION OF CHILD PORNOGRAPHY

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