

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

STATE OF WISCONSIN,

Plaintiff,

CRIMINAL COMPLAINT

vs.

JASON D. HURLEY, D.O.B. 04/27/1989,

Defendant.

CRIMINAL CHARGE**Count 1: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant on or about Tuesday, January 27, 2009, Winnebago 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), 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 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.

Count 2: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, January 27, 2009, Winnebago 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), 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 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

1/30/2009

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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 3: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, January 27, 2009, Winnebago 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), 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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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 4: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, January 27, 2009, Winnebago 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), 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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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

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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 about Tuesday, January 27, 2009, Winnebago 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), 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 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.

Count 6: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, January 27, 2009, Winnebago 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), 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 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.

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Count 7: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, January 27, 2009, Winnebago County, Wisconsin, did, having attained the age of 18, knowingly possess motion picture(s) of a child

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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., 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 8: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, January 27, 2009, Winnebago 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), 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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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 9: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, January 27, 2009, Winnebago 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), 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 Section 939.617, upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least

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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.

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

~~Jim Curtis /~~ Jim Goggins / ~~Jeff Verme~~ of the Winnebago County District Attorney's Office, being first duly sworn on oath and in that capacity has knowledge of the following:

Your affiant is informed from the reports of the Department of Justice (DCI), Division of Criminal Investigation kept in the normal and ordinary course of business in which your affiant believes to be truthful and reliable and have proven so on numerous occasions in the past that Special Agent D. Matthews of DCI conducted an authorized internet investigation wherein he identified a computer in Wisconsin that was offering to participate in the distribution of known child pornography. The computer was traced to a residence that was occupied by DAWN M. STINSKI, RANDALL J., STINSKI, **JASON D. HURLEY, DOB 04/27/89** and a minor male child. Special Agent Matthews reported that the computer which he learned had been offering to participate in the distribution of known child pornography in the State of Wisconsin had an IP address of 24.208.3.146. The identification of the address took place on September 24, 2008. It was reported that a list of files was obtained from 24.208.3.146 by Special Agent Matthews and the files listed were identified as available for distribution from the suspect's computer were those known to be child pornography. It was learned that the IP address came back being registered to a Dawn Stinski.

On January 27, 2009, law enforcement officers executed a warrant at the residence of Dawn Stinski, Randall Stinski, Jason D. Hurley and a juvenile male. The residence was located

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at 846 Adelaide Road in the Town of Menasha, Winnebago County, Wisconsin. It was reported that while at the residence executing the search warrant a preview was conducted of a thumb drive and DVD/CD's that were at the residence in the bedroom of Jason D. Hurley. It was learned by Special Agent Matthews, while previewing these materials, that they contained sexually explicit videos of children.

Special Agent Matthew D. Joy of DCI had gone to the residence on January 27, 2009 and made contact with Jason D. Hurley and interviewed him at the residence on Adelaide Rd. Jason Hurley advised Agent Joy that there was one computer located at their residence. Jason Hurley indicated he had installed a Lime Wire program on the computer at the residence and he used it to download songs and videos. When Jason Hurley was asked if he used Lime Wire to download any other types of files he initially stated he did not know if he really wanted to talk about it. Jason Hurley indicated it was kind of embarrassing and he stated he felt that he had a personal logic as to why, stating "with our government, I don't think they could ever see in the eyes I see." Jason Hurley acknowledged that he did own a thumb drive. A thumb drive was displayed to Jason Hurley at which point Jason Hurley stated he did own a thumb drive. Jason Hurley indicated he downloaded some videos and for example, if he were to look for a 17 year old, the video might be of a 10 year old. He indicated that this was so because some of the file names did not match the video content. However, Jason Hurley stated he would download videos to DVD and some of the files would be corrupt, meaning the file content was not what the video was labeled to be. Jason Hurley did acknowledge that he did have DVD's that contained videos in which the files were labeled, for example, 17 year old, however, the images were of 10 year olds. Jason Hurley felt that 16 years old was the limit and anything under 16 was illegal. Jason Hurley identified a search term he has used in Lime Wire as "16 year olds". Jason Hurley stated he last used Lime Wire a few weeks ago to view pornography. Jason Hurley identified a second search term as "PTHC" and stated he filters out images, videos, by using that search term. Jason Hurley however, explained that the search term PTHC would result in a lot of

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videos that contained young children. Jason Hurley denied knowing what PTHC stood for. PTHC is a term that is used by Jason Hurley. Jason Hurley indicates his intentions were 16 year olds or more mature 14 or 15 year olds with bigger breasts. Jason Hurley stated that using the search term PTHC he also got lists that included younger stuff. Jason Hurley indicated that when using the search term PTHC a list of videos would populate and some of the videos would be titled "7 year old through 17 years old". Jason Hurley stated he would download or copy those because the individuals in the videos might be of interest to him because they might be in the age range of interest to him. Jason Hurley however, stated that the videos that were not of interest to him were placed in the computer's recycle bin. Jason Hurley also stated he would delete all files from the computer hard drive so that no one else in the residence would find them. Jason Hurley stated there would be 10 to 20 DVD's that contained pornography in his bedroom. Special Agent Joy provided Jason Hurley with a two page document which was labeled "Attachment A" and contained a list of file names. Special Agency Joy asked if Jason Hurley had recalled seeing any of the file names. Jason Hurley x'd out file names that he did not remember having seen and stated he did recognize the other file names. Among the videos that Jason Hurley did not mark out on Attachment A, and therefore indicated he had seen, included titles such as:

"Pedo-Columbian Girl – Strip Tease and Defloratione 12 yo Pthc (25min 42sec).mpg;

" Vicky willing bed rape pthc 11 yo kdquality.mpg"

"manygirls from 12yo to 14yo having sex experiences (Hussyfan)(pthc)(r@ygold)underage.mpg"

"(ptch) r@ygold-Animalsex – Girl Dog In Mexico (great end).mpg."

"Pthc-Pedo 14Yr Illegal Suck Cum Inside Mouth Swallow.mpg"

"(Pthc) Two Lesbian Ebony Preteens, 9 yr old and 12 yr old; Pedo Porn.mpg."

"(Ptch)12 – year –Mother Films 12 Year Old Daughter Giving 14 Year Old Son A Blow.mpg"

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"(Hussyfan_(Pthc) Vicky 7 yo and 10yo 69 Pedo Child Porno Lolita.mpg"

"13yo preteen underage teen sex.pthc.2.21.mpg"

"Pedo- Vicky- (Pthc) The 107 Minutes Collection.mpeg."

Jason Hurley indicated that if the age of the female was under 14 in the videos he would throw it away. If the DVD had more than one video, the bad videos would not be thrown away if there was necessarily a bad file. Jason Hurley defined a bad video as either a video is corrupted or contains under 13 year old porn. Jason Hurley stated that he did use a thumb drive and preferred using it to DVD's. Jason Hurley stated that no one else had access to the thumb drive. Jason Hurley inquired as to why it was illegal to "give pleasure to myself", "in watching something," and "I'm not doing any harm to anybody."

It was reported that Special Agent Joy received a preview disc which had been created by Agent Matthews after previewing a thumb drive and three CD/DVD's from the residence of Jason D. Hurley. During a preview of these thumb drive and CD/DVD's which had been located in the basement bedroom of Jason Hurley, sexually explicit images and videos of children had been located. On the red thumb drive was a number of videos that contained prepubescent and pubescent children engaged in sex acts or in various stages of nudity. Also in the preview CD/DVD's #1, #2, and #3 was located images of children, prepubescent or pubescent engaged in sex acts or in various stages of nudity.

On the red thumb drive there were several images containing children engaged in sexual acts. The following is a description of such videos. The first image which forms the basis for Count #1 of the Criminal Complaint depicted the following

A 29 minute 23 second video compilation containing numerous video clips of prepubescent girls, nude, with no breast development or pubic hair. The video clips depict the girls being penetrated vaginally by penises, having penises placed in their mouths, being ejaculated upon, and posing.

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In Count #2 of the Criminal Complaint, the video clip forming the basis of this count is as follows:

A 1 hour 22 minute 51 second video of a pubescent girl with some breast development and no pubic hair. The girl is wearing shorts and shirt, which are removed. A male places his mouth and tongue on the girl's vaginal area. The girl places her mouth on the male's penis while he lays on his back, and he places his fingers on the girls vaginal area while she does so. The male engages in intercourse with the girl by placing his penis into her vagina, and continues to do so in varying positions. 15 minutes and 36 seconds into the video, the video and audio freeze.

On preview disc #1 an image that forms the basis for Count #3 depicts the following:

A 7 minute 56 second video of a pubescent girl with some breast development and pubic hair, who removes her clothing and poses, nude, in a bedroom. An adult male is observed, posing nude, who ultimately lays on a bed. The girls places her hands and mouth on his penis. She then sits on his stomach. The male stands, and his penis is placed into her mouth. He then ejaculates onto the girl's face.

The basis of Count #6 is an image that depicts the following:

A 29 minute 23 second video compilation containing numerous video clips of prepubescent girls, nude, with no breast development or pubic hair. The video clips depict the girls being penetrated vaginally by penises, having penises placed in their mouths, being ejaculated upon, and posing.

The basis for Count #7 is an image that depicts the following from Preview CD #2 and is a video clip depicting:

A 21 minute 16 second video of a pubescent girl, clothed, sitting on a chair reading. An unknown male takes the girl from the chair and leads her to a bed. The male uses a rope to bind the girl at her hands and feet. The male raises the girl's shirt, exposing her breasts, and then lowers her pants. The rope comes undone from her hands and he reties the rope. The rope is then untied, and her pants are removed. The male lowers his pants, and the girl's shirt is removed. The girl's hands are placed on the male's penis. The girl then lays on her back, and the male places his penis into her vagina. The girl has some pubic hair. The girl is rolled over to her hands and knees, and the male continues to engage in intercourse.

The video clip forming the basis for Count #8 is a video depicting:

A 2 minute 3 second video of a prepubescent girl and an adult male. The adult male is nude, and the girl, who is seen nude and clothed, sits on the male, who is lying down. The girl sits on the male in the vicinity of his penis and then his face.

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The basis for County #7 is a video clip depicting:

A 4 minute 15 second video of a prepubescent girl wearing a white sweater and black underwear. A male poses the girl and pulls her underwear to the side exposing her vaginal area, which has no pubic hair. The girls uses her hands to expose her vaginal area.

The basis for Count #8 of the Criminal Complaint is a video clip depicting:

A 1 minute 34 second video of two girls, nude, on their knees and kissing. One of the girls leaves the room and the other girl places her fingers on her vagina. The girl has little breast development and no pubic hair. The girl places a soft toy on her pubic area and rubs the toy on her. An unidentifiable female places her face on the girls vaginal area.

Count #9 comes from a previewed CD #3 and is a video clip of:

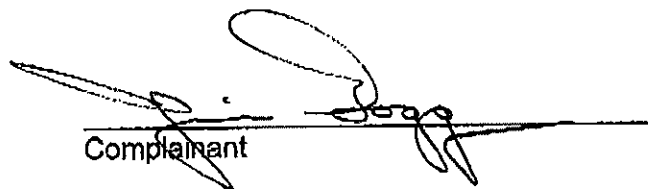
A 4 minute 26 second video of a pubescent girl with some breast development placing her hands and mouth on a penis. The male ejaculates on the girl's face.

It was learned that the discs and thumb drive were located in the bedroom of Jason Hurley. Jason Hurley's bedroom was located inside the residence of 846 Adelaide Rd. , Town of Menasha, Winnebago County, Wisconsin.

It is believed the statements of Jason D. Hurley are made contrary to his penal interest.

All of the above incidents occurred in Winnebago County, Wisconsin.

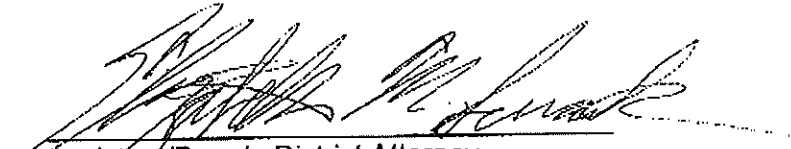
WHEREFORE, as said affiant verily believes and prays that the said **JASON D. HURLEY** might be arrested and dealt with according to law.


Complainant

Subscribed and sworn to before
me and approved for filing
this 30 day of JANUARY, 2009.

Defendant's Date of Birth: 04/27/1989
Address: 846 ADELAIDE ROAD, NEENAH, WI 54956
Physical Description: Height: 5 ft 5 in MW / Height: 5 ft 5 in / Weight: 130 lbs / Blonde / Blue

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Assistant/Deputy District Attorney
Winnebago County, Wisconsin

Prosecuting Attorney: Elizabeth M. Swank/lk
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