

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2009EC002659

Assigned DA/ADA: G Richard White

Agency Case No.: 092315SO

Court Case No.:

ATN:

-vs-

Joseph R Duncan

DOB: 09/26/1969

Sex/Race: M/W

Eye Color:

Hair Color:

Height:

Weight:

DL State/Number:

Alias:

Defendant,

**Criminal Complaint**

Ed Asselin, Court Officer, being first duly sworn, states that:

**Count 1: ATTEMPT CAUSING CHILD > 13 TO VIEW/LISTEN TO SEXUAL ACTIVITY**

The above-named defendant, on or about Tuesday, March 03, 2009, in Eau Claire County, Wisconsin, attempted to intentionally cause a child who has attained the age of thirteen years but has not attained 18 years of age to view sexually explicit conduct if the viewing is for the purposes of sexually arousing or gratifying the actor, contrary to sec. 948.055(1) and (2)(b), 939.50(3)(h), 939.32 Wis. Stats., an attempt to commit a Class H Felony, and upon conviction may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

**Count 2: ATTEMPT CAUSING CHILD > 13 TO VIEW/LISTEN TO SEXUAL ACTIVITY**

The above-named defendant, on or about Monday, March 16, 2009, in Eau Claire County, Wisconsin, attempted to intentionally cause a child who has attained the age of thirteen years but has not attained 18 years of age to view sexually explicit conduct if the viewing is for the purposes of sexually arousing or gratifying the actor, contrary to sec. 948.055(1) and (2)(b), 939.50(3)(h), 939.32 Wis. Stats., an attempt to commit a Class H Felony, and upon conviction may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

**Count 3: ATTEMPT CAUSING CHILD > 13 TO VIEW/LISTEN TO SEXUAL ACTIVITY**

The above-named defendant, on or about Thursday, May 07, 2009, in Eau Claire County, Wisconsin, attempted to intentionally cause a child who has attained the age of thirteen years but has not attained 18 years of age to view sexually explicit conduct if the viewing is for the purposes of sexually arousing or gratifying the actor, contrary to sec. 948.055(1) and (2)(b), 939.50(3)(h), 939.32 Wis. Stats., an attempt to commit a Class H Felony, and upon conviction may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

**Count 4: ATTEMPT CAUSING CHILD > 13 TO VIEW/LISTEN TO SEXUAL ACTIVITY**

The above-named defendant, on or about Monday, May 11, 2009, in Eau Claire County, Wisconsin, attempted to intentionally cause a child who has attained the age of thirteen years but has not attained 18 years of age to view sexually explicit conduct if the viewing is for the purposes of sexually arousing or gratifying the actor, contrary to sec. 948.055(1) and (2)(b), 939.50(3)(h), 939.32 Wis. Stats., an attempt to commit a Class H Felony, and upon conviction may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

**Count 5: ATTEMPT CAUSING CHILD > 13 TO VIEW/LISTEN TO SEXUAL ACTIVITY**

The above-named defendant, on or about Thursday, June 11, 2009, in Eau Claire County, Wisconsin, attempted to intentionally cause a child who has attained the age of thirteen years but has not attained 18 years of age to view sexually explicit conduct if the viewing is for the purposes of sexually arousing or gratifying the actor, contrary to sec. 948.055(1) and (2)(b), 939.50(3)(h), 939.32 Wis. Stats., an attempt to commit a Class H Felony, and upon conviction may be fined not more than Five Thousand Dollars (\$5,000), or imprisoned not more than three (3) years, or both.

**PROBABLE CAUSE:**

The complainant is in possession of a police report by Special Agent Vandenberg, of the Wisconsin Department of Justice, Division of Criminal Investigation, which forms the basis for this complaint.

Special Agent Vandenberg reports that during the time period of March to June, 2009, he worked in an undercover capacity posing as a 15-yr-old girl visiting a Yahoo chat room. In this capacity, Special Agent Vandenberg's identity was listed during his computer contacts as being *sweetwis15*. During the time period of March 3, 2009 to June 11, 2009, on multiple occasions, Special Agent Vandenberg was contacted in this undercover capacity by an individual who was subsequently identified as the defendant. The defendant made numerous and ongoing explicit sexual statements to *sweetwis15*, discussed his desire to engage in sexual contact with *sweetwis15* and sent multiple sexually explicit photographs and visual images through web casts to *sweetwis15*. During each of those internet conversations when the defendant sent the sexually explicit visual images to what he believed was a 15-yr-old girl, Special Agent Vandenberg was working from a computer at his office in Eau Claire County.

On March 3, 2009, while Special Agent Vandenberg was working in this undercover capacity, he received an instant message from an individual who was identified through that computer contact as being *luvinaz07*. As noted above, that individual was subsequently identified as the defendant. During that initial contact, the defendant asked if *sweetwis15* was 15, to which the special agent replied in the affirmative. The defendant stated that he was in Los Angeles but goes to Milwaukee once a month for business. After asking *sweetwis15* whether she was open about sex, the defendant asked whether she could see his display picture. That picture, which Special Agent Vandenberg observed, was

a picture of an adult erect penis. During the course of that computer conversation, the defendant changed his display to show various photos of an adult erect penis.

During multiple contacts in the Yahoo chat room on March 9, 2009, the defendant made various sexual comments to *sweetwis15*. Those comments included statements such as, "u want to get naked and play?" And, "hey u... Im laying in bed naked, thinking of ur cute body... . mmmmmm!!"

The ongoing internet conversations between the defendant and *sweetwis15* continued on March 16, 2009. During that conversation, the defendant stated, "It's big trouble if I get caught with a girl your age" and asked whether *sweetwis15* would keep it a secret. He further made comments about traveling from Milwaukee to Eau Claire to meet *sweetwis15* and talked about his desire to engage in sexual contact with her. The defendant made statements such as, "would u suck me?" And, "u want it inside you?" During that conversation, the defendant emailed three photographs of an erect adult penis and the naked groin and testicle area of that adult male. The email sender's address showed it was from Joe Duncan.

Internet conversations between the defendant and *sweetwis15* continued on multiple other occasions during April, May and June, 2009. On May 7, 2009, the defendant asked *sweetwis15* whether, "u want to see my cock right now real quick through my display pic?" After *sweetwis15* responded in the affirmative, the defendant changed his display photo to show Special Agent Vandenberg six photographs of an adult penis and one photograph of testicles. In one of the photographs, the defendant was holding his erect penis.

During that conversation, the defendant also sent *sweetwis15* a photograph showing his face, which he stated was his photograph. Special Agent Vandenberg obtained a California driver's license photograph of the defendant and compared that photograph to the photograph which had been sent to *sweetwis15* during the May 7, 2009 chat. Special Agent Vandenberg observed that the known photograph of the defendant was a photograph of the same individual depicted in the picture of himself sent by *luvinaz07* on May 7, 2009.

*Sweetwis15* was contacted on May 11, 2009 by the defendant. During that contact and subsequent conversation, the defendant began displaying photographs of a male's erect penis to *sweetwis15* and stated, "u want to suck it?" And stated, "would love it in your mouth."

In addition to the sexually explicit photographs which were displayed to *sweetwis15* or emailed to her, the defendant displayed himself completely naked, with his erect penis exposed on June 11, 2009. At that time, *sweetwis15* received a notice from the defendant asking her to view his webcam. When Special Agent Vandenberg did so, he viewed a male completely naked who was masturbating. During that webcam video display by the defendant, he showed his face which Special Agent Vandenberg again recognized as being the face of the individual depicted on the California photo driver's license of the defendant. That webcam display of his erect penis culminated with the defendant ejaculating.

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 \_\_\_\_\_ day of July, 2009

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Assistant District Attorney

GRW #1013573/sla