
STATE OF WISCONSIN,

Plaintiff,

-vs-

SCOTT A. KAPPUS3516 Hillview Road
Eau Claire, WI 54703

DOB: 11/15/1971

Sex/Race: M/W

Eye Color: Blue

Hair Color: Blonde

Height: 5 ft 8 in

Weight: 150 lbs

DL State/Number: K120-7817-1415-06

Alias: Also Known As Scott Alan Kappus,

DA Case No.: 2009EC001156

Assigned DA/ADA: Lorelee Clark

Agency Case No.: 095596DCI

Court Case No.:

ATN:

Defendant.

Criminal Complaint

Todd Tollefson, Court Officer, being first duly sworn, states that:**Count 1: POSSESSION OF CHILD PORNOGRAPHY**

The above-named defendant did, on or about Wednesday, March 25, 2009, Eau Claire County, Wisconsin, having attained the age of 18, knowingly possess a motion picture, photograph or other image of a child engaging in sexually explicit conduct, and knew 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, pursuant to 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.

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PROBABLE CAUSE:

The complainant is in possession of police reports by Special Agent John Spallees with DCI, which form the basis for this complaint.

Agent Spallees states that in an undercover capacity, he discovered that Scott A. Kappus' residence was being used to facilitate the possession of known child pornography. DCI agents obtained a search warrant for Kappus' residence. On March 25, 2009 at approximately 4:30 p.m., the Eau Claire Police Department assisted DCI agents with the execution of the search warrant at 3516 Hillview Road in the City and County of Eau Claire, WI.

Numerous computers and computer related media were discovered at the residence. Kappus spoke with agents and confessed that he had been downloading and possessing videos of child pornography for the past two to three years. Kappus denied ever having sexual contact with a minor child.

Special Agent Spallees and Detective Becker interviewed Scott Kappus. The agents read a Miranda warning to Kappus before the interview commenced. Kappus agreed to speak with law enforcement and the interview was digitally recorded. Kappus admitted that the last time he accessed a child pornography video/file was on the day of the search warrant (3/25/09). Kappus downloaded the child pornography by using Limewire, which is a file sharing software/client. Kappus explained that he had been unemployed for the past year and stays home seven days a week. Typically, Kappus would watch television or browse the internet. Kappus, who is a 37-year old male, has been living with his father at his father's residence in Eau Claire.

An on-scene preview of Kappus' computer hard drives and peripheral computer media revealed numerous videos of child pornography. Kappus admitted that his computer may contain up to 20 videos of child pornography. Kappus was arrested at the scene and transported to the Eau Claire County Jail pending formal charging by the Eau Claire County District Attorney's Office.

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 26th day of March, 2009

Complainant

Assistant District Attorney

LC #1019024/jan