



U.S. Department of Justice

*United States Attorney
Eastern District of Wisconsin*

NEWS SUMMARY

February 15, 2013

Former Whitefish Bay, WI, Man Sentenced To 28 years in Federal Prison After Jury Conviction for Production of Child Pornography, Transportation of a Minor across State Lines to Engage in a Sex Act, Distribution and Possession of Child Pornography

United States Attorney James L. Santelle announced that David Phillip Foley, (age: 51) formerly of Whitefish Bay, Wisconsin, was sentenced this morning to a term of imprisonment of 336 months, followed by ten years of supervised release. The 28-year term of imprisonment will run consecutively to and begin after Foley's recently imposed Wisconsin State sentence of 10-years for theft by fraud, issuance of worthless checks and two counts of bail jumping. In November, 2012, a jury found Foley guilty of three counts of production of child pornography, transportation of a minor across state lines to engage in a sex act, distribution and possession of child pornography.

In August 2010, the Wisconsin Department of Justice, Division of Criminal Investigation (DCI) was contacted by Fox 6 News, who reported they had received a cardboard mailer, addressed to the television station. The DVD, which had been sent anonymously, contained numerous images of child pornography and a typed letter. The letter stated that the sender had discovered the disc in a dumpster in Whitefish Bay.

DCI determined that the child pornography had been "burned" or copied to the disc on August 10, 2010, just a few days before its delivery to the TV station. Before the DVD was received at the TV station, Foley told individuals that his landlord was "going to be in trouble," and that they should "watch the news."

In the months leading up to the receipt of the DVD, numerous persons who were acquainted with Foley heard him complain bitterly about his landlord, who Foley accused of harassing him and interfering with the operation of his business.

In December of 2010, Foley claimed that he had found a Toshiba laptop computer bag behind the barbershop near where his landlord's car had been parked. Foley told people that the laptop contained child pornography. Foley's business partner had a former private investigator turn the laptop over to authorities.

The investigation revealed that until November 19, 2010, this Toshiba computer was owned by a man who posted it for sale on Craig's list. The investigation further revealed that Foley purchased this computer and the child pornography was first uploaded after the purchase.

A search warrant was obtained for Foley's apartment to seize his computers. A forensic examination revealed that Foley had placed the images of child pornography on the disc mailed to the news station and also on the Toshiba laptop. This was done in an attempt by Foley to set up his landlord and have him arrested for possession of child pornography.

Foley's computers also revealed that he had sexually molested a 14-year old boy and had videotaped the molestation on 3 separate occasions. Once the victim in these videos was identified, law enforcement learned that Foley had also taken the boy to a hotel near the Mall of America in March, 2011, where he sexually molested the boy.

This case was prosecuted in federal court as part of "Project Safe Childhood," the Department of Justice's nationwide initiative to combat the growing epidemic of child sexual exploitation and abuse. Led by United States Attorneys' Offices and the Criminal Division's Child Exploitation and Obscenity Section (CEOS), Project Safe Childhood marshals federal, state, and local resources to better locate, apprehend, and prosecute individuals who exploit children using the internet, as well as to identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov.

According to United States Attorney James L. Santelle, "the protection of our nation's children is a top priority of the Department of Justice, and prosecutions such as this further this priority." Santelle also praised the work of the Wisconsin Department of Justice, Division of Criminal Investigation, Internet Crimes Against Children.

The case was prosecuted by Assistant United States Attorneys Penelope L. Coblenz and Carol L. Kraft.

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