

STATE OF WISCONSIN CIRCUIT COURT DODGE COUNTY

STATE OF WISCONSIN
Plaintiff,

DA Case No.: 2018DD000156
Assigned DA/ADA: James T. Sempf
Agency Case No.: DOJ-17-7508

Vs.

David A Brickett
W11248 State Road 16 & 60
Columbus, WI 53925
DOB: 03/18/1965
Sex/Race: M/W
Eye Color: Hazel
Hair Color: Brown
Height: 5 ft 8 in
Weight: 155 lbs
Alias:

CRIMINAL COMPLAINT

Defendant,

The undersigned, being first duly sworn, states that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY (Full Path: Item_2\C\Andy B\orig images\img0067.jpg)

The above-named defendant on or about Thursday, January 25, 2018, in the Town of Elba, Dodge County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(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) 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.

Count 2: POSSESSION OF CHILD PORNOGRAPHY (Full Path: Item_2\C\Andy B\orig images\img0058.jpg)

The above-named defendant on or about Thursday, January 25, 2018, in the Town of Elba, Dodge County, Wisconsin, did, having attained the age of 18, knowingly possess photograph(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) and (3)(a), 939.50(3)(d) Wis. Stats., a Class D Felony, and upon conviction may be fined not

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PROBABLE CAUSE:

The undersigned has reviewed the reports of the law enforcement officers referenced below and believes them to be true and correct as these reports were created by law enforcement officers while they were acting in their official capacity.

On Wednesday, January 24th, 2018, Wisconsin Department of Justice-Division of Criminal Investigation Special Agent (S/A) Ryan Klavekoske obtained a search warrant for W11248 State Road 16 and 60, Columbus, Dodge County, WI. The search warrant was signed by Dane County Circuit Court Judge Valerie Bailey-Rihnand and commanded a search of the residence for evidence associated with the crime of Possession of Child Pornography.

On Thursday, January 25th, 2018, at approximately 7:45 AM Special Agents with DCI along with the Dodge County Sheriff's Office executed the search warrant. DCI S/As Crowe, Engels, Condon, Jurci, Thiessen, De La Rosa, Hawley and Todd were the entry team at the residence. Contact was made with David Brickett at his door leading into the garage. Brickett was asked to step out of the house and was not handcuffed. DCI agents made entry into the house and cleared it confirming no one else was inside.

SAC Crowe took digital photographs during the search warrant and S/A Condon acted as evidence control agent. S/A Thiessen transferred the digital photographs to an optical disc, which was subsequently placed into DCI-Records.

All items seized were sealed and placed into DCI property. The evidentiary items were submitted to DCI Digital Forensic Unit (DFU) for forensic analysis.

DCI Digital Forensic Examiner (DFE) Todd Oellirich was on scene and forensically previewed items. DCI agents left the residence at approximately 10:09 AM.

On Thursday, January 25, 2018, Wisconsin Department of Justice, Division of Criminal Investigation (DCI) Special Agent (SA) Ryan Klavekoske and SA Brian Hawley interviewed David Alan Brickett, M/W, DOB 03/18/1965. The interview occurred in SA Hawley's Department of Justice issued vehicle in the driveway of W11248 State Road 16 & 60 in Columbus, Wisconsin. During the interview, SA Klavekoske was seated in the front, driver's seat with Brickett seated in the front, passenger seat. SA Hawley was seated in the rear, passenger side seat. Brickett was not restrained prior to or during the interview.

SA Klavekoske began a digital recording device and date and time stamped the recording at 7:57 A.M. At the beginning of the interview, SA Klavekoske advised Brickett that he was not under arrest and could terminate the interview and not speak to agents at any point during the interview. SA Klavekoske also advised Brickett of his constitutional rights. Brickett indicated he understood his constitutional rights and also had heard his rights in the past and understood them in the past. Brickett indicated that he was willing to speak to agents without an attorney present however may elect not to answer some questions.

The following is a summary of information provided by Brickett during the interview taken from notes by SA Klavekoske during the interview.

Brickett stated that he owned the residence of W11248 State Road 16 & 60 for nearly 16 years, having bought the residence in 2002. Brickett stated he resided at the residence alone and that his wife had died in January of 2007. Since then, Brickett's stepson had resided at the residence for a period of time however had not lived here in "years". Since Brickett's stepson moved out, no other persons have resided at the residence.

Brickett stated he also had a Dell laptop computer which was a "dinosaur" and was in use before his wife had died. Brickett stated that he still used the laptop computer a couple times a week however did not use it for internet access. Brickett denied having a tablet or similar devices with internet access. Internet at the residence was provided by Netwurx in Watertown, Wisconsin. Brickett stated there was a internet receiver on the roof of the residence that received the internet signal. Brickett had a router to provide internet access at the residence which Brickett stated was password protected to prevent his neighbors from accessing his internet.

In a room described as a "second bedroom" was what Brickett stated was his office area. Brickett described that it would be obvious what room this was as there were two screens set up on a desk in that room along with three or four computers and the internet router. In this bedroom, Brickett stated there was a Dell desktop computer that was the primary computer he used for internet access. Brickett also had older Dell desktop computers used primarily for playing games on older Windows operating systems such as Windows 95, Windows 98 and Windows XP. On a scale of one to ten, with one being no computer knowledge and ten being extensive computer knowledge, Brickett stated he was a three to four and could do some hardware work however knew little about software.

Brickett stated that his desktop computer he utilized was not bought new and that he could not afford to buy new computers. Brickett stated that he purchased computers through an individual in Milwaukee, Wisconsin who buys used computers, wipes the hard drives and puts new operating systems on the machines. Brickett's current desktop computer was bought from this individual about two years ago.

Brickett provided a primary e-mail address of davidb@gdinet.com. Brickett had a prior e-mail address through hotmail which Brickett could not recall and had not been used in

over five years. Brickett denied use of social media such as Facebook, Instagram, Twitter or Snapchat. Brickett stated that he had a Skype account that was currently used and was open on his desktop computer and automatically logged in when the machine was turned on. Brickett stated he had two friends on Skype, one in Texas and one in England. Brickett used to have webcam access to video chat on Skype however during an operating system upgrade the camera became unusable. Brickett stated that his current Skype user name was Dave Brickert. Brickett estimated that he had this user name for about one year or less.

SA Klavekoske later in the interview discussed the use of the Skype user name dale.burnhette with Brickett. Brickett stated that this was his former Skype user name and had stopped working, which caused him to have to get the current user name of Dave Brickert. Brickett stated he could not get into the dale.burnhette Skype account any longer and this occurred eight to nine months ago. Prior to this, Brickett had used the dale.burnhette user name on Skype for several years. SA Klavekoske also inquired about the use of the user name "storiesbylonewolf". Brickett stated that "that ones really old" and estimated he had used it six to seven years ago on Messenger prior to Skype.

When online, Brickett described that he checked e-mail, surfed the internet and looked a lot at cars and car information as he is a car collector. Brickett had numerous vehicles on his property and stated that about half of the vehicles were currently operational. SA Klavekoske asked Brickett about the use of the e-mail address kaviksdaddy@gmail.com which had been located within the residence. Brickett stated that he signed up for this e-mail account to order bus parts for a vehicle at work. Brickett estimated this occurred over one year prior but not more than three years prior. Brickett stated this e-mail address was used for a short period of time.

When online, Brickett stated that he did look at pornography and looked at "young guys" that were 18 however looked like they may be 16 or 17 years old. Brickett did not have any specific websites he visited however stated that he would search Google images for "Blonde Twinks" and this would often produce the type of pornography he looked for. Brickett estimated he looked at pornography online two to three times per week depending on how busy he was. Brickett stated that a majority of the pornography he looked at was younger males over the age of 18. Brickett denied having any accounts on pornography websites and stated that he "don't want to leave a big footprint" and that when creating accounts on pornography websites you leave a "footprint".

When Brickett found pornography that he liked, he would save the pornography and saved it mostly to the hard drive on his computer. Brickett denied using any encryption on his devices and stated this was beyond his computer knowledge. Brickett also denied the use of any Virtual Private Network (VPN) when online. Brickett also stated that he had a Western Digital 1 terabyte external hard drive that pornography was saved onto. Brickett had other external hard drives which had become defective which caused him to switch brands. Brickett bought his external storage devices new from businesses such as Staples and Best Buy.

Brickett stated that when on Skype, he would share images of pornography with the friend he had in England. Brickett described this individual as someone who started as a

pen pal, which progressed to an e-mail style pen pal and then instant messaging via Skype. The exchange of pornography with this individual via Skype was described as infrequent as Brickett stated that when you view pornography, you can go anywhere online to find it and there is not a need to exchange it. Brickett chatted with the individual in England primarily on Sunday's however stated they would leave messages for each other throughout the week. Brickett's other "friend" on Skype from Texas was described as a lifelong friend who Brickett grew up with in Green Bay, Wisconsin. Brickett stated that during the pornography exchanges, very rarely was it pornography in his view and was more males who were "posed" or "looking sexy" and not actually doing anything sexual.

SA Klavekoske also spoke to Brickett about the Russian website imsrc.ru, also commonly referred to as "Image Source". Brickett stated that he used this website weekly and then later stated he used the website daily and believed it was currently up on his computer. Brickett had set up an account on imsrc as he stated that if you do not, the site makes you go image by image and is really slow. Brickett's user name on imsrc was "niceguydave". Brickett estimated that he set the account up between two and five to six months ago on imsrc. Brickett denied ever using any peer to peer file sharing software.

When searching for pornography, Brickett stated that he had seen pornography with individuals under the age of 18 that would come up on the computer. Brickett stated that his definition of child pornography was similar to what he described as the "federal" standard, where an individual had to be involved in some type of sexual act and that an individual under 18 simply posing or hugging would not constitute child pornography. Brickett had seen pornography like this as he would see a lot of stuff "off target" of what he was looking for however denied saving pornography of individuals under 18 involved in sexual acts. Brickett stated that based on the standard he described, he did not believe that pornography of children under the age of 18 involved in sexual acts would be located on any of his devices. Brickett stated that he had no sexually produced images of himself or images he had taken of others in the residence.

SA Klavekoske asked Brickett about a listing of male names along with associated sexual acts each male had completed located in the residence. Brickett stated that the listing would not be real people and that these were "fictional characters" that he had made up with fictional situations and were not actual living people. Since Brickett's wife died in 2007, Brickett stated he had been in no sexual or intimate relationships except with his "right hand". Brickett indicated that he did masturbate and masturbated to pornography when he viewed it.

SA Klavekoske discussed Brickett's age preference regarding physical attraction to males. Brickett denied being attracted to toddler's or similar age however stated that, "once in awhile will see a cute toddler" however his thought process was more along the line of, "wow, isn't he going to be cute in about five years". Brickett indicated that males age seven (7) to twenty seven (27) would interest him. Brickett indicated it was difficult for him to see many persons over the age of twenty seven (27) or below the age of seven (7) as attractive. Brickett indicated that on a rare occasion he may see a child under seven (7) and think the child is "beautiful".

Brickett denied any physical sexual contact with children however stated that about thirty five years ago, at a "far away" location from where we were currently located, he did have sexual contact with a child. Brickett stated that this happened when he was, "young and stupid" and that he had talked about this in his previous group sessions however stated he was not going to go into this and declined to provide further details.

SA Klavekoske asked Brickett if images would be located on his devices that included nude males under the age of 18 and Brickett indicated that, "I would say yes". Brickett stated that it is hard for him to estimate if he had more nude or clothed images of males under the age of eighteen and that often he is looking at the persons face and eyes as that is where the beauty is and does not realize if they are actually nude or not. Brickett stated that many of the images he possessed of males under the age of 18 were clothed images.

SA Klavekoske inquired about the sex offender registry requirements of Brickett and Brickett stated that if he purchased a new vehicle that would be operated on the road he would immediately register the vehicle with the Sex Offender Registry Program (SORP). SA Klavekoske advised Brickett that the same requirements were present for online accounts and required registration within ten days. SA Klavekoske inquired of Brickett why he had not registered certain account names, such as his account on imgsrc and Skype with SORP as required and Brickett indicated he did not know why this occurred and that he normally waited for the mailed registration update form to come to update new accounts.

At approximately 8:48 A.M., SA Klavekoske placed Brickett under arrest for Possession of Child Pornography and Sex Offender Registry Violation. Brickett requested his wallet from the kitchen table which was provided. Brickett also requested his neighbor be contacted to care for Brickett's dog. At approximately 1:45 P.M. on January 25, 2018, Dodge County Deputy Kevin Harvancik contacted the neighbor at Brickett's request and the neighbor agreed to care for Brickett's dog.

On Thursday, January 25, 2018, Wisconsin Department of Justice, Division of Criminal Investigation (DCI) Special Agent (SA) Ryan Klavekoske reviewed a preview disc created by Digital Forensic Examiner (DFE) Todd Oellerich. The disc was created with images located by Oellerich during the preview examination of a SanDisk thumb drive taken as evidence item 17-7508/5.1 and a Western Digital My Passport 1 TB external hard drive recovered as evidence item 17-7508/5.2. The SanDisk thumb drive was located plugged into a desktop computer in the office area of W11248 State Road 16 and 60, Columbus, Wisconsin and the external hard drive was located in that same office area. Both items were seized and examined pursuant to a search warrant at that location.

During the preview, DFE Oellerich also examined a 1 TB external hard drive referenced earlier in this narrative report. During that examination, Oellerich located images which appeared consistent with child pornography. DFE Oellerich provided seven of those images on the preview disc and SA Klavekoske describes two of those images below:

STATE OF WISCONSIN - VS - David A Brickett

1) img0067.jpg

Full Path: Item_2\C\Andy B\orig images\img0067.jpg

Hash Value (MD5): 95b2ef007a2566bc5350455a1faadc13

Hash Value (SHA 1): bfbe6dda54930c090e295670dba01e02aa38cbe3

GUID: 20aaf8f54f3e868b9c505723f58e6eb6

Description: File, Archive

File Created: 06/26/14 12:51:16

Last Written: 02/12/05 10:22:24

Last Accessed: 06/26/14 12:51:16

Entry Modified: 06/26/14 12:51:16

Logical Size: 148,710

Is Deleted?

This image depicted a prepubescent male fully nude and posed lying on his right side facing the photographer. The child's right leg is lying on the ground with his left knee bent up and his legs spread apart which exposed the child's bare penis. The photograph included the label "Boyerrection.com" with the wording, "the best erection site over the net".

6) img0058.jpg

Full Path: Item_2\C\Andy B\orig images\img0058.jpg

Hash Value (MD5): 6c543caf137720d116420a5392eb1b1c

Hash Value (SHA 1): 012a09bbdbcb4b941a35611da53040cec2760572

GUID: 495a53176366988fbb6e70d4918f83ce

Description: File, Archive

File Created: 06/26/14 12:51:16

Last Written: 02/28/05 09:24:18

Last Accessed: 06/26/14 12:51:16

Entry Modified: 06/26/14 12:51:16

Logical Size: 134,130

Is Deleted?:

This image depicted what appeared to be the same prepubescent male from the previous photograph. The male is again fully nude and posed on his knees with both hands extended behind his head with his inner hands touching the back of the child's head. The child's bare penis is exposed in the photograph. The same label of "Boyerrection.com" appeared on this photograph with the wording, "the best erection site over the net".

SA Klavekoske submitted the fourteen provided MD5 Hash Values from images provided by Oellerich to the National Center for Missing and Exploited Children (NCMEC) Law Enforcement Services Portal (LESP). A portal report was generated which indicated that none of the provided hash values were of known, identified victims of child sexual exploitation. Six of the hash values provided were recognized hash values and eight of the hash values were unrecognized hash values.

Based on the foregoing, the complainant believes this complaint to be true and correct.