

STATE OF WISCONSIN, CIRCUIT COURT, RACINE COUNTY

FILED

FEB 06 2024

CLERK OF CIRCUIT COURT
RACINE COUNTY

Oath and Consent to Serve as Special Prosecutor

The appointment dated February 6, 2024 regarding State of Wisconsin v. Preston Kite, KCSD 23-304801.

I accept this appointment as Special Prosecutor and (swear) or (affirm) that I will support the constitutions of the United States and the State of Wisconsin, and will faithfully discharge the duties of this office to the best of my ability.

State of: Wisconsin

County of: Kenosha

Subscribed and sworn to before me on: 2-6-2024

Tina A. Burke
Notary Public, State of Wisconsin
Name Printed or Typed

My commission expires: 5-1-2024

This notarial act involved the use of communication technology.

[Signature]
Attorney's Signature

Michael D. Graveley, District Attorney
Name Printed or Typed

912 56th Street, Kenosha, WI 53140
Address of Principal Office

Michael.Graveley@da.wi.gov (262) 653-2400
Email Address Telephone Number

February 6, 2024 1000229
Date State Bar No.



FILED
02-08-2024
Clerk of Circuit Court
Racine County
2024CF000164
Honorable Toni L Young
Branch 3

STATE OF WISCONSIN CIRCUIT COURT RACINE COUNTY

DA Case No.: 2024KN000620

STATE OF WISCONSIN

Plaintiff,

vs.

PRESTON KENNETHROBERT KITE

DOB: 12/07/1986

Defendant.

**STATE'S DEMAND FOR
DISCOVERY**

For Official Use

Pursuant to Section 971.23(2m), Wis. Stats., the State of Wisconsin demands that the defendant or the defendant's attorney, within a reasonable time before trial, disclose to the District Attorney the following information:

1. **DEFENSE WITNESSES:** Provide a list of all witnesses, other than the defendant, whom the defendant intends to call at trial, together with their addresses and dates of birth;
2. **STATEMENTS:** Provide any relevant written or recorded statements of a witness named on the Defendant's Witness List, including any reports or statements of experts made in connection with the case or, if an expert does not prepare a report or statement, a written summary of the expert findings on the subject matter of his or her testimony, and including the results of any physical or mental examination, scientific tests, experiments or comparisons that the defendant intends to offer in evidence at trial;
3. **CRIMINAL RECORD:** The criminal record of any defense witness, other than the defendant, which is known to the defense attorney;
4. **PHYSICAL EVIDENCE:** Provide a list of any physical evidence or written documents that the defendant intends to offer in evidence at trial;
5. **OPEN FILE/INSPECTION OF PHYSICAL EVIDENCE:** Upon timely arrangements being made with the ADA assigned to handle the case prior to trial, the defense will be allowed to review the DA case file less any work product and view any physical evidence in the custody or control of the District Attorney's Office.
6. **NOTICE IS GIVEN:**
 - a. The State intends on using any written or oral statements made by the defendant, including any audio or visual recording of the defendant's statement obtained by law enforcement at the defendant's trial.
 - b. Pursuant to Section 971.23(9), Stats., the State intends on using any DNA evidence obtained in this case, which reports and results of laboratory testing have been or will be disclosed to the defendant prior to trial.
 - c. Pursuant to Section 973.06, Stats., the State intends to seek and recover all permitted law enforcement and prosecution costs, including expert witness fees, if any.
 - d. If the complaint uses initials to identify the victim/witness, the defendant has been or will be provided the identity or name of the victim/witness by either separate notice and/or by means of discovery, except as otherwise statutorily authorized.
7. **REQUESTED NO CONTACT WITH:** PP, DOB: 12/13/85. No contact with anyone under 18.

Dated this 8th day of February, 2024.



Michael D. Graveley
District Attorney
State Bar No. 1000229

939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 3: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 4: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 5: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 6: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 7: LEWD AND LASCIVIOUS BEHAVIOR

The above-named defendant on or about Saturday, February 3, 2024, in Racine County, Wisconsin, did publicly and indecently expose his genitals, contrary to sec. 944.20(1)(b), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 8: DISORDERLY CONDUCT

The above-named defendant on or about Saturday, February 3, 2024, in Racine County, Wisconsin, while in a public or private place, did engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke a disturbance, contrary to sec. 947.01(1), 939.51(3)(b) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

PROBABLE CAUSE:

Detective Moro of the Kenosha Sheriff's Department reports that on February 3, 2024 at approximately 7:20 pm, he and Deputy Rohrs of the Kenosha Sheriff's Department were contacted to assist a Racine County Sheriff's Office investigation involving Racine County Sheriff's Deputy Preston Kite, DOB: 12/7/86 (hereinafter "the defendant").

Sgt. Radtke of the Racine County Sheriff's Office stated to Detective Moro that during his shift that day he was informed by Racine dispatch that there was a call for an allegation against a deputy attempting to coax the caller into a bathroom stall and exposing themselves to the caller. The location of the incident was determined to be the Petro gas station at 717 S. Sylvania Ave., Sturtevant which is in the County of Racine, State of Wisconsin.

Sgt. Radtke stated that he called the complainant who is identified by initials as PP, DOB: 12/13/85. The complainant informed Sgt Radtke that he was driving home from Milwaukee to Illinois when he stopped in the area to get Taco Bell and Danishes. The complainant stated that he is gay and uses the app Grinder (a gay dating application). The complainant stated that he went into the bathroom at Petro, went into a stall, exited the stall, went to wash his hands, then the stall behind him opened and he observed a male in full uniform. The complainant stated that the male in uniform was actively masturbating and telling him not to be scared and come into the stall. The complainant told the male no and walked out of the bathroom. The complainant then took a photo of the squad car at Petro that was parked in the parking lot.

Sgt Radtke received the photo of the squad from the complainant and observed it to be Racine County Sheriff's Office fully marked patrol vehicle 5051 which was currently assigned to the

defendant on that date and time. Detective Moro also determined that the defendant was on duty when the incident at Petro happened.

Sgt. Radtke told Detective Moro that he went into the Petro and watched video footage pointing towards the bathrooms. Sgt. Radtke was able to record it on his body camera and Detective Moro was able to observe it. Sgt. Radtke observed at 4:30 pm, the defendant walked into the bathroom. At 4:32 pm, a male who appeared to be the complainant walked into the bathroom. At 4:35 pm, Sgt. Radtke observed the complainant leave the bathroom. At 4:36 pm, Sgt. Radtke observed the defendant exit the bathroom and it appeared that the defendant was leaving quickly. Detective Moro observed this video from Sgt. Radtke's body camera and saw the same information provided to him by Sgt. Radtke. Detective Moro did not observe anyone else entering or leaving the bathroom in this time frame when both the defendant and the complainant were in there.

Detective Moro reports that he spoke to the complainant over the phone in his squad car. The complainant told him everything that he stated to Sgt. Radtke but with further detail. The complainant advised that he went to the Petro and parked on the west side of the building. The complainant stated that he went in to get food and got Taco Bell and took it to his car to eat it. He stated at this time he got a message on what he believed to be Grinder (but later stated was the Sniffies app) by someone saying something along the lines of them seeing the complainant walking in and told the complainant to come to the bathroom. The complainant stated he was curious about this and walked into the bathroom at Petro. The complainant that he was not expecting anything sexual and was just curious from the message. The complainant stated that he washed his hands and then the stall behind him opened and he saw an officer, in uniform with a gun and radio, standing there. The complainant stated the officer had his penis exposed through the fly in his pants and was masturbating. **[Counts 7 and 8]** The officer told the complainant, "don't be scared come in." The complainant stated that he asked the officer why he is doing this and left. The complainant was scared and didn't know if he should report it or not. The complainant eventually called and spoke with Racine dispatch.

Detective Moro reports that he then interviewed the defendant at the Racine County Sheriff's Department after reading him his Miranda rights. Detective Moro informed the defendant that he was there for an incident that happened at the Petro gas station. The defendant asked what the accusation was and Detective Moro informed him that someone reported him exposing himself at Petro. The defendant immediately put his head down and began explaining what happened at Petro. The defendant stated that he met someone online and they told him that they were actively masturbating. The defendant stated that he told this person he would be right there and went into Petro's bathrooms. The defendant stated that he went into a stall next to where this subject was masturbating. The defendant stated he was trying to show he was not a cop. The defendant stated he was watching the subject and that person waved him over to come to the stall with him. The defendant said he didn't go saying no. The defendant said the subject walked over to his stall and tried to open it and saw the defendant through the crack and began saying he was sorry. The defendant stated that he told the subject that it was fine and the subject left.

Detective Moro reports that he asked the defendant what website he was using to communicate with the subject and the defendant said Sniffies. Detective Moro reports that Sniffies is a gay and curious map-based location communication app and website. On this app you can see who else is active, where they are, and tap their name to talk to them. You can also click on locations people have written comments on about what you can do there. Detective Moro learned this though seeing it later on the defendant's phone.

Detective Moro asked the defendant when he started talking to the subject from the bathroom today and he explained that there was no prolonged conversation and that it happened when he went to Petro. The defendant stated that he went to Petro to get a drink. He then said he saw the subject on the map (Sniffies map) and asked the subject if he was there. According to the defendant the subject told him he was at the gas station masturbating but it was slow, and he was going to leave. Detective Moro asked the defendant if the subject was in the bathroom before him and he said no. Then he stated that the subject was in the bathroom before him, left, and then came back.

Detective Moro asked the defendant to explain the events again and the defendant stated that he told the subject that he was in the bathroom and the subject responded he was on the way. According to the defendant, he was in a stall and the subject went into the stall next to him, pulled out his penis and started masturbating. The defendant stated he began watching the subject while trying to hide himself being a cop because he was in uniform. When asked how he watched the subject, the defendant informed Detective Moro that he watched the subject through the reflection on the wall of the stalls due to the divider not hitting the wall. The defendant stated that he did this by standing and staring at the toilet so he could see the reflection. The defendant explained the walls are reflective. The defendant stated again that the subject came to his stall, saw him through the crack, got scared and left. The defendant stated that he did not open his stall door to tell the subject that it was okay.

Detective Moro asked the defendant if he was also masturbating, and he stated no, "I was just watching. That sounds terrible." Detective Moro asked the defendant what he did once the subject left. The defendant stated that he messaged the subject that he was sorry if he scared him and then stated, "I'm sorry.. whatever." The defendant stated that the subject blocked him. The defendant was asked how he knew the tiles were reflective and he stated its on Sniffies. When Detective Moro pulled up the Sniffies app, he found that you are able to click the gas station and see Petro. When you click on it, there is description that stated, "the bathroom tiles are reflective, great for watching guys jerk in stalls."

Detective Moro spoke to the complainant again and asked if he was on Grinder or Sniffies when he received the message from the defendant. The complainant stated that he thought it was Grinder but it was actually Sniffies when he thought more about it. The complainant stated he uses Grinder and was on it just before this took place and misspoke. Detective Moro asked the complainant if he was in the stall masturbating and he stated no. The complainant denied masturbating and said that he wouldn't call the cops about this if he was also masturbating. The complainant stated he knows that's illegal to do.

The defendant's personal cellphone was removed from his squad. The defendant had been in possession of his phone that day in the County of Racine, State of Wisconsin. Further, the defendant resides in Union Grove which is in the County of Racine, State of Wisconsin. Detective Moro obtained the defendant's consent to search, seize, and download the defendant's cell phone. Detective Moro was examining the defendant's cellphone to see if it would corroborate what he was being told. When looking at the defendant's phone, Detective Moro saw a large amount of video which appeared to be hidden bathroom cameras next to urinals and toilets where people were exposing their penises to urinate.

To further investigate, Detective Moro obtained the assistance of Officer Morton with the Kenosha Police Department to download the defendant's phone. That download was done on February 6, 2024. Upon completion, Officer Morton told Detective Moro that the downloaded content from the defendant's phone revealed there to be Child Sexual Abuse Material (CSAM) also known as child pornography. Upon meeting with Officer Morton, he advised Detective Moro that the images/videos were pulled from an app call Session.

Detective Moro did a Google search of Session, and according to the Session website it is an end-to-end encrypted messenger that minimizes sensitive metadata, designed and built for people who want absolute privacy and freedom from any form of surveillance. According to this website, under the privacy tab it states: You don't need a mobile number or email to make an account. Your display name can be your real name, an alias or anything else you like. Session does not collect geo location data, metadata, or any other data about the device or network you are using. Under the how do Session ID usernames work drop down, it states that Session user names are permanent alphanumeric names that can be purchased using the anonymous Oxen cryptocurrency and attached to a Session ID.

After obtaining this information, Detective Moro did a manual check of the defendant's phone and observed the Session application to be installed on it and located on the last page of applications. Upon opening this application, it opened a message thread with another user called "Matt94." Conducting a check of this chat, Detective Moro observed this to be a normal messaging chat where the messages being received are on the left portion of the screen with a dark background bubble around them. Messages sent to Matt94 were sent with a green bubble around them and were on the right portion of the screen. Backing out of this conversation, you are put in a screen tab where it will list conversations you are having with other users. Detective Moro observed no other conversations in this portion. The only conversation was with Matt94.

Detective Moro reports that at the top left portion of the screen, there was a pink circle with a "JU" inside of it. Clicking on this revealed the settings tab. It also provided Detective Moro with the screen-name "JustMe1169." Detective Moro found that the defendant also appeared to use the username "Just Me" associated with one of his email addresses through Google. That email was associated with other apps on the defendant's phone that the defendant was known to use, including Sniffies. Based on this being the defendant's phone, based on the appearance of the messages on the Session app, and based on the defendant's connection to the username, Detective Moro informed your complainant that he inferred that the person sending and receiving messages under "JustMe1169" was the defendant.

Detective Moro reports that the Session text conversation thread between JustMe1169 (DEFENDANT) and Matt94 (M), reads as follows:

January 25 01:48

- DEFENDANT to M: "What up bro. sorry I don't have twitter notifications"

January 26 11:13

- DEFENDANT to M: "Sup"

Session system message to users on chat thread "Your message request has been accepted."

- M: "Hey"

- DEFENDANT: "U got vids to trade?"

- M: "Yeah"
- DEFENDANT: "Send a couple I'll send mine"
- M: [sends four videos of CSAM]
- M: "they're sending"
- M: [sends one more video of CSAM]
- DEFENDANT: [sends four videos of CSAM]
- M: [sends two videos of CSAM]
- DEFENDANT: "I'm assuming you've seen Matt's videos lol"
- DEFENDANT then appears to have directly replied to a singular video sent by M. This is a message from DEFENDANT which shows one of M's videos he sent to DEFENDANT with "Matt94 video" next to it. Under the video DEFENDANT messages Matt94: "This is amazing"

Detective Moro reports that he watched the video DEFENDANT responded to M about. It was a 26 second video, full color, and close up of a prepubescent boy who is laying on their back and nude exposing their penis and rectum. The boy has his legs in the air and are being held by his hands. An adult male's penis then enters the video and it begins performing anal sex the prepubescent boy. This continues until the video ends. **[Count 1]**

- M: "I've only seen one"
- M: [sends one CSAM video]
- DEFENDANT: [sends one CSAM video]
- M: [sends one CSAM video]
- 2x Message from Session in chat in the center of the screen: "Media saved by Matt94"
- DEFENDANT: "Do you have any more super young?"
- DEFENDANT: "How old are you?"
- M: "18 and yeah I have super young"
- DEFENDANT: "Can I get a couple of those"
- DEFENDANT: [sends one CSAM video]
- M: "Yes"
- DEFENDANT: [sends two CSAM videos]
- M: [sends four CSAM videos]
- "Media saved by Matt94" message from Session
- DEFENDANT: "No penetrative super young?"
- M: [sends one CSAM video]
- DEFENDANT: [sends two CSAM videos]
- DEFENDANT: "Fuck yes"
- M: "I'm checking for more"
- "Media saved by Matt94" message from Session
- DEFENDANT: "What state u in? We need to meet up"
- DEFENDANT: "lol"
- DEFENDANT: [sends two CSAM video]

This next message by M is a reply to DEFENDANT's message about what state he is in and that they need to meet up. It shows in this chat bubble from M the message he is replying to along with "You" at the top refereeing to user DEFENDANT's message.

- M: "I don't do any meet ups sorry [emoji smile sweating]"
- M: [sends one CSAM video]
- DEFENDANT: "Fuuuck. I wish"
- DEFENDANT: "Id marry you hahahaha have a family"
- "Media saved by Matt94" message from Session
- M: "and have fun with kids [smile face wink emoji]"

- DEFENDANT: "absolutely"
- M: [sends one CSAM video]
- DEFENDANT: "Yeees"
- DEFENDANT: "like that"
- M: [sends one CSAM video]
- DEFENDANT: [sends four CSAM videos]
- "Media saved by Matt94"
- DEFENDANT: [sends one CSAM video]
- "Media saved by Matt94" message from Session
- "Media saved by Matt94" message from Session
- "Media saved by Matt94" message from Session
- DEFENDANT: [sends one CSAM video]
- DEFENDANT: "anything else"
- This next message by M is a reply to DEFENDANT's CSAM video he sent to him.
- M: "Damn this one is hot"

Detective Moro proceeded to watch this video and observed the following: The video is 1:41 minutes in length and in color. The video shows a prepubescent on his hands and knees on top of a bed. The boy is fully nude. Also on the bed is two adult males. Both males are nude. One of the adult males has their penis inside the prepubescent boy mouth and the other adult male is having anal sex with the prepubescent boy.

This continues through the duration of the video. **[Count 2]**

- DEFENDANT: "I love that one"
- DEFENDANT: "Did I send the one with the two dads?"
- DEFENDANT: [sends one video of CSAM]
- M: "yeah the one that's 1:41?"
- M: [sends one video of CSAM]
- DEFENDANT: "This one"
- "Media saved by Matt94" message from Session
- "Media saved by Matt94" message from Session
- "Media saved by Matt94" message from Session
- M: "Oh Yeah"

DEFENDANT replies to Matt94's video of the one explained above that DEFENDANT already responded to. This text bubble from DEFENDANT has the video image in it and Matt94 next to it. DEFENDANT messages M: "This is my favorite so far"

- M: "I love how he goes deep [Laughing face emoji]"
- M: [sends two CSAM videos]
- DEFENDANT: "oh wow"
- M: "unfortunately those are the last two I have"
- DEFENDANT: "I appreciate you"
- DEFENDANT: "Can we be friends lol or are you business only"

January 26 12:28 time stamp

- M: "I mean I don't mind talking but mostly just trade"

Detective Moro reports that this is the end of the conversation between the two of them. This chat between DEFENDANT and M contained 38 videos sent between both parties. Both M and DEFENDANT sent 19 video each. All videos were CSAM. Detective Moro described a few of the videos from this chat thread.

Count 3:

- Filename: 7FD0BAF1-665C-4534-BCDA- B129F5480814.mp4
- MD5 Hash Value: 45e05b251d4c51d3573fef45e10ba6f9
- Sent from DEFENDANT to M

Detective Moro reports that this is a 39 second video, in full color, of an adult male on a bed and on their knees. The male is fully nude. Under the male's buttocks is a toddler's face being slightly sat on. The toddler's fully nude and the body is laying, extended in front of the male's body moving around. The adult male's penis is erect and over the toddler's body. The adult male is masturbating and proceeds to ejaculate on the toddler's body. The video ends with the male getting off of the toddler and ending the video.

Count 4:

- Filename: 2F6ACE8A-7BA7-4577-8589-1B7463B6FB20.mp4
- MD5 Hash Value: 220551b4387c07219b5bd54d8c995475
- Sent from DEFENDANT to M

Detective Moro reports that this is a 1:32 minute video in full color. The video begins with a fully nude toddler lying in bed on their left side. Behind the toddler is a penis belonging to an adult male. The video proceeds by the adult having anal sex with the toddler for the duration of the video.

Count 5:

- Filename: 3341079D-BD62-4E0B-9DE0-907974FD799D.mp4
- MD5 Hash Value: 5f35d3f0c739e52a0cf615c755855c92
- Sent from DEFENDANT to M

Detective Moro reports that this is a 1:17 minute video in full color. The video begins with a prepubescent boy, fully nude, laying on his back on what appears to be a bed. There are two fully nude adult males in this video with the prepubescent child. Detective Moro estimated this child to be between the ages of 2-4 years old. One male has their erect penis in the prepubescent boys mouth making him perform oral sex while the other has their penis against the boy's rectum. The video continues with the males performing oral sex and anal sex with the prepubescent boy and masturbating by his face.

Count 6:

- Filename: 6C89DD6B-F08B-4BC0-A657-FF81E46F8C30.mp4
- MD5 Hash Value: bd480fa2a7d84a2a829c92dd4f0c42d3
- Sent from DEFENDANT to M

Detective Moro reports that this is a 0:59 second video in full color. The video begins with a prepubescent boy, fully nude, laying on his stomach on what appears to be a bed. There is one fully nude adult male in this video with his penis inside of the child's rectum performing anal sex. Detective Moro estimated the child's age to be between 2-4 years old. The video proceeds with the adult male performing anal sex on the child and pans over to the child's face. At this time, you see another nude adult male with his penis inside of the prepubescent boy's mouth having him perform oral sex. The video continues showing these adult males performing these actions to the child until it ends.

Detective Moro reports that since he observed JustMe1169 (the defendant) tell Matt94 that the Twitter notifications were off, he checked the defendant's phone manually for the Twitter/X app.

That app opened to a Twitter/X account with the screen name "JustMe" and username of "@pervvydadd12." He will be referred to as DEFENDANT again. Conducting a check of the messages for this account, Detective Moro observed a message between this account and a user with a screen name of "Matt94" and username of "@ematking94." He will be referred to as M again. The messages between them are as follows and shown to be from 2024:

Saturday, January 20 at 2359 hours

- DEFENDANT: "What up bro"
- DEFENDANT: "open minded here. No limits"

Saturday, January 21 00:00 hours

- DEFENDANT: "[football emoji][pizza emoji][dinosaur emoji][baby bottle emoji]"
Detective Moro who has gone through internet crimes against children training reports that based on his training and experience, the pizza emoji is reference to "cheese pizza" which in CSAM material is a code for Child Porn due to the first letter of cheese being C and first letter of Pizza being P making CP. The baby bottle is in reference to the age range of children the person likes. Detective Moro reports that he is unaware of what the dinosaur and football emojis mean.
- M @ 00:23: "Hey bro"
- M: "want to trade"
- DEFENDANT @ 23:13: "Telegram?" [the defendant has the Telegram app on his phone]

Monday, January 22

- M at 00:24: "Do you have session? I can't send videos on telegram"

Tuesday, January 23

- DEFENDANT at 14:23: "Why not?"
- M at 17:17: "not sure. It always gives me an error message"
- DEFENDANT at 21:04: "Ok what's your session"

Wednesday, January 24

- M at 00:47: [string of numbers and letters that would be consistent with a Session ID]

Thursday, January 25

- DEFENDANT at 01:48: "Messaged u. sorry for the delay"

Friday, January 26

- M at 10:34: "all good"
- DEFENDANT at 11:13: "Did you get my session?"
- M at 11:13: "yeah I just responded"

These times where DEFENDANT and M messaged each other on Twitter/X match the time provided by the Session app conversation described above.

Your complainant is an attorney with the Kenosha County District Attorney's Office, who bases her knowledge of this complaint on:

- The official law enforcement agency reports of the Kenosha Sheriff's Department prepared by Detective Moro, which reports were prepared in the normal course of law enforcement duties;
- Statements by citizen informant(s) PP, DOB: 12/13/85; who are eyewitnesses to the facts they relate;
- Statements by the defendant, which were made contrary to his penal interests;
- The official records of: The Department of Transportation; The FBI Triple I Teletype; The Wisconsin Circuit Court Automated Program, which records are maintained in the normal course of business duties.

Subscribed and sworn to before me on 02/08/24

Electronically Signed By:

Zachary L Brost

Assistant District Attorney

State Bar #: 1105364

Electronically Signed By:

Carli McNeill

Complainant

FILED
11-21-2024
Clerk of Circuit Court
Racine County
2024CF000164

STATE OF WISCONSIN CIRCUIT COURT RACINE COUNTY

STATE OF WISCONSIN
Plaintiff,

vs.

PRESTON KENNETHROBERT KITE
DOB: 12/07/1986

Defendant.

**AMENDED
INFORMATION**

Court Case No.: 2024CF000164
DA Case No.: 2024KN000620

For Official Use

The undersigned prosecutor for said County, hereby informs the Court that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 2: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 3: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 4: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 5: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 6: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 7: LEWD AND LASCIVIOUS BEHAVIOR

The above-named defendant on or about Saturday, February 3, 2024, in Racine County, Wisconsin, did publicly and indecently expose his genitals, contrary to sec. 944.20(1)(b), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

Count 8: DISORDERLY CONDUCT

The above-named defendant on or about Saturday, February 3, 2024, in Racine County, Wisconsin, while in a public or private place, did engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct, under circumstances in which such conduct tended to cause or provoke a disturbance, contrary to sec. 947.01(1), 939.51(3)(b) Wis. Stats., a Class B Misdemeanor, and upon conviction may be fined not more than One Thousand Dollars (\$1,000), or imprisoned not more than ninety (90) days, or both.

Count 9: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 10: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 11: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 12: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 13: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 14: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 15: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 16: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 17: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 18: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 19: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 20: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 21: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 22: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 23: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 24: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 25: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 26: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine 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) 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.

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.

Count 27: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 28: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 29: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 30: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 31: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 32: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 33: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit

conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 34: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 35: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m)

and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 36: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 37: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 38: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 39: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Count 40: SEXUAL EXPLOITATION OF A CHILD - PRODUCE, PERFORM, ETC.

The above-named defendant on or about or between January 26, 2024 and February 3, 2024, in Racine County, Wisconsin, did distribute any recording of a child engaged in sexually explicit conduct and the person knows the character and content of the sexually explicit conduct involving a child and knows reasonably or should have known that the child engaging in the sexually explicit conduct had not obtained the age of eighteen years, contrary to sec. 948.05(1m) and (2p)(a), 939.50(3)(c) Wis. Stats., a Class C Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than forty (40) 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.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617(1), upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least five years.

Date Signed: 11/20/24

Electronically Signed By:

Carli A. McNeill

Deputy District Attorney

State Bar #: 1081400