

CRIMINAL COMPLAINT

STATE OF WISCONSIN

DA Case No.:

Plaintiff,

vs.

Complaining Witness:

Investigator Robert Stelter

Pierick, Brian
709 Clardell Drive
Sun Prairie, WI 53590
DOB: 07/18/1963

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: CHILD ENTICEMENT (EXPOSING SEX ORGAN)

The above-named defendant between September 1, 2010 and November 21, 2010, at locations in Milwaukee and Waukesha Counties, including, specifically, at or near the corner of Fox River Parkway and Water View Lane in the City of Waukesha, County of Waukesha, Wisconsin, with intent to cause a child to expose a sex organ in violation of sec. 948.10, did attempt to cause DR, a child who had not attained the age of 18 years, to go into a vehicle, contrary to sec. 948.07(3) and 939.50(3)(d) Wis. Stats.

Upon conviction for this offense, a Class D Felony, the defendant may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

Count 2: EXPOSING GENITALS OR PUBIC AREA

The above-named defendant on Saturday, October 16, 2010, at or near the corner of Fox River Parkway and Water View Lane, or other locations, in the City of Waukesha, County of Waukesha, Wisconsin, for purposes of sexual arousal or gratification, did cause a child to expose their genitals, contrary to sec. 948.10(1) and (1)(a) and 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

PROBABLE CAUSE:

I am an investigator employed by the Milwaukee County District Attorney's Office, Public Integrity Unit, and I base this complaint on information obtained during the course of a confidential *John Doe* proceeding. Included among the subjects of said *John Doe* proceeding are former Milwaukee County employee, Timothy Russell, and his business and domestic partner, the above named defendant, Brian Pierick, presently employed as Office Operations Associate - School Improvement Grants / Education for Homeless Children and Youth, for the State of Wisconsin. See *In the Matter of a John Doe Proceeding*, 10JD000007.

During the course of said *John Doe* proceeding, numerous items of potential evidentiary value were identified, seized and examined pursuant to valid search warrants, authorized during the course of this confidential investigation.

A number of said items were seized from the shared home and/or work places of Brian Pierick and Timothy Russell. The items seized from their home and/or work places include, but are not limited to, various electronic or computerized devices ("computers"), electronic storage devices, and cellular phones, including two "Apple iPhones," confirmed to be owned and operated by the above named defendant and/or Timothy Russell.

Forensic examination of said items, including the "iPhones" and various computers, in addition to revealing potential evidence relevant to the original subjects of the investigation, also revealed suspected evidence of the crimes of Possession of Child Pornography, contrary to Wis. Stats. § 948.12, Child Enticement, contrary to Wis. Stats. § 948.07 and Exposing Genitals or Pubic Area to (or of) a Child, contrary to Wis. Stats. § 948.10.

The discovery of said evidence prompted additional investigation pursuant to the above described *John Doe* proceeding. This included the execution of additional search warrants on the contents of the phones and computers already in the custody of investigators, the subpoena of relevant corroborating records, and the interview of "DR," a then seventeen year old juvenile/child, and suspected victim of sexually exploitative conduct, including an attempted child enticement, on the part of the above named defendant.

EXECUTION OF SEARCH WARRANT ON DEFENDANT'S RESIDENCE

Execution of the above referenced search warrants, pursuant to the existing *John Doe* proceeding, included the execution of a search warrant at 2031 N. 49th Street, in the city and county of Milwaukee, defendant Brian Pierick's then residence. Said search warrant was executed on that premises on December 7, 2010.

During the course of the execution of this search warrant, investigators from the Milwaukee County District Attorney's Office (hereinafter "investigators") lawfully seized a number of items from the residence, including various computers and two iPhones: One such iPhone was subsequently identified as being used, primarily, by defendant Brian Pierick, although the contract for service was in the name of Timothy Russell. Further investigation confirmed that the number assigned to said iPhone (hereinafter "Pierick iPhone") was number (414) 840-3315. The other iPhone was subsequently positively identified as being used, primarily, by Timothy Russell. Further investigation confirmed that the number assigned to that iPhone (hereinafter "Russell iPhone") was number (414) 840-3322.

DISCOVERY OF SEXUALLY EXPLICIT TEXT CHATS WITH JUVENILE

During inspection of the Pierick iPhone's contents, investigators discovered a series of graphically sexually explicit MMS (multimedia messaging service) text-message chats (hereinafter "chat" or "chats") between the user of the Pierick iPhone, later positively identified, by his own admission, as defendant Brian Pierick, and number (262) XXX-XXXX.

Due to the graphic sexual content of the chats, which include references to "daddies" and "son" themed sexual "role play," the discovery of suspected child pornography¹ on computers seized from the above residence, the age of the above defendant (Brian Pierick was 47 years of age when the "chats" took place), as well as statements made by the user of (262) XXX-XXXX, during the chats, indicating that the user purports to be an "almost 19" year old, Waukesha high school student, who lives with his parents, investigators expanded the scope of the *John Doe* proceeding to permit further investigation into these matters.

Armed with this information, and knowing from training and experience that teenage children frequently misrepresent their ages in the context of interactions of this nature, investigators suspected the user of (262) XXX-XXXX may in fact be a juvenile. Subsequent investigation revealed that the user of (262) XXX-XXXX, who later admitted to being party to the above described "chats," was in fact a 17 year old child/juvenile, identified as "DR."

¹ During the course of analysis of the above referenced computers, seized in connection with the *John Doe* proceeding, at least one image of suspected pre-pubescent child pornography was located on said computers; however, there were a significant number of pornographic or otherwise sexually explicit images of very young appearing male subjects, who appear to be between the ages of 12 and 19. Because the majority of the suspect images are of what appear to be pubescent and/or post-pubescent teenage boys and/or very young adult men, whose ages cannot be verified, neither defendant Brian Pierick, nor his partner, Timothy Russell, who also had access to said computers, have been charged with the crime of Possession of Child Pornography.

FORENSIC ANALYSIS OF SEIZED EVIDENCE BY THE FEDERAL BUREAU OF INVESTIGATION

Additionally, as part of a thorough investigation into this matter, the iPhones, including the Pierick iPhone, and various computers, among other seized items, or exact forensic copies thereof, were conveyed to the Federal Bureau of Investigation ("FBI"), Milwaukee field office, for a complete forensic data extraction and analysis.

FBI Special Agent Matthew Petersen, a trained computer forensics expert, subsequently performed a comprehensive forensic data extraction/analysis on each of the seized items, among other items of evidence obtained during the course of the *John Doe* proceeding. Investigators then reviewed the contents of the forensic extraction/analysis of each such item, which revealed the previously identified series of explicit chats, extracted from the Pierick iPhone, and the above referenced suspected child pornography, which included a number of sexually explicit images of young appearing male subjects who appeared to be between the ages of 12 and 19, extracted from computers seized from the defendant's former residence.

Said sexually explicit images included depictions of said boys and/or very young appearing men in various states of undress or engaged in sexually explicit conduct including lewd exhibition of genitals, oral sex, anal sex and forms of "bondage" and "discipline," including a series of images devoted to "spanking." A number of said images contained labels such as "TBW" or Teen Boy World, Daddies, Skinny Boys, Boys Collection, Andy Kay's Boy Crush Try Outs, Raw Twinks Boys, Spank This, Boy's Shorts, Homemade Boys, Boy's Butts, Twink Fisting Videos, Hardcore Twink, Hardcore Gay Bondage, and Asianland Boyz, among others. Certain of the images portrayed sexual "bondage" type scenes similar to sexual role playing characterized in portions of the sexually explicit "chats" with juvenile DR.

It is noted that numerous sexually explicit images of this same type and character were located on a number of computers, including computers used primarily by defendant Brian Pierick. A review of the totality of the evidence suggests that defendant Brian Pierick, intentionally procured sexually explicit and/or pornographic images of this type and character. This is further confirmed by the fact that Special Agent Petersen was able to forensically identify specific "usernames" as associated with specific images, in some instances. These included usernames such as "Walker04" and "TRussell," on information and belief, created by Timothy Russell and/or defendant Brian Pierick for use on their computers and other devices.

STATEMENTS OF JUVENILE "DR" REGARDING CIRCUMSTANCES OF SEXUALLY EXPLICIT "CHATS" & DEFENDANT'S ATTEMPTED CHILD ENTICEMENT

A review of dates associated with the above referenced sexually explicit "chats" reveal that all such chats, extracted from the Pierick iPhone, took place between October 16, 2010 and November 21, 2010. However, during the course of an investigative interview with juvenile DR, DR indicated that his contact with the user of the Pierick iPhone, subsequently identified as defendant Brian Pierick, began more than a month earlier in late August of 2010 and that the extracted chats only represent a portion of the communication between DR and defendant Brian Pierick.

A subsequent subpoena of AT&T for call detail (incoming and outgoing phone calls and texts) for the Pierick iPhone, for the time frame of July 1, 2010 to March 22, 2011, corroborates this statement, revealing that the first text message from the user of the Pierick iPhone to juvenile DR's number was sent on August 30, 2010 at 8:38 a.m. (central standard time). The call details further indicate that 115 text messages were sent by the user of the Pierick iPhone to juvenile DR's phone and that 97 text messages were sent from juvenile DR's phone to the user of the Pierick iPhone. (It is noted that the content or substance of said text messages is not available through AT&T.)

Juvenile DR also indicates that the user of the Pierick iPhone initiated contact with him and that he believes the contact was initiated in response to a posting he placed on "Craig's List" in the men seeking men category, which included his cellular phone number.

In response to a subpoena, Craigslist.org replied with a copy of the listing, to which DR referred in his statement. Craigslist.org records indicate that the listing was posted on Monday, August 30, 2011 at 4:14 a.m. (Central Standard Time). A review of phone records further indicate that less than five hours after the listing was posted, the user of the Pierick iPhone contacted DR's phone, on information and belief, in response to the listing, which was sexually explicit in nature and falsely represented DR to be 19 years of age. (It is noted that Craigslist.org requires that persons using their service confirm they are at least 18 years of age. Accordingly, had DR stated his actual age, his posting would have been blocked or removed.)

Juvenile DR's listing stated the following:

"Hey, i'm looking for some-men to help me out ! I am 19 years of age, 185lbs (more to love), 5'11", 6"Cut Cock, STD AND HIV -. I really need to Jack Off and I have nothing to do it off of, I need a man to text me about a fantasie i have of RolePlay, Your the Father and I you son. PLEASE SEND PICS! I have a 4 day load that NEEDS OUT! XXX XXX XXX XXX XXX XXXXX XXX XXXXXXX XXXX XXX DADDY ! I NEED YOUR HELP !" (sic)

During an interview with investigators, DR had difficulty articulating why he placed the listing or ad on Craig's List and informed investigators that his intent was to have sexually explicit conversations with other males, as the text of the posting states, and that he did not contemplate what he would do or how he would respond to a request to meet in person or engage in sexual contact.

DR further indicates that the user of the Pierick iPhone was the only party he recalls responding to his listing directly, via text messaging. He states that he received other replies to the listing but they were received through Craig's List's messaging service as emails. He states that the user of the Pierick iPhone was the only party to whom he responded after placing the listing.

DR also disclosed to investigators that it was his belief and understanding that he was engaging in communication with two parties at most times during the course of the communication, and that the sexually explicit chat, and ultimately the attempt to meet and have sexual contact, centered around the concept of these two adult males, on information and belief, defendant Brian Pierick and another unnamed co-conspirator, "representing" his two "daddies" in a form of sexual role playing in which the "son," or younger party, was treated as a "submissive," possibly subject to forms of degradation and humiliation for the sexual gratification of the participants.

TRANSCRIPT OF SEXUALLY EXPLICIT "CHATS"

The following is a true, accurate and complete transcript of the above described sexually explicit "chats," which were capable of being extracted from the Pierick iPhone. The text on the left hand side, appearing in blue (if color copy), contains the substance of text messages sent by juvenile DR to the user of the Pierick iPhone, subsequently identified, by his own admission, as 47 year old defendant Brian Pierick, and the text on the right hand side, appearing in red (if color copy), contains the substance of text messages sent by defendant Brian Pierick, to 17 year old juvenile DR, using the Pierick iPhone.²

<u>ADDRESS</u>	<u>DATE</u>	<u>RECEIVED TEXT</u>	<u>SENT TEXT</u>
+1262XXXXXXX	10/16/2010 10:40:07 CDT	Hey dad.	
+1262XXXXXXX	10/16/2010 10:42:17 CDT		Hey boy
+1262XXXXXXX	10/16/2010 10:43:27 CDT	Are you horny dad?	
+1262XXXXXXX	10/16/2010 10:43:41		Dad is always horny

² The number associated with juvenile DR's phone has been redacted to protect his privacy.

CDT
 10/16/2010 I wish i could help you, you know i
 +1262XXXXXXX 10:47:33 stay the night an you tie me up.
 CDT Then do what ever you want to
 your boy, even if i say no, i want
 you to! Daddy! I need you.

10/16/2010
 +1262XXXXXXX 10:52:45 Anytime boy. Two dads to use your holes.
 CDT

10/16/2010
 +1262XXXXXXX 10:53:21 :-] god, i cant wait! Are you hard? I
 CDT am.

10/16/2010
 +1262XXXXXXX 10:55:11 Yeah. Send me a picture of your hard cock
 CDT

10/16/2010 I tryed befour, it wont let me send
 +1262XXXXXXX 10:56:42 dad. I I want to be your boy slave!
 CDT Pleasing both my daddy! How ever
 they want!

10/16/2010 Tell us when. You can cum over now. We
 +1262XXXXXXX 10:58:45 will fuck your face and ass and use our
 CDT boy like the slut he is

10/16/2010 Daddy where do you live?! I have
 +1262XXXXXXX 11:00:30 to see if i have the gas. You do
 CDT know what i look like?

10/16/2010 We live near the brewers stadium. 49th and
 +1262XXXXXXX 11:02:29 Lloyd. Can you send face pic? Or stats?
 CDT We can give you gas money

10/16/2010
 +1262XXXXXXX 11:10:28 CDT

10/16/2010 We are both 47. One hairy, bearish. 6'1",
 +1262XXXXXXX 11:13:55 240 6.5". And 5'6" 175. 6" cut. We like that
 CDT you are new to it. Where do you live?

10/16/2010
 +1262XXXXXXX 11:15:49 Waukesha, near waukesha west
 CDT high school.

10/16/2010
 +1262XXXXXXX 11:16:04 You like daddies pic?
 CDT

10/16/2010
 +1262XXXXXXX 11:17:09 Yes! You both are sexy as fuck!
 CDT

10/16/2010
 +1262XXXXXXX 11:17:37 Good boy. Have you sucked cock or been
 CDT fucked before?

10/16/2010
 +1262XXXXXXX 11:18:17 Are you smooth or hairy?
 CDT

10/16/2010
 +1262XXXXXXX 11:19:21 CDT

10/16/2010 Hairy ish, also have never do
 +1262XXXXXXX 11:19:57 anything b4
 CDT

10/16/2010
 +1262XXXXXXX 11:21:47 That is a very nice cock son.
 CDT

10/16/2010
 +1262XXXXXXX 11:22:05 Would you like kissing?
 CDT

10/16/2010
 +1262XXXXXXX 11:25:39 We would love to suck your boy cock
 CDT

10/16/2010 Can i get a pic of yours daddy! And
 +1262XXXXXXX 11:25:55 ill send more in a lil wile! Also that

	CDT	would be fucking sexy if we kissed- make out dad
+1262XXXXXXX	10/16/2010 11:26:28 CDT	:~]
+1262XXXXXXX	10/16/2010 11:29:57 CDT	Would like to have you lie on daddys tummy kissing me while other daddy was your ass and fucks you.
+1262XXXXXXX	10/16/2010 11:32:49 CDT	Hot! And can i get a pic of my other dadays cock!
+1262XXXXXXX	10/16/2010 11:38:35 CDT	Do you have a video? Ill make one for you !
+1262XXXXXXX	10/16/2010 11:42:00 CDT	Yeah. That would be HOT. Send to email. Twowiguys@gmail.com
+1262XXXXXXX	10/16/2010 11:42:54 CDT	Can we do it through text.
+1262XXXXXXX	10/16/2010 11:46:58 CDT	We can try that. I can see YouTube videos on here. I think I can see them.
+1262XXXXXXX	10/16/2010 11:55:43 CDT	Daddy would like to drink his boys cum.
+1262XXXXXXX	10/16/2010 11:58:13 CDT	Boy would fucking love to drink both of his daddys spit, cum, piss everything.
+1262XXXXXXX	10/16/2010 12:00:10 CDT	That's a good boy.
+1262XXXXXXX	10/16/2010 12:00:43 CDT	:~P i want my daddys! Im so horny!
+1262XXXXXXX	10/16/2010 12:02:29 CDT	Are you just sexting to get off or do you really want to meet sometime?
+1262XXXXXXX	10/16/2010 12:03:16 CDT	We are going to majestic for a movie... But wil be home later if you want to get naked with daddies.
+1262XXXXXXX	10/16/2010 12:05:07 CDT	I would really like to meet sometime!
+1262XXXXXXX	10/16/2010 12:07:22 CDT	We would like that very much
+1262XXXXXXX	10/16/2010 12:08:43 CDT	And you have never done anything with a guy? Have you put things in your ass?
+1262XXXXXXX	10/16/2010 12:09:03 CDT	Are you still in high school?
+1262XXXXXXX	10/16/2010 12:12:16 CDT	Never put anything up my ass yet. What would you recamend? And yes i am in high school still.
+1262XXXXXXX	10/16/2010 12:16:06 CDT	What should I use dad?
+1262XXXXXXX	10/16/2010 12:16:10 CDT	As long as you are 18.... That's good. Start with your fingers. Daddies have a small diildo we can try. We can take it slow for you. Don't want to hurt our boy.
+1262XXXXXXX	10/16/2010 12:16:39 CDT	A smooth carrot would be ok to start too. Lots of lube.

+1262XXXXXXX	10/16/2010 12:20:43 CDT	:~] any otherthings?	
+1262XXXXXXX	10/16/2010 12:21:15 CDT		Just be creative. Our cocks would be best.
+1262XXXXXXX	10/16/2010 12:22:36 CDT	I want to know what it really feels like for men like you I	
+1262XXXXXXX	10/16/2010 12:22:56 CDT		We'd love to show our boy.
+1262XXXXXXX	10/16/2010 12:23:45 CDT	:~]	
+1262XXXXXXX	10/16/2010 12:24:03 CDT		We are going into the movie... So need to go dark for a while. Send daddies more pics and video. Want to see your cum. Let us know if you want to play later.
+1262XXXXXXX	10/16/2010 14:15:49 CDT		Did you get off?
+1262XXXXXXX	10/17/2010 08:48:50 CDT		Would you be interested in any gay porn? We have books, magazines, DVDs and videos we are going to be getting rid of soon.
+1262XXXXXXX	10/17/2010 17:40:11 CDT	Yeaah!	
+1262XXXXXXX	10/17/2010 17:51:45 CDT		Ok. When do you want to get them. You will have to get naked of course, before you can have them.
+1262XXXXXXX	10/17/2010 17:52:43 CDT	:~)	
+1262XXXXXXX	10/17/2010 17:56:02 CDT		Well... When do you want them? :) but seriously, you don't have to get naked if you don't want. We just don't want to throw away if someone would like them.
+1262XXXXXXX	10/21/2010 18:19:07 CDT		We are going to do an ad thus weekend probably to give the porn to a deserving guy. Let us know if you are seriously interested.
+1262XXXXXXX	11/20/2010 17:51:27 CST		Hey boy. Still have some mags and videos if you are interested. We will be moving to Madison towards end of December, so want to unload
+1262XXXXXXX	11/21/2010 15:42:30 CST	Hey dad , can you put them in a box and bring it some where in waukesha!?	
+1262XXXXXXX	11/21/2010 15:51:26 CST		I'm sure we could do that. Probably not today though.
+1262XXXXXXX	11/21/2010 15:58:18 CST		We actually have three boxes for you. You will be jacking off for months.
+1262XXXXXXX	11/21/2010 16:10:10 CST	Really? U two sh jack off in abottle!	
+1262XXXXXXX	11/21/2010 16:13:01 CST		?? In a bottle?
+1262XXXXXXX	11/21/2010 16:13:42 CST	Or ona secrate page in one and have me find it ;~)	
+1262XXXXXXX	11/21/2010	I wont be able to. I	

	16:15:10 CST		
	11/21/2010		
+1262XXXXXXX	16:15:14 CST		How about in your mouth. ;)
	11/21/2010		
+1262XXXXXXX	16:17:06 CST		Let us know a good night to bring you the porn.
	11/21/2010		
+1262XXXXXXX	16:17:36 CST	And you cant tonight? :(
	11/21/2010		
+1262XXXXXXX	16:28:27 CST		I doubt it. We are in Johnson creek right now. Have another stop to make and then home. Can let you know when we get home.
	11/21/2010		
+1262XXXXXXX	16:48:36 CST	Okay !	
	11/21/2010		
+1262XXXXXXX	17:13:03 CST	Can i get a few pics !?!? :) Im really horny right now !!!!!	
	11/21/2010		
+1262XXXXXXX	17:14:34 CST	I have a big (C ====3) boner!	
	11/21/2010		
+1262XXXXXXX	17:15:05 CST		We are at menards in Waukesha. About to go home. We could get porn and meet you in waukesha in about an hour or little more. Show us your boner... Send pic
	11/21/2010		
+1262XXXXXXX	17:23:45 CST		Yes or no?
	11/21/2010		
+1262XXXXXXX	17:24:36 CST	Yes or no what?	
	11/21/2010		
+1262XXXXXXX	17:24:57 CST		You want to meet to get porn?
	11/21/2010		
+1262XXXXXXX	17:25:31 CST		And are you going to send us a pic if your hard boner?
	11/21/2010		
+1262XXXXXXX	17:25:36 CST	I cant. :(
	11/21/2010		
+1262XXXXXXX	17:27:37 CST		Ok. It was your idea. We are just going to throw it away then. Take care. Hope you find what you are looking for.
	11/21/2010		
+1262XXXXXXX	17:30:08 CST	What? I cnt meet you guys today daddy, yovwant me to be happy for mouths though daddy! Please!	
	11/21/2010		
+1262XXXXXXX	17:31:42 CST		It was your idea to meet today. Even had a :(because we couldn't. So we worked that we could. Then you chicken out. We don't have time fir games any more.
	11/21/2010		
+1262XXXXXXX	17:34:04 CST	I ment to just drop off the box! :(im sorry if ive upset you.	
	11/21/2010		
+1262XXXXXXX	17:35:06 CST		That's fine, we can just drop off porn.but it's 3 boxes. We don't need to have sex.
	11/21/2010		
+1262XXXXXXX	17:37:04 CST	Okay, just drop it off. :) on the back pourch.	
	11/21/2010		
+1262XXXXXXX	17:38:09 CST		Do you live with your parents? Won't someone question us putting porn on your porch ?
	11/21/2010		
+1262XXXXXXX		Yes i do, or u cn drop it off on the	

17:41:14 corner. :)
CST

11/21/2010
+1262XXXXXXX 17:43:06 We will condense to one box to make it
CST easier for you. Where to?

11/21/2010
+1262XXXXXXX 17:44:19 Do you have VHS player?
CST

11/21/2010 Yes, and the corner of fox river
+1262XXXXXXX 17:49:07 park way and water view lane. :)
CST how long? Jw

11/21/2010 You can drop them all off if u want
+1262XXXXXXX 17:52:53 like just on the corner though. :))
CST thank u daddy!

11/21/2010
+1262XXXXXXX 17:53:57 Will you be there to get them? I can't just
CST leave them on a street corner.

11/21/2010
+1262XXXXXXX 17:54:21 I have one full box fir you.
CST

11/21/2010
+1262XXXXXXX 17:55:14 Yea you can trust me ! :)
CST

11/21/2010
+1262XXXXXXX 17:55:58 Okay :))) i can wait!
CST

11/21/2010
+1262XXXXXXX 17:56:10 About 20 mins
CST

11/21/2010
+1262XXXXXXX 17:56:53 Okayy!!!! :)
CST

11/21/2010
+1262XXXXXXX 17:57:49 And confirming you are 18, right? Don't
CST want to give porn to someone underage.

11/21/2010
+1262XXXXXXX 17:59:32 Yes im allmost 19 daddy X/X/XX
CST

11/21/2010
+1262XXXXXXX 18:00:49 Ok. Don't leave your porn in the VCR or
CST DVD player for mom to find it.

11/21/2010
+1262XXXXXXX 18:02:18 Okay daddy :) :)
CST

11/21/2010
+1262XXXXXXX 18:09:50 How much longer?
CST

11/21/2010
+1262XXXXXXX 18:10:36 Just getting off on 18 from interstate.
CST

11/21/2010
+1262XXXXXXX 18:11:12 Okay:)
CST

11/21/2010
+1262XXXXXXX 18:17:07 About 4 mins.
CST

11/21/2010
+1262XXXXXXX 18:17:54 If you decide you want a blow job, just let
CST us know. Can do in the van. :)

11/21/2010
+1262XXXXXXX 18:20:09 As much as i really want to i cant!
CST :(

11/21/2010
+1262XXXXXXX 18:20:38 That's fine. You will need to send us pic of
CST jacking off and cum

11/21/2010
 +1262XXXXXXX 18:21:52 I will every time i jack off to it !
 CST

11/21/2010
 +1262XXXXXXX 18:22:46 How long dad
 CST

11/21/2010
 +1262XXXXXXX 18:23:38 Ok.here. Cum get your porn
 CST

11/21/2010
 +1262XXXXXXX 18:24:58 ?
 CST

11/21/2010
 +1262XXXXXXX 18:25:13 We are here. Come pick up the box
 CST

11/21/2010
 +1262XXXXXXX 18:26:07 Just put it on the crub
 CST

11/21/2010
 +1262XXXXXXX 18:27:08 We are not leaving a box of porn on the
 CST corner.

11/21/2010
 +1262XXXXXXX 18:27:15 I told you that
 CST

11/21/2010
 +1262XXXXXXX 18:28:16 Please ill pick it right up as soon as
 CST u leave !

11/21/2010
 +1262XXXXXXX 18:28:37 Please dad
 CST

11/21/2010
 +1262XXXXXXX 18:28:42 We are leaving if you aren't coming to get
 CST it. What us your problem?

11/21/2010
 +1262XXXXXXX 18:30:35 I to get it when my mom gose
 CST inside please ! !!!! I Please daddy !

11/21/2010
 +1262XXXXXXX 18:31:34 Nope. We are leaving in two mins. Decide
 CST if you want it or not and if not, stop texting
 me.

11/21/2010
 +1262XXXXXXX 18:34:22 Please! Ill send u a pic every time i
 CST use it, and if yr gunna just dump it
 then leave it there. Atleast u would
 be gettn something out of it.

11/21/2010
 +1262XXXXXXX 18:35:04 Sorry. Not going to happen. So you aren't
 CST coming ? Your loss

11/21/2010
 +1262XXXXXXX 18:35:52 Please one viedo thn
 CST

11/21/2010
 +1262XXXXXXX 18:35:59 Good bye.
 CST

11/21/2010
 +1262XXXXXXX 18:36:59 Please 1 thats it!
 CST

11/21/2010
 +1262XXXXXXX 18:37:44 For crying out loud . It's all or nothing .
 CST Yes or no? Make up your mind.

11/21/2010
 +1262XXXXXXX 18:39:51 We are leaving at 6:45. If you want one
 CST video, you still need to come get it. We are
 not leaving porn.

11/21/2010
 +1262XXXXXXX 18:40:32 Nvm then, my bro.s on his way
 CST home so its tolate. :(:(:(:(:(:(:(:(:(:(:(:(:(:(:(

11/21/2010
 +1262XXXXXXX 18:40:50 Do not text me ever again

CST

**CONSULTATION WITH DETECTIVE DOREEN DUCHARME:
CYBER CRIMES AGAINST CHILDREN LAW ENFORCEMENT EXPERT**

During the course of the investigation into the above matters, investigators consulted with Detective Doreen DuCharme of the city of Milwaukee Police Department, a specialized member of law enforcement with expertise in the investigation of cyber or computer facilitated crimes against children.

Detective DuCharme states that she has been a detective for 11 years and has 19 years of law enforcement experience. She states that she is assigned to the Criminal Investigation Bureau, High Technology Unit, and that she is a member of the Cyber Crime Task Force with the Federal Bureau of Investigation's Milwaukee Field Office. Detective DuCharme also states that she has received extensive specialized training in the investigation of computer crimes including, but not limited to, the forensic examination of computers, email and web tracing, internet fraud investigations, and sexual exploitation of children involving computers and cellular phones.

Detective DuCharme has conducted over 50 forensic examinations of computers containing images/videos of child pornography and has been involved in hundreds of investigations related to computer facilitation of children for sexual activity and/or computer facilitated forms of child enticement. In many of these investigations, Detective DuCharme has posed as a juvenile online and conversed with perpetrators via email and text messaging.

Detective DuCharme further indicates, based on her training and experience, that persons who use computers to solicit juveniles for sexual activity frequently also use cellular phones for the same purposes. She also indicates that based on her experience investigating crimes of this nature, it is quite common for such persons to initiate contact with children or juveniles over the internet or through text messaging or email prior to arranging a meeting in person, and that these computer facilitated communications can go on for hours, days, weeks, or even months, before the perpetrator or perpetrators arrange to meet the child, or take steps beyond exchanging messages, to facilitate a sexual encounter.

Detective DuCharme states that this period of corresponding, exchanging emails and/or text messages, is often referred to by law enforcement as the "grooming" period. During this "grooming" period, the perpetrator(s) may attempt to gain the juvenile's trust, build some form of relationship with the juvenile, offer to explore sexual interests the juvenile is uncomfortable exploring with others, or may offer the juvenile money or other tangible things he or she may desire, and not be able to obtain elsewhere, to attempt to facilitate an in person encounter and ultimately sexual contact.

Detective DuCharme also states that based on her understanding of perpetrator and victim dynamics in the context of a computer facilitated enticement, such as this, it is not uncommon for perpetrators to say things such as "we don't need to have sex," even though their ultimate goal is to have sexual contact, in order to facilitate the child's or juvenile's continued compliance. She acknowledges that perpetrators may carefully tailor their responses, while grooming their victims, in order to maximize the likelihood that the child or juvenile will meet them in person.

Detective DuCharme acknowledges that "grooming" can take many different forms depending on the unique dynamics of a given situation; however, she states that all forms of "grooming" are inherently manipulative and designed to exploit or prey upon the juvenile's trust, lack of experience, psychological/emotional needs, or desire for sexual exploration, among other vulnerabilities, for the sole purpose of the perpetrator's own sexual gratification.

Detective DuCharme also states that based on her training and first hand experience investigating cyber crimes against juveniles, it is not uncommon for older juveniles or teenagers to seek out adults that are not part of their immediate circle for sexualized conversation or sexual contact, in particular if they have sexual desires or interests they are not comfortable sharing with their peers, or if they sexualize and/or idealize an "older" partner.

Detective DuCharme further states that teenagers are known to misrepresent their ages when engaging in such communication. She states that she has observed this first hand on "Yahoo" chat and believes,

based on her training and background, that such misrepresentation probably occurs on sites such as Craig's List, free "chat lines," or other similar services - especially where the service requires users to confirm they are at least 18 years of age in order to participate, yet has no means of confirming the accuracy of the representations being made.

She further states, that based on her training and experience, it is her understanding and belief that some perpetrators interested in sexual activity with juveniles or teenagers may frequent these sites with knowledge that just as some adults frequent "teen" sites, teenagers may frequent adult sites.

Detective DuCharme states, that although a teenager frequenting an adult only site may misrepresent his or her age initially, as communication proceeds, the juvenile's youth and/or lack of sophistication or experience often becomes apparent when, for example, photos are exchanged or information about the juvenile's lifestyle, living arrangements, education or work background, become apparent.

Detective DuCharme states that some, but by no means all, perpetrators who are found to have solicited juveniles for sexual activity, purposefully set out to have a sexual encounter with a juvenile. She states that in cases where the perpetrator(s) appears to target juveniles specifically, her investigations may uncover other evidence and information, such as use of computer search terms indicative of a sexual interest in children or teenagers and/or pornography or other sexually explicit material featuring persons who appear to be under the age of 18.

In consultation with the Milwaukee County District Attorney's Office, Detective DuCharme reviewed the sexually explicit "chats" extracted from the Pierick iPhone (transcribed verbatim above) as well as a portion of the numerous pornographic and/or otherwise sexually explicit images of young appearing male subjects, located on the above described computers, and DR's Craig's List posting.

Upon reviewing the suspect images, Detective DuCharme acknowledged that while there were a few pornographic images of what appear to be pre-pubescent boys among the images she reviewed, the great majority depicted persons who appear to be pubescent or post-pubescent adolescents, or very young adults, whose ages cannot (or as of yet have not) been confirmed.

Detective DuCharme further acknowledges that some of the sexual activity referenced during the course of the above "chats" is consistent with the themes of some of the apparent "adolescent" or "teen" themed pornography located on the defendants' computers, including certain bondage and spanking themed pornography and images of suspected teenage males engaged in oral sex.

Detective DuCharme also notes that although DR states that he is "19" years of age in his Craig's List posting, he later claims to be "almost 19," and, in response to an inquiry from defendant Brian Pierick, admits he is still in high school. DR also indicates, during the course of the first documented "chat," that he has never engaged in sexual activity with another male and later reveals to the defendant that he still lives at home, and makes reference to his mother, and expresses concern over the possibility that family members might see him with the defendant, and the other referenced party, or the purported "box of porn." Detective DuCharme acknowledges that such information should stand out as a "red flag" to the individual or individuals corresponding with DR that he may be underage.

ANALYSIS OF CONTENTS OF SEXUALLY EXPLICIT "CHATS"

October 16, 2010 Chat

On October 16, 2010, during the course of the first documented sexually explicit "chat," extracted from the Pierick iPhone, defendant Brian Pierick, using the Pierick iPhone, solicits a "picture" of DR's "hard cock," a request with which DR states he complied, by exposing his penis, then taking, and simultaneously sending, an image or photo of his exposed penis to the user of the Pierick iPhone, which, on information and belief, within moments, appeared displayed on the Pierick iPhone, causing DR's exposed penis to be in view of defendant Brian Pierick through "virtual" means. During the course of this "chat" defendant Brian Pierick acknowledges viewing the image of DR's exposed penis by stating, "That is a very nice cock son."

It is noted that while defendant Brian Pierick does not expressly request that DR "expose" and then photograph his penis, in those specific terms, it is implicit in the request for a "picture" of his "hard cock," to which DR had just made reference, that defendant Pierick is requesting that DR expose and then photograph his penis or genitals at that time. Based on the known information, and the context in which the request is made, the most logical inference to be drawn is that defendant Brian Pierick is requesting that DR expose his penis, photograph it, and immediately transmit the photo to the Pierick iPhone, causing it, his exposed penis, to nearly simultaneously be in view of defendant Pierick, by virtual means. Further, there is no reason to believe, under the totality of the facts, that defendant Pierick would have reason to believe DR already had such a photo available.

During this same "chat" DR also sends a recent photo of his face, on information and belief, causing defendant Brian Pierick to be aware of DR's appearance. (It is noted that DR appears his chronological age in the photo.) A photo of DR's face also was extracted from the Pierick iPhone and positively identified by DR as the same photo he sent during the October 16, 2010 "chat."

The user of the Pierick iPhone also sent DR a photo depicting two adult males, positively identified as defendant Brian Pierick, and Timothy Russell, seated next to each other, with drinks in martini style glasses depicted in the foreground. Defendant Brian Pierick also sent DR an explicit photo depicting two adult males lying on each other's stomachs with their penises erect and exposed. Both of these photos also were extracted from the Pierick iPhone and positively identified by DR as photos he received during the "chat," that he believed to be photos of the two so called "dads" or "daddies" with whom he was chatting. It is noted that both of these photos also were located on a number of different computers and servers known to be used by defendant Brian Pierick, and Timothy Russell, seized in connection with the *John Doe* proceeding. For example, the explicit photo of the two erect adult penises appears to have been copied or duplicated many times. Copies of this image, entitled "cock fight," were extracted from a number of the seized computers.

During this "chat," defendant Brian Pierick also inquires as to DR's level of sexual experience, asking questions that suggest he may believe DR has little or no actual experience in sexual relationships with men, which is confirmed when DR states that he has never actually engaged in such sexual activity. Defendant Brian Pierick then gives DR suggestions or advice about things he can do sexually, such as items he could insert into his anus, such as dildos or carrots, but ultimately instructing DR as follows: "Just be creative. Our cocks would be best."

At a point during the October 16, 2010 "chat" DR also states that he has to see if he has enough "gas" [for his vehicle] to meet defendant Brian Pierick and the co-actor, at their residence in Milwaukee, for sexual contact. Specifically, defendant Pierick indicates that DR should "cum over now" [to Pierick and Russell's then shared residence] and that they "will fuck [DR's] face and ass and use our boy [DR] like the slut he is." When DR indicates that he may not be able to because he does not have enough gas, defendant Pierick, consistent with typical "grooming" behaviors, attempts to remove the impediment to DR coming to the residence for sexual intercourse by offering to give him "gas money," if he in fact meets them at their residence for the above described sexual activity.

Detective DuCharme states that in her experience investigating cases of this nature it is quite common for perpetrators to accommodate juvenile or otherwise vulnerable targets in order to facilitate the sexual encounter they seek and that "grooming" frequently involves offering gifts or financial support (such as gas money) to the target or victim, if the perpetrator believes such support may influence or persuade the victim to willingly participate in the sexual activity, or remove an actual or perceived impediment to following through with the proposed sexual activity.

October 17, 2010, October 21, 2010 and November 20, 2010 Chats

The following day, on October 17, 2010, at 8:48 am, defendant Brian Pierick re-initiates contact with DR by asking if he would be interested in any "gay porn," stating "we have books, magazines, DVDs and videos we are going to be getting rid of soon." DR replies to the text at 5:40 pm stating "yeaah!" Approximately one minute later, defendant Pierick responds by asking DR when he wants to come get them (referring to the pornographic books, magazines, videos, etc.) and informing DR "you will have to get naked of course before you can get them." DR responds about a minute later with a "smiley" depicted as " ;-)" After waiting about four minutes, and getting no further response from DR, defendant Pierick

again asks DR if he wants the pornography, but this time tells him that they will give it to him even if he does not "get naked" and explaining that they do not want to just throw the pornography away if someone wants it. Defendant Pierick receives no further reply from DR.

On October 21, 2010, defendant Brian Pierick again texts DR, this time telling him that they are posting an ad over the weekend "probably to give the porn to a deserving guy. Let us know if you are seriously interested." Defendant Pierick receives no reply from DR.

On November 20, 2010, a month later, and several weeks after defendant Brian Pierick claimed they were going to "give the porn to a deserving guy," he again contacts DR stating, "Hey boy, Still have some mags and videos if you are interested. We will be moving to Madison towards the end of December, so want to unload." DR does not reply until the following day, on which the final chat occurs.

November 21, 2010 Chat

During the final "chat" on November 21, 2010, defendant Brian Pierick, on information and belief, accompanied by an unnamed co-conspirator, offer to give DR a "box of porn" as an incentive to entice him to join them in a van for purposes of giving DR a "blow job," thereby intending to expose DR's (a child under the age of 18) genitals for sexual gratification.

The final "chat" begins when DR replies to the November 20, 2010 message by asking defendant Brian Pierick if they can put "them" (referring to the "some mags and videos" described in the prior text) in a box and "bring it somewhere in waukesha!?" Defendant Pierick replies about nine minutes later, indicating "I am sure we can do that. Probably not today though." After six to seven minutes pass with no response from DR, defendant Pierick now tells him: "We actually have three boxes for. You will be jacking off for months."

About 12 minutes later, DR replies and makes suggestions to the defendant about where and/or on or in what he and the co-actor should "jack off." Defendant Pierick then suggests that they could do so in DR's "mouth" and then asks DR when would be a good time for them to bring him "porn." Defendant Pierick initially indicates that they probably cannot (bring DR the porn) that night but then suggests they may be able to and that he will let DR know after they get home from "Johnson creek." DR replies about 20 minutes later with "Okay !"

After approximately 25 more minutes pass, with no further reply from defendant Brian Pierick, DR initiates conversation again, asking the defendant for pictures because he is "really horny right now !!!!" and has a big "boner." About a minute after DR's text regarding his "boner," defendant Pierick replies, indicating: "We are at menards in Waukesha. About to go home. We could get porn and meet you in Waukesha in about an hour or little more. Show us your boner... Send pic." When DR does not respond within about eight minutes, defendant Pierick texts again, inquiring as to whether DR wants to "meet to get porn" and if he is going to send them a "pic" of his (DR's) "hard boner." DR then texts "I cant. : (" Defendant Pierick responds as follows: "Ok. It was your idea. We are just going to throw it away then. Take care. Hope you find what you are looking for."

It is of note that defendant Pierick makes a number of differing statements about how and when he, and, the unnamed co-conspirator, plan to dispose of the so called "porn," the type and amount of "porn" available, and in what fashion said "porn" can and/or will be packaged and delivered. When defendant Pierick states that they will "throw away" the "porn" (something DR appears to very much want) after DR withdraws from the plan, one can infer they wish to impress upon DR, that if he does not go forward with the plan for that evening, he will forever miss or forfeit his opportunity to acquire the "porn."

DR responds to defendant Brian Pierick's threat to "throw away" the "porn" by indicating that he cannot meet them "today" stating, "yovwant me to be happy for months though daddy! Please!," suggesting he cannot meet, but still wishes to acquire the "porn." Defendant Pierick then responds by telling DR that it was "[his] idea" to meet that day, that they accommodated him and now he "chickens out." The defendant tells DR, "We don't have time [for] games anymore." DR replies, stating, "I ment to just drop off the box! : (im sorry if ive upset you." Defendant Pierick then tell DR that they will drop off the porn and that they "don't need to have sex." Defendant Pierick then reminds DR that it is "3 boxes" of porn, on

information and belief, implying to DR that he will have to meet them face to face to pick up the three boxes.

DR then suggests they can drop off the box or boxes of "porn" on his back porch, which prompts defendant Pierick to respond as follows, "Do you live with your parents? Won't someone question us putting porn on your porch?" DR then suggests that they drop off the boxes "on the corner" instead of his porch. Defendant Pierick then indicates that they will condense the "porn" into "one box to make it easier for you" and asks "where to." Defendant Pierick then asks DR if he has a VCR, to which he responds in the affirmative, and tells the defendant to come to corner of Fox River Parkway and Water View Lane in Waukesha to drop the boxes of "porn" off on that corner. Defendant Pierick then asks if DR will "be there" because they cannot "just leave them on the street corner" and states that they have one full box for him. DR responds by saying "Yea you can trust me ! :) "

Defendant Brian Pierick informs DR that they will be there in about 20 minutes and then asks DR to "confirm" that he is "18" because they do not want to "give porn to someone underage." At which point DR lies and says, "Yes im almost 19 daddy X/X/XX." Defendant Pierick, without further inquiry regarding DR's age or life circumstances, states, "Ok. Don't leave your porn in the VCR or DVD player for mom to find it." DR replies "Okay daddy :) :) " and asks "[h]ow much longer?"

Defendant Pierick informs him that they are "[j]ust getting off 18 from interstate," then states that they are about four minutes away, at which point, he tells DR, "If you decide you want a blow job, just let us know. Can do in the van. :)." When DR tells them "[a]s much as I really want to I cant! : (" defendant Pierick tells him "[t]hat's fine. You will need to send us pic of jacking off and cum."

About the time DR receives the text requesting a "pic of jacking off and cum," he personally observes a Chrysler mini van, subsequently positively identified as the same make and model of mini van being rented, at that time, by Timothy Russell from GPS Motors in Milwaukee, park at the corner of Fox River Parkway and Water View Lane, in the city and county of Waukesha. It is noted that the vehicle arrives within five minutes of the text in which defendant Pierick offers to give DR a "blow job . . . in the van." Upon arriving, defendant Pierick instructs DR to "cum get your porn," thereby requiring DR to come out to the waiting van, and one can readily infer from the totality of the communications, inside, the van.

DR then asks the defendant to leave the box of "porn" on the curb, at which point defendant Pierick refuses and, for all intents and purposes, states to DR that they will not give him the box of "porn," which DR indicates he wants, unless he comes out to the van. At this point defendant Pierick's language and tone becomes increasingly more demanding and he again attempts to use the threat of "not" leaving the "porn" to entice DR to come to the van, finally giving DR an ultimatum, telling him they will not give him even "one video" unless he comes out to the van and telling him he has until 6:45 to come out to the van. When he again refuses, thereby thwarting defendant Pierick's plan to cause DR to come inside the van to expose his genitals and engage in sexual contact, the defendant sends a final series of texts, in apparent frustration, stating: "For crying out loud. It's all or nothing. Yes or no? Make up your mind. We are leaving at 6:45. If you want one video, you still need to come get it. We are not leaving porn." Then, after DR frustrates the plan, by not coming out to the van, therefore making it impossible for defendant Pierick, and the unnamed co-conspirator, to accomplish their goal of causing him to come into the van to expose his (DR's) genitals, defendant Pierick sends a final text stating: "Do not text me ever again."

[It is noteworthy that during the course of an investigative interview, DR indicates that he grew more concerned and hesitant about continuing to interact with the defendant, toward the end of the encounter, when, on information and belief, the defendant, and co-actor, were at the designated location, inside the van, persistently requesting that DR come out to the van to get the alleged "porn." DR told investigators that he did not know what might happen, and, although no express threats were ever made, by the end of the "chat" he became more suspicious of the defendant's motives and feared that the subjects might "kidnap" him or hold him against his will.]

Upon viewing the totality of the direct and circumstantial evidence as a whole, it becomes apparent that during the course of the above discussed "chats," defendant Brian Pierick, possibly in conspiracy with a co-actor, engages in a series of highly manipulative exchanges with DR, characteristic of "grooming," including using the lure of the purported box or boxes to "porn" to entice DR, a sexually inexperienced

alleged "almost" 19 year old high school student (who was actually a 17 year old child) to enter a van for purposes of "giving him a blow job," thereby exposing his penis or genitals.

Further, evidence of defendant Brian Pierick's intent with regard to causing DR to expose his genitals while inside the van is apparent throughout the course of conduct. In addition to defendant Pierick's express statement about giving DR a "blow job" in the "van," the "chats" are replete with references to the defendant's desire to see DR's penis and receive photos of DR's penis and photos of DR masturbating. Said references constitute further evidence of defendant Pierick's specific intent to expose DR's genitals after he (DR) is inside with van.

Probable cause exists as the only reasonable inference that can be drawn from the totality of the communication set forth in the above described "chats" is that defendant Pierick intended to cause DR to come inside the van for the purpose of exposing DR's genitals and subsequent sexual contact, as there would be no where else for him to go at that time, but inside the van, for such purposes.

Further, when all of the statements are viewed together, and in context, it is apparent, that to the extent defendant Pierick tells DR "they don't need to have sex" or he does not need to get a blow job in the van, those statements are calculated, at the precise time they are made, to manipulate DR, in order to gain DR's trust and compliance, not as genuine attempts to abandon the plan, as evidence by the continued communication.

CORROBORATION OF CERTAIN INFORMATION CONTAINED IN THE EXPLICIT "CHATS"

Corroboration of Accuracy of Statements, Descriptions and Locations Referenced in the "Chats"

Examination of the contents of the above transcribed chats, and specifically certain identifying information contained therein, tends to further substantiate that the above named defendant, Brian Pierick, and an unnamed co-conspirator, were the two adult male parties, referenced in the "chats" because, among other things: (1) The general physical descriptions of the two parties match that of defendant Brian Pierick and his partner Timothy Russell, as they appear in the body of the "chat." These descriptions are generally consistent with investigators' observations of the physical appearance of defendant Pierick, and Timothy Russell, at the time of the execution of the search warrants at their home on December 7, 2010; (2) The email address referenced in the body of the October 16, 2010 "chat," twoWlguys@gmail.com (the email address to which DR is to send an explicit video of himself) is an e-mail address found, during the course of the ongoing *John Doe* proceeding, to be associated primarily with defendant Pierick's partner, Timothy Russell; (3) The "two daddies" reference in which it is stated that they live "near the Brewers Stadium . . . [at] 49th and Lloyd" is accurate as the then Pierick and Russell residence, located at 2031 North 49th Street, is in fact located at or near the intersection of 49th and Lloyd in Milwaukee; (4) Documents received in response to a subpoena of GPS Motors in Milwaukee confirm that defendant Pierick's partner, Timothy Russell, was renting a van which matched, exactly, the description DR gave of the van he personally observed park at the corner of Fox River Parkway and Water View Lane in Waukesha, at the same time he received texts stating "Ok. Here. Cum get your porn" and "We are here. Come pick up the box;" and (5) Information obtained during the course of the *John Doe* proceeding indicates that defendant Brian Pierick, and Timothy Russell, did in fact purchase a residence, their present residence, in Sun Prairie, a suburb of Madison, which is consistent with the November 20, 2010 text in which defendant Pierick indicates they will be moving to Madison in December. Additionally, email correspondence between defendant Pierick and Timothy Russell, as well as a copy of the contract for purchase of their condominium, located at the above address in Sun Prairie, confirms the time frame of the move to Sun Prairie as being consistent with the time frame during which defendant Timothy Russell rented the above described van, and is consistent with the time frame disclosed to DR during the "chat."

Point of Purchase Information as Corroboration of Location & Identity of Defendant Pierick and Co-Actor

As indicated in the body of the verbatim transcript of the above described sexually explicit "chats," defendant Brian Pierick makes statements, at various points in time during the "chats," indicating his and an unnamed co-actor or co-conspirator's whereabouts with reference to the pair's intended activities and potential expenditure of funds. Based on prior process, obtained during the course of the *John Doe* proceeding, Investigator Robert Stelter received and analyzed statements for defendant Pierick's, and Timothy Russell's, joint account with Guaranty Bank. Investigator Stelter indicates that upon examining

the account statements it was apparent that the majority of the expenditures on the account were in the form of debit card transactions also known as "POS" or point of sale transactions. Based on that information, Investigator Stelter requested Guaranty Bank provide point of sale transaction detail for the dates of 10/16/2010, 10/17/2010, 10/21/2010, 11/20/2010 and 11/21/2010 for account #XXXX7511, Pierick's and Russell's joint account. Guaranty Bank also provided an account detail that shows the card number on the account for Brian Pierick as XXXXXXX013064746 and the card number on the account for Timothy Russell as XXXXXXX014832083.

Investigator Stelter states that he subsequently spoke to Kelly J. Quade, Research Service Team Lead with Guaranty Bank. Ms. Quade had provided him with the POS transaction detail. Ms. Quade explained that the POS transaction detail shows the exact date and time that the transaction is reported to the bank and the amount of the transaction and the identity of the merchant. She further indicates that transactions may be reported to the bank at or around the time they are made, but that some transactions may not be reported until some time after the purchase is completed. The card number/member listed on each detailed transaction report would correspond with the card issued to a specific customer. (Transaction detail does not show if the transaction occurred specifically at the location listed or if the transaction was done over the internet with that business from a different location.)

Investigator Stelter then compared specific dates and times indicated in the above transcribed "chats" with the POS transactions, which yielded the following information: Two POS transactions occurred on 10/16/2010 with card number XXXXXXX013064746, defendant Brian Pierick's card. Investigator Stelter states that one such transaction was a purchase for \$37.00 at 9:07:57 a.m. from the Majestic Theatre in Waukesha WI. The address of the Majestic Theatre is 770 North Springdale Road, Brookfield, WI.

It is noted that during the October 16, 2010 "chat," at 12:24 p.m., defendant Pierick sends a message stating: "we are going into the movie and need to go dark for a while." The POS transaction earlier in the day for the Majestic Theatre would support that defendant Brian Pierick was going to the movies at the Majestic Theatre in Waukesha and that he was probably with someone.

Additionally, during the November 21, 2010 "chat," POS information indicates that Timothy Russell probably was with or in the company of defendant Brian Pierick, a fact also suggested and/or implied in the body of the chat on that date.

Investigator Stelter's examination of the POS transactions registered on November 21, 2010, with card number XXXXXXX014832083, Timothy Russell's card, indicates the following:

- o A purchase of \$25.70 at 2:34AM at Copps Sun Prairie, WI. There are two Copps in Sun Prairie, 2538 Ironwood Dr. and 640 E. Main St. Sun Prairie WI.
- o A purchase of \$80.05 at 5:35AM at Copps Sun Prairie, WI. There are two Copps in Sun Prairie, 2538 Ironwood Dr. and 640 E. Main St. Sun Prairie WI.
- o A purchase of \$8.57 at 6:58AM at McDonalds Milwaukee with a zip code of 53215. The address of the McDonalds with a zip code of 53215 is 617 W. Oklahoma Av. Milwaukee, WI.
- o A purchase of \$82.25 at 10:55AM at Pine Cone I94 and Hwy 26 Johnson Creek WI. The address of the Pine Cone in Johnson Creek is 665 Linmar Ln. Johnson Creek, WI.
- o A purchase of \$44.09 at 11:52AM at Market Street Diner in Sun Prairie WI. The address of the Market Street Diner is 110 Market Street, Sun Prairie WI.
- o A purchase of \$37.97 at 5:19PM at Menards Waukesha. The address for Menards in Waukesha is 2315 Bluemound Road, Waukesha, WI.

It is noted that in the above transcribed "chat," defendant Pierick sent the following message at 4:28 p.m., in regards to "dropping off some porn" to juvenile DR: "I doubt it. We are in Johnson creek right now. Have another stop to make and then home. Can let you know when we get home." This exchange occurs between the report of the POS at the Market Street Diner in Sun Prairie at 11:42 a.m. and the report of the POS at Menards in Waukesha at 5:19 p.m. Further, at 5:15 p.m. defendant Pierick sent the following message about being at Menards: "We are at menards in Waukesha. About to go home. We could get

porn and meet you in waukesha in about an hour or little more. Show us your boner... Send pic." This portion of the chat on November 21, 2010 corresponds with the POS, on Timothy Russell's card, at the Menards in Waukesha at 5:19 p.m.

OTHER ACTS EVIDENCE OF DEFENDANT BRIAN PIERICK'S INTENT, PLAN, AND MOTIVE

Other Acts: "Russell-Pierick iPhone Chat"

In addition to extracting the above transcribed sexually explicit "chats" with juvenile DR, from the Pierick iPhone, FBI Special Agent Matthew Petersen extracted a number of other "chats" from the Pierick iPhone, including "chats" between the Pierick iPhone and the previously identified Russell iPhone.

These "chats" include exchanges between the user of the Russell iPhone, on information and belief, Timothy Russell, and the user of the Pierick iPhone, on information and belief, defendant Brian Pierick regarding their collaborative effort to procure a so called "boy," one can infer, for the purpose of three way sexual activities, on two different occasions. The first occasion being on November 20, 2010, one day prior to defendant Brian Pierick's attempt to cause DR to go inside Timothy Russell's rented van for purposes of exposing DR's genitals for sexual activity, and the second occurring on December 4, 2010, while, on information and belief, Pierick and Russell attended an event in Atlanta Georgia.

These exchanges, pertinent portions of which are transcribed below, constitute additional evidence of defendant Brian Pierick's intent, plan and motive with respect to the attempted child enticement of DR,

Excerpt of November 20, 2010 "Russell-Pierick iPhone Chat"

The following is a true and accurate excerpt from the above described November 20, 2010 "Russell-Pierick iPhone chat" in which, on information and belief, defendant Brian Pierick and Timothy Russell discuss procuring a so called "boy" for sexual activity. The text on the left hand side, appearing in blue (if color copy), contains the substance of text messages sent by the user of the Russell iPhone to the user of the Pierick iPhone, and the text on the right hand side, appearing in red (if color copy), contains the substance of text messages sent by the user of the Pierick iPhone to the user of the Russell iPhone.

+14148403322	11/20/2010 18:02:42 CST		You like the boy I sent in for you?
+14148403322	11/20/2010 18:03:28 CST	Not bad. Small dick. Took a couple pics for you	
+14148403322	11/20/2010 18:03:49 CST		Hey, not a lot to chose from

Excerpt of December 4, 2010 "Russell-Pierick iPhone Chat"

The following is a true and accurate excerpt from the above described December 4, 2010 "Russell-Pierick iPhone chat" in which, on information and belief, defendant Brian Pierick and Timothy Russell discuss procuring a so called "boy" for sexual activity. The text on the left hand side, appearing in blue (if color copy), contains the substance of text messages sent by the user of the Russell iPhone to the user of the Pierick iPhone and the text on the right hand side, appearing in red (if color copy), contains the substance of text messages sent by the user of the Pierick iPhone to the user of the Russell iPhone.

+14148403322	12/04/2010 11:00:41 CST	Any prospects for boys?	
+14148403322	12/04/2010 11:02:10 CST		Had a nice one start talking to me on grindr, but he can't travel. I'm not trying too hard
+14148403322	12/04/2010 11:03:29 CST	How far os he?	
+14148403322	12/04/2010 11:04:30 CST		10 miles or so. I'm not traveling. Told him I would give him \$20 for gas

Other Acts: Forensically Recovered "Yahoo Chats"

In addition to the above iPhone chats, between, on information and belief, defendant Brian Pierick and Timothy Russell, forensic analysis of a server, also seized in connection with the *John Doe* proceeding, from Pierick's and Russell's shared offices at Regent Realty (hereinafter "Regent Server"), which, on information and belief, both Pierick and Russell used to "back-up" their computers, revealed evidence of additional, similarly graphically sexually explicit "instant message" type chats, conducted using "Yahoo Chat" under the screen names "tdrussell63" and "bpierick."

Certain of said "Yahoo chats," forensically recovered from the Regent Server, involve, on information and belief, Timothy Russell using the above referenced "tdrussell63" screen name to communicate with another male party, for the purpose of sexual arousal, and ultimately sexual contact and/or intercourse, including, at times, three party sexual activity including "daddies" and son "role playing," involving, on information and belief, defendant Brian Pierick. Said theme of the sexually explicit communication being similar, in certain respects, to the apparent "role playing" in which defendant Pierick engages during the iPhone chats with DR.

In one such series of "Yahoo chats," Timothy Russell uses the screen name tdrussell63 to communicate with a subject, who uses the screen name davelove420, on information and belief, an adult male from Milwaukee County, Wisconsin.

During the course of the "Yahoo chats" between Timothy Russell (tdrussell63) and the adult male user of screen name davelove420, the user of screen name davelove420 repeatedly refers to Timothy Russell as "dad" or "daddy" and defendant Russell refers to the user of screen name davelove420 as "boy" or "son." During the course of "Yahoo chats" extracted from the Regent Server, the user of the davelove420 screen name refers to engaging in sexual acts with "both" "daddies" or with "daddy" and his "partner" or "bf," on information and belief, referring to defendant Brian Pierick. The theme of the many sexually explicit "Yahoo chats" is that the user of the screen name davelove420, act or function as a sexual submissive, or self described "piss and cum dump," for one or both of the parties or "daddies."

Pertinently, in one such "Yahoo chat" exchange, extracted from the Regent Server, defendant Brian Pierick, and Timothy Russell, discuss meeting the user of the davelove420 screen name for sexual activity and acknowledge that they know his (davelove420's) father. During the course of the exchange, defendant Brian Pierick asks Timothy Russell if it is a "problem to play with him," referring, presumably, to engaging in sexual activity with the user of the davelove420 screen name, given they know his father.

EXEMPLARY PORTION(S) OF FORENSICALLY EXTRACTED "YAHOO CHAT"

The following are excerpts from the above described "Yahoo chats," forensically extracted from the Regent Server. Said excerpts are of chats between screen name tdrussell63 (on information and belief Timothy Russell) and screen name davelove420 (on information and belief the above referenced adult male subject), as well as between screen name tdrussell63 and screen name bpierick (on information and belief defendant Brian Pierick).

If color copy:

tdrussell63 = RED

davelove420 = BLUE

bpierick = GREEN

Relevant "Yahoo chat" extracted from the "Regent Server"

[June 2010]

fi ymsgr:tdrussell63 ;yahoo I doubt he's going to advertise to his dad ymsgr:bpierick ;yahoo

fi ymsgr:tdrussell63 ;yahoo No ymsgr:bpierick ;yahoo

fi ymsgr:bpierick ;yahoo Is that a problem to play with him? ymsgr:tdrussell63 ;yahoo

fi ymsgr:tdrussell63 ;yahoo He knows his son is gay. Not sure he knows details ymsgr:bpierick ;yahoo

fi ymsgr:bpierick ;yahoo does he know his son likes to get fucked? ymsgr:tdrussell63 ;yahoo

fi ymsgr:tdrussell63 ;yahoo Yeah, that is [Redacted] son. ymsgr:bpierick ;yahoo

fi ymsgr:bpierick ;yahoo that guys name is [Redacted]
ymsgr:tdrussell63 ;yahoo

[July 2010]

fi ymsgr:davelove420 ;yahoo hi daddy ymsgr:tdrussell63 ;yahoo

fi ymsgr:davelove420 ;yahoo need my dads to breed me regularly ymsgr:tdrussell63 ;yahoo

fi ymsgr:tdrussell63 ;yahoo :) ymsgr:davelove420 ;yahoo

fi ymsgr:davelove420 ;yahoo and his cum too ymsgr:tdrussell63 ;yahoo

fi ymsgr:tdrussell63 ;yahoo I know you need daddies dick ymsgr:davelove420 ;yahoo

SPECIFIC STATEMENT OF PROBABLE CAUSE: ACTS IN FURTHERANCE

Specific & Unequivocal Acts in Furtherance of Attempted Child Enticement

The totality of the facts and circumstances, as set forth in detail above, establish probable cause to believe that the above named defendant, Brian Pierick, probably acting in concert with an unnamed co-conspirator, attempted to cause DR, a then 17 year old child, to join him inside Timothy Russell's rented van, for the purpose of exposing his (DR's) genitals, for defendant Brian Pierick's own sexual gratification.


Further, defendant Brian Pierick took specific action, such as coming to the location in Waukesha, as directed by DR, parking the van where instructed, and continuing to communicate with DR, informing him that they had arrived and asking him to come to the van to "get his porn," that establish, unequivocally, under all of the circumstances, that defendant Pierick formed the intent to entice DR into the van, using the purported "porn" as a lure, and would have completed the crime but for DR's withdrawal from the plan and failure to come out to the waiting vehicle.

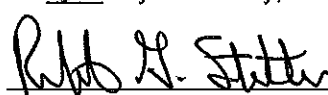
Although the facts, as detailed above, tend to establish that defendant Pierick should have known that DR may be under the age of 18, defendant Pierick's beliefs regarding DR's age have no bearing as knowledge of DR's age by the defendant is not required and mistake regarding DR's age is not a defense.

This complaint does not encompass all known or available information regarding the above described incidents and investigation into these matters remains ongoing.

****End of Complaint****

Subscribed and sworn to before me and approved for filing this 3rd day of January, 2012.


John T. Chisholm
Special Prosecutor for Waukesha County
And Milwaukee County District Attorney


Investigator Robert Stelter
Complaining Witness