

FILED
06-07-2019
Clerk of Circuit Court
Sawyer County, Wis.
2019CF000195

STATE OF WISCONSIN	CIRCUIT COURT	SAWYER COUNTY
STATE OF WISCONSIN	DA Case No.: 2019SW000526 Assigned DA/ADA: Aaron Marcoux Agency Case No.: 19-3093 Court Case No.: ATN: 58001000216183	<i>For Official Use</i>
Plaintiff,		
vs.		
JAMES ALLEN HATCHER 16081 Park Road Hayward, WI 54843 DOB: 05/09/1974 Sex/Race: M/W	CRIMINAL COMPLAINT	
Defendant.		

The undersigned Complainant being first duly sworn, states that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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 3: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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 4: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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 5: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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 6: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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 7: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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 8: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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 9: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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 Wednesday, June 5, 2019, in the Town of Hayward, Sawyer County, Wisconsin, did, having attained the age of 18, knowingly possess motion pictures and photographs of a child engaging in sexually explicit conduct, and knew that the child was under the age of 18, contrary to sec. 948.12(1m)&(3)(a), 939.50(3)(d), 973.042(2), 939.617(1) 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, invoking the provisions of sec. 973.042(2) Wis. Stats., 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, invoking the provisions of sec. 939.617(1) Wis. Stats., 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.

PROBABLE CAUSE:

Your Complainant is a deputized law enforcement officer with the Sawyer County Sheriff's Department and bases this complaint upon the reports and investigation of Special Agent Jeffrey D. Lenzner of the Wisconsin Department of Justice Division of Criminal Apprehension, which reports were filed in the course of the officer's official duties and filed and maintained in the normal and ordinary course of business with said department, and Complainant has no reason to doubt the truthfulness of the same.

On May 12th, 2019, Wisconsin Department of Justice Division of Criminal Investigation (DCI) Special Agent (SA) Jeffrey Lenzner downloaded child pornography from IP address 96.42.28.43 using undercover investigative software on the BitTorrent P2P network. SA Lenzner had other connections with the IP address dating back to September 2018. SA Lenzner sent an Administrative Subpoena to Charter Spectrum who identified the subscriber/subscriber address as Edelweis(s) Motel located at 16081 W Park Road, Hayward, Wisconsin 54843. Wisconsin Department of Transportation and Accurant searches identified the occupants/owners of 16081 W Park Road, Hayward, Wisconsin.

On June 5th, 2019, at approximately 8:47 AM, SA Lenzner and Sawyer County Sheriff's Department Detective Jay Poplin went to 16081 W Park Road, Hayward, Wisconsin. SA Lenzner and Detective Poplin made contact with the owners of the Motel.. SA Lenzner served an Administrative Subpoena for motel guest records. Cooperating with Law Enforcement, the owners advised the only long term tenant that stayed at 16081 West Park Street, Hayward, Wisconsin motel/apartments was the tenant in Unit 8. The tenant in unit 8 was identified as James Allen Hatcher, M/W, DOB 05/09/1974. Hatcher had been staying in Unit 8 since October 21st, 2016. The Motel owners voluntarily turned over their electronic devices for consent searches and no contraband was located.

On June 5th, 2019, SA Lenzner got a warrant signed for Hatcher's motel/apartment located at 16081 W Park Road, Unit 8, Hayward, Wisconsin. At approximately 9:56 AM, DCI Special Agents made entry into Unit 8. Inside Unit 8, a Hitachi 640GB Hard Drive with SN: 110705J23B0053C5J03R, was located inside a Toshiba laptop computer on an ottoman inside of Unit 8. Digital Forensic Examiner (DFE) Tyrel Olsen examined the hard drive and located over one hundred eighty (180) files of child pornography. Hatcher was the only one to use Unit 8 and he was the only occupant. On June 5th, 2019 at approximately 2:07 PM, SA Lenzner and DCI SAC Jesse Crowe made contact with Hatcher in the parking lot of 15870 US Highway 63, Hayward, Wisconsin. Hatcher admitted to being the only one to use the laptop computer located in Unit 8 of 16081 W Park Road, Hayward, Wisconsin. Hatcher admitted to downloading, viewing and saving child pornography from Frostwire / BitTorrent network onto his laptop computer in Unit 8. Hatcher admitted to knowing what child pornography was and admitted to being in possession of it. Hatcher also to admitting to moving images of child pornography into other folders on his computer.

On June 5th, 2019 at approximately 4:07 PM, James Allen Hatcher, M/W, DOB 05/09/1974 was taken into custody for ten counts of Possession of Child Pornography by Wisconsin Department of Justice, Division of Criminal Investigation (DCI) Special Agent (SA) Jeffrey Lenzner. Hatcher was placed in handcuffs by Sawyer County Sheriff's Office Deputy Darin Jensen, who transported Hatcher to the Sawyer County Jail located at 15880 East 5th Street, Hayward, Wisconsin.

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

Subscribed and sworn to before me on 06/07/19

Electronically Signed By:

Aaron Marcoux

Assistant District Attorney

State Bar #: 1081975

Electronically Signed By:

Deputy Nicole Ripczinski

Complainant