

Man accused in Ozaukee porn case now faces federal charges

Written by BILL SCHANEN IV
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D.A. says U.S. prosecutors are better able to secure restitution for 100 child victims

A 50-year-old Town of Cedarburg man who was charged in Ozaukee County Circuit Court with using a sophisticated computer system to trick children he contacted via Skype into performing sex acts that he recorded is now facing federal charges.

David A. Weaver was charged Monday in federal court with five counts of producing child pornography.

He had been charged in Ozaukee County with 10 felony counts of possession of child pornography, but those charges were dismissed to clear the way for federal prosecution.

District Attorney Adam Gerol said he referred the case to federal prosecutors in the interest of being able to identify the victims — more than 100 children from throughout the country and around the world who appear in 2,000 pornographic videos — and seek restitution for them.

“They (federal authorities) have a better mechanism by which to identify victims, even if they reside in other countries,” Gerol said, noting that federal authorities have greater ability to seize assets for restitution. “My primary goal was to have the best chance of finding the victims and making them whole.”

Gerol said he hopes federal authorities will also be able to use their reach to prove Weaver distributed the videos he made.

Weaver also faces more severe penalties if convicted of the federal charges. While a state possession of child pornography charge carries a minimum prison sentence of 3-1/2 years in prison, a federal production of child pornography charge carries a minimum prison sentence of 15 to 30 years in prison.



David Weaver

“He had lifetime exposure (to prison) on the state charges, but because of the minimum 15 to 30-year mandatory minimum on the federal charges, it just makes the outcome a little more

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concrete if he is convicted," Gerol said.

Posing as a teenage girl named "Sara" and a male named "Josh," Weaver would contact girls and boys using Internet webcam software such as Skype and encourage them to perform sexual acts that he would then surreptitiously record, according to the criminal complaint filed in federal court.

Weaver would ask some of the children he contacted if they had friends or siblings and encouraged sleep-overs so he could record videos of them having sex with each other, the complaint states.

"The defendant also asked if they had dogs and encouraged them to have sex acts with those dogs," Gerol said during an Aug. 22 bail hearing in Ozaukee County.

"I've been doing this for 20 years and I have never seen a case like this," Gerol said this week. "This case is unique because of its sophistication and the sophistication of the (Wisconsin) Department of Justice analyst who pieced it together."

The investigation into Weaver's activities dates to April 2012 when U.S. Immigration and Customs Enforcement agents found a pornographic image of a child on a computer in Alden, N.Y., that was sent from a computer in the Town of Cedarburg, according to the criminal complaint.

Federal authorities informed the Ozaukee County Sheriff's Department, which traced the image to Weaver.

When detectives seized his computer in February, Weaver told them he had a lot of illegal pornographic images on it. When asked about the ages of the children depicted in the images, Weaver said, "There are some young ones," the complaint states.

A preliminary analysis of the computer detected eight possible pornographic videos depicting children, one of which was named "9-year-old Vicky," according to the complaint.

In February, Weaver was charged in Ozaukee County Circuit Court with one count of possession of child pornography and had been free on \$5,000 bail until last month.

On Aug. 20, the sheriff's department received the results of a more thorough analysis of Weaver's computer done by the Wisconsin Department of Justice Division of Criminal Investigation that revealed far more child pornography and the sophisticated means by which Weaver procured the images.

A forensic computer analyst discovered that Weaver maintained five Skype and two Facebook accounts under a number of aliases and that he assumed the identity "Sara," which he used to Skype with boys, and "Josh," which he used to Skype with girls.

Using software that allowed him to use a previously recorded video as if it were the live feed

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from his webcam, Weaver, posing as “Sara,” or “Josh,” communicated with his victims via Skype, according to the complaint.

He used another software application to record the webcam videos he saw on his computer screen, the complaint states.

Some of the more than 250,000 lines of Skype messaging recovered from Weaver’s computer reveals that he in essence directed the videos he was secretly recording, telling children what to do to themselves and to other kids, according to the complaint.

“I looked at one video and it was like looking at my own daughters, who are 11,” Gerol said. “This case should really make families take to heart that this is the type of behavior that can penetrate any home.”

Weaver had been held in the Ozaukee County jail since Aug. 22 on \$250,000 bail.

On Monday, a federal magistrate ordered him held without bail until a Sept. 16 hearing.