

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN

13088952

Date and Time of Report

05/06/2013 12:46:00

Primary offense:

SEX OFFENSE-POSS OF CHILD PORNOGRAPHY

Primary Reporting Officer: Gillet, William T

Primary squad: 720

Secondary reporting officer:

Approver: Gillet, William

District: Central

Site:

Name of location/business:

Location of incident: 226 SUMMIT AV

ST PAUL, MN 55102

Date & time of occurrence: 01/01/2004 12:47:00 to

05/06/2013 12:47:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Police Officer Assisted Suicide:

Crime Scene Processed:

OFFENSE DETAILS

SEX OFFENSE-POSS OF CHILD PORNOGRAPHY

Attempt Only:

Appears to be Gang Related:

Victims

NAMES

Other

Eisenzimmer, Andrew Joseph

2868 LAKE DIANE CT

NEW BRIGHTON, MN 55112

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Male

Race: White

DOB: 5/19/1948

Resident Status:

Hispanic:

Age: 64

from

to

Phones

Home:

Cell:

Contact:

Work:

Fax:

Pager:

Employment

Occupation:

Employer:

Def. Ex. 1
Arch.

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Primary offense:

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Identification

SSN: _____ License or ID#: _____ License State: _____

Other

Kueppers, Joseph Frederick
226 SUMMIT AV
ST PAUL, MN 55102

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Male Race: White DOB: 3/18/1958 Resident Status: _____
Hispanic: _____ Age: 55 from to

Phones

Home: _____ Cell: _____ Contact: _____
Work: 651-291-4400 Fax: _____ Pager: _____

Employment

Occupation: ARCHDIOCESE OF STPAUL & MPLS Employer: _____

Identification

SSN: _____ License or ID#: _____ License State: _____

Other

Modonough, Kevin Michael
226 SUMMIT AV
ST PAUL, MN 55102

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Male Race: White DOB: 4/13/1955 Resident Status: _____
Hispanic: _____ Age: 58 from to

Phones

Home: _____ Cell: _____ Contact: _____
Work: 651-291-4400 Fax: _____ Pager: _____

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Employment

Occupation: ARCHDIOCESE OF STPAUL & MPLS

Employer: ARCHDIOCESE OF STPAUL & MPLS

Identification

SSN:

License or ID#:

License State:

Suspect

Shelley, Jonathan Paul
4454 BLAISDELL AV S
MINNEAPOLIS, MN 55419

KNOWN

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Male

Race: White

DOB: 4/11/1961

Resident Status: Resident

Hispanic:

Age: 52 from to

Phones

Home:

Cell:

Contact:

Work:

Fax:

Pager:

Employment

Occupation:

Employer: ARCHDIOCESE OF ST PAUL & MPLS

Identification

SSN:

License or ID#:

License State:

Physical Description

US:

Metric:

Height: to

Build:

Hair Length:

Hair Color:

Weight: to

Skin:

Facial Hair:

Hair Type:

Teeth:

Eye Color:

Blood Type:

Offender Information

Arrested:

Pursuit engaged:

Violated Restraining Order:

DUI:

Resistance encountered:

Condition:

Taken to health care facility:

Medical release obtained:

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Primary offense:

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Victim

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex:

Race:

DOB:

Resident Status:

Hispanic:

Age:

from

to

Phones

Home:

Cell:

Contact:

Work:

Fax:

Pager:

Employment

Occupation:

Employer:

Identification

SSN:

License or ID#:

License State:

Victim Information

Type: Society/Public

Can Identify Offender: No

Willing to Press Charges: No

Condition:

Taken to health care facility: No

Medical release obtained: No

Witness

Requests non-public due to safety concerns

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Female

Race: White

DOB:

Resident Status:

Hispanic:

Age: 38

from

to

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

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Date and Time of Report

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05/06/2013 12:46:00

Primary offense:

SEX OFFENSE-POSS OF CHILD PORNOGRAPHY

Phones

Home: Cell: Contact:
Work: Fax: Pager:

Employment

Occupation: Employer: ARCHDIOCESE OF STPAUL & MPLS

Identification

SSN: License or ID#: License State:

SOLVABILITY FACTORS

Suspect can be Identified:

By:

Photos Taken:

Stolen Property Traceable:

Evidence Turned In:

Property Turned In:

Related Incident:

Lab

Biological Analysis:

Fingerprints Taken:

Narcotic Analysis:

Items Fingerprinted:

Lab Comments:

Participants:

Person Type: Name: Address: Phone:

Other Eisenzimmer, Andrew Joseph 2868 LAKE DIANE CT
NEW BRIGHTON, MN 55112

Other Kueppers, Joseph Frederick 226 SUMMIT AV
ST PAUL, MN 55102

Other Mcdonough, Kevin Michael 226 SUMMIT AV
ST PAUL, MN 55102

Suspect J. S.

Victim

Witness

ORIGINAL OFFENSE / INCIDENT REPORT

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05/06/2013 12:46:00

Primary offense:

SEX OFFENSE-POSS OF CHILD PORNOGRAPHY

NARRATIVE

On 02/21/13 I spoke to the Ramsey County Attorneys Office and was made aware of pornography, to possibly include Child Pornography, being in the possession of staff at the rectory of the Archdiocese of Saint Paul & Minneapolis.

I was told that an employee of the rectory had discovered the material that was being held in the rectory vault. I was told further that archdiocese staff had a computer forensic expert exam the computer and found what he reports were "thousands of images", some of which contained images of an unknown teen boy performing oral sex on an unknown male. I was told that a priest in the archdiocese had owned a laptop computer and at some point in time decided he no longer wanted it for whatever reason. The priest disposed of the computer by placing it in a rummage sale. A party at the sale purchased the computer. When the buyer turned the computer on he observed numerous pornographic images. The buyer knew (for reasons unknown at this time) that the computer had belonged to a priest in the archdiocese. The buyer presented the computer to authorities in the archdiocese who had a computer forensic expert exam it.

I was told the rectory employee sought "whistle blower" protection due to the position she was in and the difficulties it posed. The employee saw a white banker's box in the rectory vault which contained three (3) compact computer discs and a report written by a forensic computer expert which details the contents of the discs. The report states in part that thousands of images were downloaded from the computer of pornographic images and included what appeared to be a prepubescent boy performing oral sex on another male. The report concludes by saying the writer would be surprised if it were not illegal. The box did not contain the actual computer itself and its whereabouts are unknown at this time.

PUBLIC NARRATIVE

Investigation concerning Possession of Child Pornography.

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN

Date and Time of Report

13088952

09/29/2013 13:55:00

Primary offense:

SEX OFFENSE-POSS OF CHILD PORNOGRAPHY

Primary Reporting Officer: Gillet, William T

Name of location/business:

Primary squad:

Location of incident: 226 SUMMIT AV

Secondary reporting officer:

ST PAUL, MN 55102

Approver:

District: Central

Date & time of occurrence: 01/01/2004 12:47:00 to

Site:

05/06/2013 12:47:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Police Officer Assisted Suicide:

Crime Scene Processed:

NARRATIVE

On 03/05/13 at 1000 hours Commander Josh Lego and I went to the rectory of the Archdiocese of Saint Paul and Minneapolis at 226 Summit Ave. There we met with Joseph Kueppers (Chancellor for Civil Affairs) 291-4405 and Andy Eisenzimmer (retired Chancellor for Civil Affairs). Kueppers assumed the position from Eisenzimmer who retired two months ago.

We requested the "white banker's box" said to contain pornographic images downloaded from a computer that had belonged to a priest as based on information we had earlier received. Eisenzimmer was visibly upset with the request and asked the name of the priest in question which at this time we did not have. Eisenzimmer went so far as to say that he needed to know which property we were talking about. We were surprised with this as it suggested to us the possibility that there might be more than one case of pornographic materials the church was dealing with and so we asked for clarification. Eisenzimmer seemed to backpedal somewhat and said no, that he believes he knows who the priest is. After considerable discussion it was agreed we would call him back with the name at which time we would return and take possession of the property. Kueppers very clearly said that no property or evidence would be destroyed and he would make sure it was held until we contact him further.

On 03/05/13 at 1400 hours I spoke to Ramsey County Assistant Attorney Tom Ring 266-3399 who said he has for many years volunteered on a "conciliation board" for the archdiocese. RAO Tom Ring said he met _____ while serving on that board. RAO Tom Ring said _____ is employed by _____ as _____ and has a _____

Sometime in the fall of 2012 _____ found a "white banker's box" in the vault of the rectory office of the archdiocese. _____ found the box to contain three (3) computer discs that contained "thousands of images" and numerous documents and reports relative to the computer content and made reference to several search terms including: "naked boy pics", "young boys", "hard core teen boys", "eastern European teen boys" and "helpless teen boys". When _____ brought these items to the attention of Father Peter Laird (Vicar General of Archdiocese) she was instructed to "put them back in the vault". _____ was bothered by this and the way she saw the church addressing the matter, finding it to be troubling both professionally and _____

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

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Date and Time of Report

09/29/2013 13:55:00

Primary offense:

SEX OFFENSE-POSS OF CHILD PORNOGRAPHY

 morally.

The computer discs contained images that had been downloaded from a laptop computer. The computer had been the personal possession of Father J.S. J.S. apparently decided he no longer had use for the laptop and so he put it in a rummage sale at the parish where he was serving as pastor. A party that knew where the computer came from bought it. Upon bringing it home and powering it up, the buyer found numerous pornographic images. The buyer brought it to the archdiocese and turned it over to them. The archdiocese brought the computer to Mr. Richard Setter of "Richard Setter & Associates, LLC", a private investigation firm who the Archdiocese contracts with. Richard Setter later brought the computer to a forensic expert who was instructed to view only some of its contents. In doing so, the expert found "thousands of images" including those of a young boy performing oral sex on another male". The expert wrote a report which found in the white banker's box.

RCAO Tom Ring told me he believes then Archbishop Harry Flynn investigated the matter in 2003 and didn't believe there was anything further to do.

On 03/06/13 at 0930 hours I spoke to Mr. Joseph Kueppers. I advised Kueppers I needed any computer discs as well as a written report by the computer examiner. Mr. Kueppers said Mr. Tom Wieser of the law firm "Meier, Kennedy & Quinn" at 445 Minnesota St Ste # 2200 in Saint Paul, wp# 651-228-1911, counsel for the archdiocese, will be calling me this afternoon for release of the property.

On 03/06/13 at 1430 hours I telephoned Mr. Tom Wieser to inquire about the property as I had not yet heard from him. Mr. Wieser said he was readying the property for later today or tomorrow.

On 03/07/13 at 0800 hours I received voice message from Mr. Wieser saying the three (3) computer discs were ready for pickup. Mr. Wieser declined to provide the written documentation saying they were the product of their investigation. Such documents are not necessary at this time.

On 03/07/13 at 1100 hours I went to law firm of "Meier, Kennedy & Quinn where the receptionist presented me with three computer discs. These discs were later turned into the SPPD Property Room.

On 04/12/13 at 1530 hours I telephoned cp# . I spoke to her about the items that had been turned over to me by Mr. Tom Wieser of the law firm Meier, Kennedy & Quinn. Ms. said it sounded as if I had not been given the complete file and there were more things that were not provided. said she there remains a "banker's box" of items in the rectory vault. In that box there is a 3-ring binder of reports.

r said she read a report from Gary Johnson, the forensic computer expert contracted by "Richard Setter & Associates, LLC" to examine the computer. In that report Gary Johnson wrote that he found 2300 images and the suspect performed on line banking as well as purchased an automobile on line in the name of J.S. (suspect), which establishes custody of the computer r said the computer initially belonged to of Saint Jude of the Lake parish. said it appeared the archdiocese's only concern was whether or not there was any evidence pointing to the suspect being responsible for the images on the computer. said that on 01/27/13 Father Kevin McDonough (Vicar General at the time) said he believed the images were pornographic images of children and ordered that all evidence be secured in the vault. said the only people that had access to the vault was

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SEX OFFENSE-POSS OF CHILD PORNOGRAPHY

attorney Joe Kueppers (Chancellor for Civil Affairs), Ms. Heather Lawton (secretary of records management (651) 251-7721), and herself.

· said the suspect is currently assigned to Saint John the Baptist Church in Hugo, MN. believes there is a senior student residing with him and from time to time has homeless males reside with him as well.

About mid-May 2013 I received a call from Deacon John Vomastek, inquiring about the status of the case. I asked if his reason for calling might be that people were becoming nervous. Deacon Vomastek replied saying the church wanted to reestablish the suspect in a parish.

On 05/02/13 I met with · in an interview room at headquarters. · told me she · said that when she discovered the documents and images in the rectory vault she began questioning why anything hadn't been done. · said she became increasingly frustrated as no one would address any of it. · said she brought the images to Deacon John Vomastek knowing that he had a background in law enforcement. · said Vomastek said he had no expertise in the field to make such a determination. provided me with a current telephone number of · In discussing the case with her, provided me with several documents relative to this case she obtained. These documents include the following:

- Memorandum dated May 15, 2012 from · to Archbishop John Nienstedt.
- Memorandum dated February 4, 2012 from · to Archbishop John Nienstedt.
- Memorandum dated February 8, 2013 from · to Archbishop John Nienstedt.
- r Memorandum dated February 7, 2013 from Arcnoispop John Nienstedt to Bishop Piche, Father Laird and ·
- HA letter dated May 29, 2012 addressed to Cardinal William Levada at the Vatican with handwritten notes.
- Record of assignment of Father J. S.
- Letter from Father J. S. to Mr. Neil L. Diamond.
- Letter dated February 22, 2012 from J. S. to "Mr. Hockensmith".
- H Letter dated January 27, 2013 from Father Kevin McDonough to Archbishop Nienstedt, Bishop Piche, Father Laird and ·
- Letter dated January 27, 2013 from Father Kevin McDonough to Archbishop Nienstedt.
- Email sent October 14, 2004 from Mark Dittman to Father Kevin McDonough.
- Letter dated September 24, 2004 addressed as "Dear Member of the Saint Jude Community", author unknown.
- Letter dated May 9, 2011 from Father Kevin McDonough to Tim Rourke.
- r Letter without date, addressee or author which begins with "The Church, and civil law, considers accessing" ... and ends with "... bring this to your attention as soon as possible. Thank you."

These documents will be sent to the SPPD Records Unit as part of the case file.

Over the course of several months I have reviewed the three computer compact discs I received. I found one such disc contains hundreds if not thousands of images of nude men and women engaged in various sexual acts, with themselves and each other. I was not able to find any images that I consider depicting a minor (under age of 18 years). It should be noted I do not have the computer as we were told that was destroyed

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Primary offense:

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many years ago. said there were computer discs only. Whether these discs given to me were the actual discs or copies of those discs after first asking for them, I do not know nor will I most likely ever know.

In July of 2013 I contacted Sergeant Dave Ossell of the SPPD Vice Unit. Sergeant Ossell had previously been assigned to the Sex Crimes Unit and during the course of his assignment received specialized training in computer forensics as they deal with child pornography. I asked Sergeant Ossell if he could review the discs and provide a second and more expert opinion to make sure I did not miss anything. Sergeant did so and later reported to me he too had negative results. See his supplement report.

PUBLIC NARRATIVE

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN

13088952

Date and Time of Report

09/30/2013 15:10:00

Primary offense:

SEX OFFENSE-POSS OF CHILD PORNOGRAPHY

Primary Reporting Officer: Ossell, David T**Name of location/business:****Primary squad:****Location of incident:** 226 SUMMIT AV**Secondary reporting officer:**

ST PAUL, MN 55102

Approver:**District:** Central**Date & time of occurrence:** 01/01/2004 12:47:00 to**Site:**

05/06/2013 12:47:00

Arrest made:**Secondary offense:**

Police Officer Assaulted or Injured:**Police Officer Assisted Suicide:****Crime Scene Processed:**

NARRATIVE

In July 2013, I was asked by Sgt. B. Gillet to review three CDs for possible child pornography.

I reviewed each of the discs and found hundreds of images of adult pornography. From my training and experience, I would not classify any of the images as child pornography.

I returned the three CDs to Sgt. Gillet.

PUBLIC NARRATIVE

SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN

13088952

Date and Time of Report

10/02/2013 08:16:00

Primary offense:

SEX OFFENSE-POSS OF CHILD PORNOGRAPHY

Primary Reporting Officer: Gillet, William T**Name of location/business:****Primary squad:****Location of incident:** 226 SUMMIT AV**Secondary reporting officer:**

ST PAUL, MN 55102

Approver:**District:** Central**Date & time of occurrence:** 01/01/2004 12:47:00 to**Site:**

05/06/2013 12:47:00

Arrest made:**Secondary offense:**

Police Officer Assaulted or Injured:**Police Officer Assisted Suicide:****Crime Scene Processed:**

NARRATIVE

Of the discs that were provided to SPPD, I was unable to find "child pornography" on any of them. Discs were reviewed by another investigator with similar results. Without finding such, the case cannot be submitted at this time.

PEND (insufficient evidence).

PUBLIC NARRATIVE
