

Approved, SCAO	Original complaint - Court Warrant - Court	Complaint copy - Prosecutor Complaint copy - Defendant/Attorney
STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT 97th District Court ORI: MI-12th	WARRANT FELONY	CASE NO. DISTRICT CIRCUIT
Circuit Court ORI: MI-		

310025J THE PEOPLE OF THE STATE OF MICHIGAN v	Defendant's name and address n Ave., HOUGHTON, MI 49931	Victim or complainant 906-482-4980
Co-defendant(s) CARL DAVID HERTO	Date: On or about Keith Jenich	Complaining witness
City/Twp./Village Lake Linden Village	County in Michigan Houghton	Defendant CTN 31-970001
Police agency report no. HCSO-497-97	Charge See Below	Maximum penalty 40-01
Witnesses HCSO-497-97		Defendant DLN 12/08-74
		Defendant DOB 8/94-12/94
		Defendant DLN See Below

STATE OF MICHIGAN, COUNTY OF \_\_\_\_\_  
 To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

**COUNT 1 CRIMINAL SEXUAL CONDUCT - SECOND DEGREE (PERSON UNDER 13)**  
 did engage in sexual contact with another person, to-wit: \_\_\_\_\_ said person being under 13 years of age; contrary to MCL 750.520c(1)(a), (b) and (c); (a). [750.520C1A]

**HIV/STD TESTING NOTICE**  
 Take notice that pursuant to MCL 333.5129; MSA 14.15(5129), upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.  
**FELONY: 15 Years; Mandatory AIDS/STD testing.**

**COUNT 2 CRIMINAL SEXUAL CONDUCT - THIRD DEGREE (FORCE OR COERCION)**  
 did engage in sexual penetration to-wit: anal penetration with \_\_\_\_\_ using force or coercion to accomplish the sexual penetration; contrary to MCL 750.520d(1)(b); MSA 28.788(4)(1)(b). [750.520D1B]

**HIV/STD TESTING NOTICE**  
 Take notice that pursuant to MCL 333.5129; MSA 14.15(5129), upon bindover to circuit court or recorder's court, the district court judge shall order the defendant to be tested for venereal disease, hepatitis B infection, and for the presence of HIV or an antibody to HIV if the judge determines there is reason to believe the violation involved sexual penetration or exposure to a body fluid of the defendant. If the district judge determines that testing is not required, upon conviction, the court must order the defendant to be tested.  
 Upon examination of the complaining witness, I find that the offense charged was committed and that there is probable cause to believe that defendant committed the offense. THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I order you to arrest and bring defendant before the \_\_\_\_\_ District Court immediately.

The defendant may be released before arraignment if \$ 50,000 is posted as interim bail by \_\_\_\_\_ Date 3-10-97  
 Date \_\_\_\_\_ (SEAL) Judge/Magistrate Chris Johnson Bar no. \_\_\_\_\_

See return on reverse side.  
 MCL 764.1 et seq.; MSA 28.860 et seq.; MCL 766.1 et seq.; MSA 28.919 et seq.; MCL 767.1 et seq.; MSA 28.941 et seq.; MC 200 (6/91) FELONY SET, Warrant MCR 6.102  
 interviewed 4/16/97 Police see 12/2000 COURT COPY-WARRANT SIXTEEN 3+ YEARS 4 was MAX

# HOUGHTON COUNTY SHERIFF DEPARTMENT

403 E. Houghton Ave., Houghton, MI 49931 (906) 482-4411

## Supplemental Report

DATE: 3-10-97 TIME: 1600 REPORT #: 31-497-97 FILE CLASS #: 1100-2  
COMPLAINANT:  
NATURE OF COMPLAINT: CSC OFFICERS: Jenich

INFORMATION: Criminal Sexual Conduct

Venue:

Lake Linden, Mi. Schoolcraft Township Houghton County.

Date and Time:

Incident occurred on or about after July 4, 1994 and before the end of August 1994. Reported by the complainant on March 8, 1997.

Complainant:

currently residing at  
Calumet mi. Calumet Township Houghton County. Linda is the natural mother of the victim.

Victim:

, currently residing at  
Calumet, Mi. and has no relationship to the  
alleged perpetrator. Other than the perpetrator is a live in boyfriend of

Interview Carl Herto:

Interview held at the Houghton County sheriff Department on March 10, 1997. Present are myself and Carl Herto. Herto was advised of miranda and waived.

Herto stated he has been living with his girlfriend  
daughter for approximately five years.

Herto said that sometime after July 4, 1994 and before the end of August 1994 he was living at 613 sixth street in the village of Lake Linden, Mi. Living with

Herto recalls being in the basement of the dwelling on a hot day lifting weights in the afternoon.

Herto said on this day he was horny.

Herto said was also in the basement as he was babysitting while was working.

Herto recalls pulling shorts and undershorts down around her ankles, opening by unzipping his shorts and exposing his penis through the fly opening while leaving his shorts on

Herto said he had a hard on and placed his penis between buttocks and pushed his penis into anal cavity.

Deputy: Keith A Jenich

3-12-97

Interview Carl Herto Continued:

While his(Herto's) penis was inside [redacted] anal cavity, [redacted] started hollering, it hurts. At this point Herto said he stopped.

Herto said he was using cocaine this day and use approximately one line and a half.

After the act in the basement Herto told [redacted] to pull her pants up and sent her upstairs. After this Herto said he masturbated.

Two to three days later at the same residence, Herto said he was alone with [redacted] and he had exposed his penis to her and asked her to touch his penis which she did.

Herto pulled [redacted] shorts and undershorts down around her ankles and asked her to lay on her stomach on the floor.

Herto placed his penis between her legs near the crack of her butt and made back and forth motions with his penis. Herto said at this time he did not penetrate [redacted] Herto said he had his shorts and underwear off and was over and on top of [redacted]

This interview is in summary.

Suspect:

Carl David herto w/m dob 12-08-70. residing at [redacted] Osceola Road Calumet, Mi. Calumet Township Houghton County.

Evidence:

Taped statement of Carl Herto. Held at the Houghton County Sheriff Department.

Criminal History:

See Attached.

Warrants:

Authorized by Douglas Edwards Houghton County Prosecutor.  
Count #1. Criminal Sexual Conduct 2nd degree.  
Count #2. Criminal Sexual Conduct #rd degree.

Status:

Open.

Deputy;  
Keith A Jenich D/Sgt.

3-12-97