

# UNITED STATES DISTRICT COURT

for the  
District of Columbia

United States of America )

v. )

John DOE, white male, 45-55 years old,  
heavy-set build, balding with wreath of light brown  
hair, brown mustache )

Defendant(s)

Case: 1:13-mj-361

Assigned To: Magistrate Judge Alan Kay

Assigned Date: 5/10/2013

Description: Complaint and Arrest Warrant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April-May, 2013 in the county of \_\_\_\_\_ in the  
\_\_\_\_\_ District of Columbia, the defendant(s) violated:

*Code Section*  
18 U.S.C. 2251(a)

*Offense Description*  
Sexual Exploitation of Children

This criminal complaint is based on these facts:

see attached statement of facts

Continued on the attached sheet.



Complainant's signature

Neil O'Callaghan, Special Agent HSI-ICE  
Printed name and title

Sworn to before me and signed in my presence.

Date: 05/10/2013



Judge's signature

City and state: Washington, DC

ALAN KAY  
Printed name and title  
MAGISTRATE JUDGE

**Statement of Facts in Support of Complaint/Arrest Warrant**

1. I am a Special Agent with U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement, Homeland Security Investigations (HSI) and am currently assigned to the Cyber Crimes Center, Child Exploitation Investigations Unit (CEIU). I have been employed in federal law enforcement since 1998, and I am responsible for conducting federal and international investigations relating to crimes involving the sexual exploitation of children. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and have received basic, advanced, and on-the-job training in the investigation of cases involving the sexual exploitation of children. The information set forth in this affidavit is derived from my own investigation, as well as from information obtained from other law enforcement officers. I have not included each and every fact known to me concerning the investigation. I have set forth only those facts necessary to establish probable cause.

2. As a federal agent, I am authorized to investigate violations of United States laws, and to execute warrants issued under the authority of the United States.

3. I am investigating a case of sexual exploitation of a child, specifically the production of child pornography in violation of 18 U.S.C. § 2251(a).

4. On May 3, 2013, HSI received a referral from the Danish National Police related to four videos containing child pornography. The videos had been downloaded from the Internet by law enforcement officers in Denmark. The videos are titled "001", "002", "Ann cums thougha" and "d96ba1a5763a8db4bcac7f3ad0534f9a". The videos appear to have been posted for the first time on the Internet on May 2, 2013. The videos were referred to U.S. law enforcement as Danish Police believed that the video had most likely been produced in the United States. There is no audio present in any of the aforementioned videos.

5. The videos depict an unidentified male ("John DOE") and a prepubescent female, who appears to be approximately 7 - 9 years old, engaged in sexually explicit conduct. The prepubescent female minor lacks post-secondary sexual characteristics including pubic hair and breast development. The videos are inscribed with date stamps that normally correspond to the date the videos were produced, though the accuracy of these stamps depends on the device being used to produce the video to have been set properly. "Ann cums thougha" has a date stamp of April 27, 2013. The remaining three videos have a date stamp of April 14, 2013. The videos are described below:

- "001" - The video is 1:13 in length and begins by depicting the prepubescent female kneeling on the ground. John DOE is standing in front of the prepubescent female with his pants around his ankles. He is wearing boxer shorts. Visible in the background are musical instrumentation such as guitars, speakers, a keyboard, electronic equipment and a musician stand and stool. John DOE's penis is protruding from his boxer shorts and the prepubescent female places John DOE's penis in her mouth. Throughout the 1:13 video the victim repeatedly places her mouth over John DOE's penis and rubs it with both her right and left hand.

- “002” – The video is 0:52 in length and is filmed in the same location as video “001” referenced in the paragraph above. Again the same prepubescent female victim is kneeling in front of what appears to be the same John DOE suspect. She is wearing the same clothing as in video “001”. The victim is also holding a blanket in her right arm. John DOE is wearing what appears to be the same pants and shirt as in video “001”. In this video John DOE’s penis is protruding through his pants. Throughout the 0:52 video the prepubescent female victim places John DOE’s penis in her mouth, holding it in both her right and left hand.
- “d96ba1a5763a8db4bcac7f3ad0534f9a” - The video is 1:05 in length and is filmed in the same location as videos “001” and “002” described in the paragraphs above. The same prepubescent victim and John DOE suspect are depicted. Both are wearing the same clothing as in videos “001” and “002”. The video opens with the prepubescent female kneeling on the musician stool. Her exposed anal and vaginal area is facing the suspect and is captured clearly by the camera. The John DOE suspect is sitting in a chair facing the victim’s exposed anal and vaginal area and is seen inserting his right index finger into the victim’s anus and/or vagina. At the 00:32 mark the video cuts to the suspect kneeling on the floor behind the prepubescent female victim, who is still kneeling on the stool. The John DOE suspect is licking the anal and vaginal area of the victim. At the 00:39 mark of the video the suspect begins wiping the victim’s anal and vaginal area with a tissue before continuing to lick her anal and vaginal area and inserting one of his fingers into her anus and/or vagina.
- “Ann cums thougha” – The video is 2:27 in length and filmed in what appears to be the same location as the three videos referenced in the paragraphs above. The video opens with the prepubescent female lying on her back on the floor. The John DOE suspect is also lying on the floor, lying in front of the victim; the victim’s legs are positioned over the John DOE suspect’s shoulders. His head and back are facing away from the camera and his face is not seen in the video. Throughout the video the suspect appears to be licking the vaginal area of the prepubescent female minor. He appears to be wearing the same pants as in the three videos referenced in the paragraphs above, and although his face is not seen the suspect has the same body shape, proportions and balding hair line and hair color as the suspect in videos “001”, “002” and “d96ba1a5763a8db4bcac7f3ad0534f9a”.

6. The “John DOE” depicted in this video is described as a Caucasian male, 45 - 55 years in age, with a heavy-set build. He is balding with a wreath of light brown hair and a brown mustache. He appears to have what is commonly referred to as a “beer gut.” Four (4) images of “John DOE” are included in Attachment A to this affidavit.

7. In the videos “001”, “002” and “d96ba1a5763a8db4bcac7f3ad0534f9a” described above agents have observed what appears to be the bottom half of packaging for a commercially sold food product. Specifically, agents assigned to the HSI Cyber Crimes Center have determined the

packaging is consistent with a commercially sold bag of Rold Gold "Thins" pretzels. Rold Gold is a Frito-Lay product that is under the Pepsico corporate umbrella. Research conducted of the official Pepsico and Frito-Lay websites revealed that Rold Gold is listed as a product sold in North America, specifically the United States and Canada. Rold Gold is not listed among products sold outside of the United States and Canada. Examination of the Frito-Lay websites for the United States and Canada reveals that Rold Gold pretzels are packaged differently within the United States and Canada. The packaging shown on the Frito-Lay American website matches the packaging observed in the room the videos listed above were produced. The Frito-Lay Canada website displays Rold Gold pretzels with different packaging, including French language descriptions, sold in Canada. On May 6, 2013 the HSI Cyber Crimes Center contacted the HSI office in Vancouver, British Columbia, Canada. An HSI Special Agent assigned to that office observed the Rold Gold pretzel packaging on Rold Gold pretzels sold at a local convenience store chain and grocery store and advised the HSI Cyber Crimes Center that the packaging on the Rold Gold pretzels for sale in Vancouver matched the Frito-Lay Canada website packaging example. That is to say, the packaging observed by the HSI agent in Vancouver did not match the packaging seen in the videos described above. Based on this analysis it is my belief that the Rold Gold pretzel bag observed in the videos was exclusively distributed within the United States.

8. This Court has jurisdiction over the offense under investigation pursuant to 18 U.S.C. § 3238, which provides, in relevant part, that jurisdiction for "[t]he trial of all offenses begun or committed . . . out of the jurisdiction of any particular State or district, shall be in the district in which the offender . . . is arrested or is first brought; but if such offender . . . [is] not so arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender . . . , or if no such residence is known the indictment or information may be filed in the District of Columbia." In this case, the child pornography video described above was transported in foreign commerce, in violation of 18 U.S.C. 2251(a); therefore, the offense was "committed outside the jurisdiction of any particular State or district." In addition, the identity of the defendant is not known and, therefore, no last residence of the offender is known. As such, this Court has jurisdiction over the offense under investigation.

CONCLUSION

9. Based on the information set forth in this affidavit, I submit that there is probable cause to believe that John DOE has produced, possessed and distributed child pornography, all in violation of Title 18, United States Code (U.S.C.), § 2251(a).

10. In consideration of the foregoing, I respectfully request that this court issue an arrest warrant for John DOE, described and depicted in Attachment A.



Neil J. O'Callaghan, Special Agent  
US Immigration and Customs Enforcement

Subscribed and sworn to before me this 10th day of May, 2013.

  
United States Magistrate Judge

ALAN KAY  
U.S. MAGISTRATE JUDGE

Attachment A

