

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America)

v.)

JANE DOE, white female, 25-35 years, medium
build, black hair, blue eyes, large mole on back of
left thigh)

Defendant(s)

Case: 1:12-mj-00667

Assigned To : Magistrate Judge Alan Kay

Assign. Date : 8/07/2012

Description: Criminal 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 Feb 1, 2010 - June 27, 2012 in the county of _____ in the
_____ District of Columbia, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 2251(a)	Sexual Exploitation of Children
18 U.S.C. 2251(e)	Conspiracy to Engage in the 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

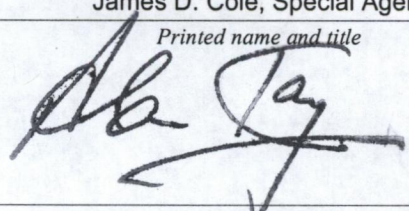
James D. Cole, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: AUG - 7 2012

City and state: District of Columbia



Judge's signature

ALAN KAY
U.S. MAGISTRATE JUDGE

Printed name and title

Statement of Facts in Support of Complaint/Arrest Warrant

1. I am a Special Agent (SA) with the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been so employed since March of 2003 and have been employed as a law enforcement officer/agent for the past 18 years. I am currently assigned to the Child Exploitation Investigations Unit at the ICE HSI Cyber Crimes Center as the National Program Manager for Victim Identification. As part of my duties as an HSI agent and National Program Manager for Victim Identification, I investigate criminal violations relating to the exploitation of children including violations pertaining to the production and distribution of child pornography in violation of the United States Code. I have gained experience through training and everyday work relating to these types of investigations. 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) and conspiracy to produce child pornography in violation of 18 U.S.C. § 2251(e).

4. On June 23, 2011, HSI Los Angeles, California executed a Federal search warrant concerning the Advertisement, Possession and Receipt of Child Pornography. Pursuant to the search warrant digital media was seized and analyzed by a computer forensic examiner. As a result of the examination numerous images and videos of children engaged in sexually explicit conduct were discovered. The material was submitted to the National Center for Missing and Exploited Children¹ (NCMEC), Child Victim Identification Program (CVIP) to be checked against the Child Recognition and Identification System (CRIS). As a result of the review NCMEC determined that the submission included 97 image files which appear to depict an unidentified victim of child sexual exploitation as described below:

Of the 97 images, 87 of them depict a female prepubescent child, hereinafter referred to as Victim 1 (V1). The other 10 images depict V1 and another female prepubescent child, hereinafter referred to as Victim 2 (V2). Both V1 and V2 are prepubescent minor females who lack post-secondary sexual characteristics including hip, breast and pubic hair development. I would estimate V1 to be between the ages of five and seven years old and V2 to be between the ages of three and five at the time of the depictions.

¹ NCMEC is a national clearing house for child sexual exploitation material and law enforcement agencies across the United States submit material discovered as the result of investigations to NCMEC for CRIS review in order to determine whether victims depicted in material discovered as the result of investigations have been identified and rescued or not.

- V1 is depicted in various states of dress and undress. Of the 87 images which depict V1 alone, 16 of them depict V1 in a lewd and lascivious display of the genitalia. These include images of V1 with her legs spread open exposing her vagina. One of the images depicts a close up of what appears to be V1's vagina being spread open with her fingers.
- Four of the images depict V1 holding a white piece of paper with writing. In two of the images the paper has the words "I like Timmy" written on it. In the other two images the paper has the words and drawing of a heart "I [heart] Timmy." In one of the images while holding the sign "I [heart] Timmy" V1 is pulling aside her underwear to expose her vagina.

5. On June 27, 2012, NCMEC CVIP received material submitted by the Federal Bureau of Investigation which had been discovered on seized media from a child pornography investigation conducted in Colorado. NCMEC CVIP discovered over 200 images and two videos within the submitted material depicting the same children (V1 and V2) as in the material submitted by HSI Los Angeles. Several of the images submitted by the FBI were the same as images submitted by HSI, however, several new images and the videos were discovered:

- Nine images depict V1 and V2 being sexually abused by an adult male subject. The images have been technically manipulated in order to remove the adult male's face from images where his face would have been visible.
- One of the images depicts a naked V2 sitting in the lap of the adult male subject, who is also nude. V2 is sitting on the right leg of the adult male subject with her left leg touching the genital area of the adult male while V1 (also nude) is sitting on the left leg of the adult male subject. The image has been technically manipulated to obscure the background.
- In three of the images V1 is sitting on the adult male subject's lap with her vagina directly in contact with the adult male subject's penis. In two of those images V1 is using her fingers to spread her labia open. The images have been technically manipulated in order to obscure the background.
- In two of the images V1 is sitting on the floor in front of the adult male subject who is sitting in a chair. V1 is using her right hand to grasp the penis of the adult male subject. In the second of the two images, V1's mouth is wide open and appears to be about to orally copulate the adult male subject.
- Several images depict V1 and V2 with an adult female, hereafter referred to as "Jane DOE." In the images Jane DOE is posing with the children in the nude. Some images depict Jane DOE, V1, and V2 lying on their backs with their legs partially spread exposing their genitalia. Other images depict Jane DOE, V1, and V2 bent over facing away from the camera with their buttocks in the air. The genitalia and anus of Jane DOE, V1, and V2 are exposed.

- The movie file Mv0001 is approximately 1 minute 11 seconds in length and depicts V1 orally copulating the adult male subject. The adult male subject gives V1 instructions, such as "Go faster please." V1 stops orally copulating the adult male subject and begins to masturbate him with her hand. The adult male subject asks V1 if she wants him to "do it" while she puts her mouth on his penis. The adult male then uses his left hand to place V1's head where he wants it while he masturbates with his right. V1 then states "I don't want it in my mouth." The video ends shortly after.
- The movie file Mv0002 is approximately 43 seconds in length and depicts the adult male subject straddled across the chest of V1. V1 is lying on her back with her face up and the adult male subject is straddling V1 so that his penis is directly over her mouth. The adult male subject is masturbating himself. The adult male subject tells V1 to open her mouth, which she does to a very limited extent. The adult male subject then tells V1 "Open your mouth more, it won't hurt you if a little gets in there." The adult male then masturbates himself and ejaculates on V1's face.

6. The "Jane DOE" depicted in the images described above is described as a Caucasian adult female, 25 – 35 years in age, with a medium build. Jane DOE has black to dark brown hair with blue eyes. In addition, Jane DOE has a large mole on the back of her left thigh. See Attachment A incorporated herein by reference for depictions of "Jane DOE."

7. The digital images described above contain Exchangeable Image File Format (Exif) data or "metadata" embedded in the file itself by the recording device or camera. Exif data can include the date in which the digital image was created. The Exif data for several of the images have created dates in February 2010.

8. The images and video depict a home which appears to be of typical North American construction found in several areas of the United States. A review of the material determined the residence has standard North American electrical switches. In the background of several of the images SA Cole noted two US Army issue duffle bags, a US Army issue poncho liner, and US Army issue desert boots. Several items with English writing are also depicted in numerous images including: A cardboard box with the word "Sunkist," a mattress with "Serta Perfect Sleeper" written across it, the book "Animal Tracking Basics" by John Young and Tiffany Morgan is on a nightstand. In addition, the adult male subject and V1 are speaking English with no discernible accent in the video files.

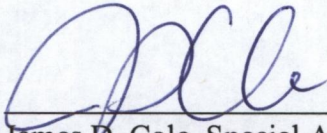
9. This Court has jurisdiction over the offense under investigation pursuant to 18 U.S.C. § 3238, which provides, in relevant part, that jurisdiction for "[t]he trial of all offenses begun or committed . . . out of the jurisdiction of any particular State or district, shall be in the district in which 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 material described above was transported in interstate 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

10. Based on the information set forth in this affidavit, I submit that there is probable cause to believe that Jane DOE has produced child pornography or conspired to do so in violation of Title 18, United States Code (U.S.C.), §§ 2251(a) and 2251(e).

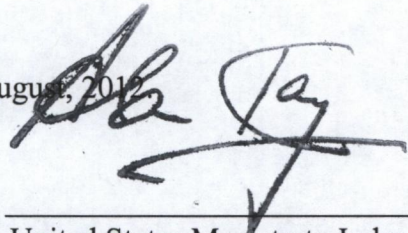
11. In consideration of the foregoing, I respectfully request that this court issue an arrest warrant for Jane DOE, described and depicted in Attachment A.



James D. Cole, Special Agent
US Immigration and Customs Enforcement

AUG - 7 2012

Subscribed and sworn to before me this _____ day of August, 2012



United States Magistrate Judge

ALAN KAY
U.S. MAGISTRATE JUDGE

ATTACHMENT A

The "Jane DOE" depicted in the images described above is described as a Caucasian adult female, 25 – 35 years in age, with a medium build. Jane DOE has black to dark brown hair with blue eyes. In addition, Jane DOE has a large mole on the back of her left thigh.

