United States District Court

SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

PAUL ROY PETERS IV
(White Male, DOB: 10-07-1986)
(Name and Address of Defendant)

CASE NUMBER: 06-16-FJL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 2, 2006, in Highlands County, in the Southern District of Florida, the defendant,

did knowingly distribute visual depictions of
a minor engaging in sexually explicit conduct,

in violation of Title 18 United States Code, Section 2252(a)(2).

I further state that I am a Special Agent, Immigration and Customs Enforcement and that this Complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT.

Continued on the attached and made a part hereof: X YES ____ NO

Signature of Complainant
VAN B. LINDSEY
Special Agent
Immigration and Customs Enforcement

Sworn to before me, and subscribed in my presence,

March , 2006 at Fort Pierce, Florida
Date City and State

JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT
OF
VAN B. LINDSEY
SPECIAL AGENT
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

I, Van B. Lindsey, being duly sworn, state and depose:

1. I am a Special Agent with United States Immigration and Customs Enforcement (ICE). I have been so employed since January 2003. Prior to my employment with ICE, I served as a police officer for twelve years with the Ft. Pierce (FL) Police Department. I am responsible for enforcing Federal Criminal Statutes relating to Immigration and Customs Enforcement, including the title and section prohibiting the distribution of child pornographic materials, to wit: Title 18, United States Code, Section 2251-57, along with any/all violations under Title 18.

2. On February 2, 2006, ICE SAC/Chicago Senior Special Agent (SSA) Mary Buduris conducted an Internet investigation utilizing WinMX peer-to-peer software. WinMX software is an application that offers a method of direct communication between computers connected via the Internet (also known as "file sharing" programs). Such programs allow for the real-time exchange of computer files (audio, video, images, movies, programs, games, etc.) between users. Peer-to-peer programs may typically be downloaded into a person's computer and then configured by the user to enable the downloading

and/or uploading of files contained in a user's hard drive. The files to be shared are typically placed into a "shared" folder. WinMX users may choose to make files available online to others, or configure the software so he/she may download files from others without allowing access to his/her files. If a user's shared folder is made available online, it means the user is offering the files to other persons, worldwide, who are using compatible peer-to-peer software.

3. February 2, 2006, SSA Buduris, while acting in an undercover capacity, initiated an investigation using the persona of "tammiety682." SSA Buduris entered a WinMX chat room "kiddypics & kiddyvids (adult chat)," and noticed one screen name, "Alex1007" in the same chat room. Screen name "Alex1007" appeared to have a significant amount of files available for download with names indicative of child pornography.

4. At approximately 9:03AM, SSA Buduris began to download several files from screen name "Alex1007." SSA Buduris initiated downloads of images and video files titled as follows:

(a) Japanese Lolita child porno(5)11yo primary school girl spreads hairless pussy to how(1)(1)(1)(1)(2).jpg

(b) my daughter alex 13 pussy.jpg,

(c) my daughter alex 13 pussy2.jpg,

(d) young lolita incest porno underage(1)(1) (1).jpg

(e) pthc the best 9y very slut gets a load of cum in her mouth I love her!!!.jpg

(f) R@ygold [CHILD]12yo_fuck_she is up.mpg
(g) pthc 12 - year - 12 yr old handjob and blowjob.mpg[1]

5. SSA Brian Ray (ICE) reviewed the downloaded files. SSA Ray has initiated eighteen cases pertaining to child pornography that has resulted in the seizure of hundreds of thousands of images depicting child pornography and the arrest of five individuals for violations of the federal child pornography statutes. Additionally, he has attended the U.S. Customs "Ciber Crimes Investigation" course. Based on SSA Ray's preliminary review, files (a) and (d) appear to be adult pornography. Files (b), (c), (e), and (f) are possible child pornography. In addition, SSA Ray recognized file (g) as a video clip of a female under the age of 18 performing oral sex on and masturbating a male. SSA Ray has encountered this child pornography video clip in prior child exploitation investigations.

6. During the downloads, "Alex1007" initiated a private message session with SSA Buduris' undercover persona. WinMX supports private messages, which are messages that only the sender and receiver can see. During the private message session, "Alex1007" identified himself as a twenty-four year old male from Florida. SSA Buduris identified herself as a twenty-five year old

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[1] Note: The download of file (g) was not completed due to SSA Buduris loosing connectivity with "Alex1007". 6.65 megabytes of 8.5 megabytes were downloaded resulting in a 33 second video clip.

female from Illinois. "Alex1007" indicated his favorite age range was ten to thirteen years old. Additionally, "Alex1007" described a fantasy to SSA Buduris, that involves sexual acts with a twelve year old female at his house. "Alex1007" describes how he finds the twelve year old female at a mall and starts being a nice guy to her to lure her to his house. SSA Buduris typed "i like ur alex pics", referring to downloaded files (b) and (c). "Alex1007" replied "Thank you sweety, download anything you like honey."

7. SSA Buduris identified the IP address in use by "Alex1007" as 4.235.171.245. An IP address is a unique number assigned to a computer or device connected to the Internet. Because no two computers or devices connected to the Internet can have the same IP address at the same time, a specific user can be identified. SSA Buduris identified the IP address as being assigned to Level 3 Communications. The physical address where the computer was located was identified as 7611 U.S. Highway 27 South, Sebring, Florida. I conducted a check of the Florida Department of Highway Safety and Motor Vehicles Driver and Vehicle Information Database, and identified a driver license issued to Paul Peters III (58 years old) and Paul Peters IV (19 years old) at 7611 U.S. Highway 27 South, Sebring Florida.

8. SSA Buduris took a screen shot of the files "Alex1007" was offering for download. WinMX displays not only the file name being offered, but also the full file path on the hard drive. The

path to the image files being offered for download was: C:\WINDOWS\Profiles\erevain\Desktop\Paul's Stuff\Paul's DLs\stuff\

9. Based on evidence received from ICE/SAC/Chicago, this Court authorized a federal search warrant (Mag. No. 06-13-FJL) for 7611 U.S. Highway 27 South, Sebring, Florida. At approximately 9:00 a.m., on March 6, 2006, agents from ICE/RAC/Ft. Pierce and the Highlands County Sheriff's Department served the federal search warrant at 7611 U.S. Highway 27, Sebring, Florida, for violations of 18 U.S.C. §§ 2251-2257, "Prohibiting the Distribution of Child Pornography."

10. During the search, agents found and seized two computers (one located in the living room and the second located in a bedroom), an external hard drive, approximately 200 media storage devices (CDs, DVDs, and Floppy Disk), and books and magazines depicting sexual acts.

11. During the search, agents interviewed Alicia Peters, who resides at the residence and owns one of the computers seized. Alicia Peters stated that her brother, Paul Roy Peters IV, loaded the WinMX on the computers and downloaded a lot of music and stuff. Additionally, Alicia Peters stated that Paul Peters IV used the computer located in the living room of the residence and wiped the computer clean before he left for the military. Alicia Peters said that the computer had not worked properly since her brother wiped

it clean, so neither her nor her dad, Paul Peters III, had used the computer since Paul Peters IV left for the military.

12. On March 7, 2006, ICE/SAC/San Antonio, SSA Donna DePaola and SSA Scott Hefner interviewed Paul Peters IV at Lackland Air Force Base in San Antonio, Texas. SSA DePaula advised Paul Peters IV of his Miranda rights, which he voluntarily waived.

13. Paul Peters said that he resided at 7611 U.S Highway 27, Sebring Florida, with his sister, Alicia Peters, and his father, Paul Peters III. Paul Peters IV said that he loaded the WinMX software on the computers in the residence and that his sister used it to download music only. Paul Peters IV said that his father was completely computer illiterate and never touched the computers. Paul Peters IV stated that he utilized the Hewlett-Packard Pavilion computer located in the living room approximately four hours a day. Paul Peters IV admitted to downloading child pornography in the form of images and videos to the computer in the living room. Additionally, Paul Peters IV, admitted to trading child pornography with other users of the chat room kiddypics and kiddyvids. Paul Peters IV stated that his screen name is "Alex1007."

14. The preliminary forensic analysis of the Hewlett-Packard Pavilion computer seized from the living room of the residence revealed images of children under the age of twelve engaged in sexual acts. The two following images were revealed during the preliminary forensic analysis:

(c) my daughter alex 13 pussy2.jpg,

(e) pthc the best 9y very slut gets a load of cum in her mouth I love her!!!.jpg.

These were the same images downloaded by SSA Buduris from "Alex1007" while in the kiddypics and kiddyvids chat room as set out in Paragraph 4 of this affidavit.

Further, your affiant sayeth naught.

_____
Van B. Lindsey
Special Agent
Immigration and Customs Enforcement

Sworn and subscribed to before me this _____ day of March 2006.

_____
JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE