

UNITED STATES DISTRICT COURT

for the

Western District of Missouri

United States of America)

v.)

DAVID WAYNE MORGAN)

DOB: 1/5/1957)

Case No. 12-2132JCE-01)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or before the date(s) of May 1, 2012 in the County of Jasper in the Western District of Missouri, the defendant(s) violated :

Code Section
18 U.S.C. 2252(a)(2) and 2252(a)(4)(B)

Offense Description
Receipt of child pornography

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.

/s/ Det. Ed Bailey

Complainant's signature

Ed Bailey, Task Force Officer, DHS/HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: May 2, 2012

/s/ James C. England

Judge's signature

City and state: Springfield, Missouri

James C. England, United States Magistrate Judge

Printed name and title

CHARGE

On or before May 1, 2012, in Jasper County, in the Western District of Missouri, the defendant, **DAVID WAYNE MORGAN**, did knowingly receive and distribute any visual depiction that had been mailed and shipped and transported in interstate commerce, and which contains materials which had been so mailed and shipped and transported by any means, including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct and which visual depiction was of such conduct, all in violation of Title 18, United States Code, Sections 2252(a)(2) and (b)(1).

**UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MISSOURI**

Affidavit

I, Ed Bailey, being first duly sworn, do hereby depose and state that:

1. I am a Task Force Officer (TFO) with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), assigned to the Southwest Missouri Cyber Crimes Task Force, Joplin, Jasper County, Missouri. As part of the Affiant's daily duties as an DHS/HSI TFO, the Affiant investigates criminal violations of federal law relating to child exploitation including violations pertaining to the illegal production, receipt, and possession of child pornography (18 USC 2252(a)(2) and 2252(a)(4)(B)) and other federal statutes involving child exploitation. The Affiant has received training in the area of child exploitation and child pornography investigations, enticement, inducement of minors and has had the opportunity to observe and review numerous examples of child pornography in all forms of media, including computer media. The Affiant has been employed since October of 1993 as a sworn law enforcement officer and the last 4 years has been employed with the Jasper County Sheriff's Office, Carthage, Jasper County, Missouri, and has been assigned to the Southwest Missouri Cyber Crimes Task Force for the past 3 and a half years.
2. The statements contained in this affidavit are based on information the Affiant learned through personal knowledge, investigative reports from other Investigators familiar with this investigation, and conversations with Investigators familiar with this investigation and who are formally trained and experienced in conducting investigations involving child exploitation.
3. On 5/1/12 I was participating in a sex offender compliance round-up in the Joplin area. At approximately 1843 hours I was called to 622 S. Porter, Joplin, Jasper County, Missouri to assist with a registered sex offender that was allegedly in possession of child pornography. I arrived on scene at 1905 hours and made contact with Jasper County Deputy Matt Walker.
4. Walker informed me that he and his partner arrived at the address to perform a compliance check on David Wayne Morgan, W/M, DOB 1/5/1957 who lived at that address. As Walker made contact and identified himself Morgan seemed nervous. As Morgan let Walker and his partner into the residence Morgan began disconnecting network connections and USB storage drives from the computer and closed the lid on the laptop computer in the living room. Walker asked for consent to search the computer and storage drives. Morgan gave consent verbally and in writing. USMS

Deputy Mike Walker attempted to conduct a preview on the laptop but was unsuccessful. I was called to the scene.

5. When I arrived on scene I was able to initiate a successful forensic preview of the Sony Vaio model PCG-8161L laptop [Service Tag # C602KMX8]. During the preview I was able to locate multiple images that appeared to depict child pornography. For example, one such image entitled "PUFFIES!!!! 13yo blonde squatting over a blue dildo," depicts a female approximately 13 to 15 years of age, completely nude, except for shoes and socks, being penetrated by a large blue dildo. At least 7 other image files were seen that contain common child pornography search terms in the titles, such as rape, incest, preteen, and Lolita. I stopped the preview at that time and preserved the images I had recovered.
6. Morgan is a registered sex offender, convicted of statutory sodomy involving a 3 y/o female in 1997. He is listed as a compliant offender.
7. I approached Morgan and advised him of his Miranda rights from a pre-printed card I carry with me. Morgan acknowledged his rights and declined to make a statement.
8. The child pornography files captured and preserved are entitled !!!carolyn1.jpg 4 images uploaded to picturechat.com 2 pubescent female 16 performing oral sex on male male performing oral sex on her engaged in intercourse
9. Knowing that child pornography now exists on the Sony Vaio laptop and may possibly be stored on the other devices in the residence, all devices were seized for safekeeping until a search warrant can be applied for to continue the search.
10. Based upon my training and experience, I know that Sony does not manufacture computers in the State of Missouri.

_____/s/ Det. Ed Bailey_____
Det. Ed Bailey
Task Force Officer
DHS/HSI

Sworn and subscribed to before me this 2nd day of May, 2012

_____/s/ James C. England_____
JAMES C. ENGLAND
UNITED STATES MAGISTRATE JUDGE