

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

MAY 31 2011

for the

District of New Mexico

mlg

MATTHEW J. DYKMAN

United States of America)

v.)

JOHN A. CROWE)

Year of Birth: 1959)

Case No. *11-MJ-1422*

CLERK

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 about the date of 03/03/2011 in the county of Bernalillo in the _____ District of

New Mexico, the defendant violated 18 U. S. C. § 2252(a)(1), 2252(a)(4)(B)

, an offense described as follows:

Title 18, United States Code, § 2252(a)(1), 2252(a)(4)(B), to wit: Possession and Transportation of Visual Depictions of Minors Engaged in Sexually Explicit conduct.

This criminal complaint is based on these facts:

See attachment A incorporated by reference herein.

Continued on the attached sheet.

Alfred Justin Allen
Complainant's signature

Alfred Justin Allen Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: MAY 31 2011

Lorenzo F. Garcia
Judge's signature

LORENZO F. GARCIA

United States Magistrate Judge

Printed name and title

City and state: Albuquerque, New Mexico

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

v.

JOHN A. CROWE,
SSN XXX-XX-6663
Year of Birth 1959

AFFIDAVIT

I, Alfred Justin Allen, being duly sworn, hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

Your Affiant was employed with Public Safety and Corrections Division of Probation and Parole from June of 2002 to February of 2010. During my employment with Probation and Parole, Your Affiant supervised convicted felons in the communities of Washington and St. Tammany Parishes. Of the last 3 years Your Affiant was responsible for supervising convicted sex offenders in these same communities.

Your Affiant has successfully completed twelve weeks of Criminal Investigator training at the Federal Law Enforcement Training Center (FLETC). In addition, Your Affiant completed nine weeks of Special Agent training with ICE, also at FLETC. Your Affiant has also attended training in Cyber Investigation and Peer to Peer (P2P) investigations. Your Affiant has participated in investigations of persons suspected of violating federal child pornography and exploitation laws and has also participated in searches of premises and assisted in the gathering of evidence by means of a search warrant during investigations for violations of Title 18, United States Code, Section 2252.

The information contained in this affidavit is not an exhaustive account of everything Your Affiant knows about this case. Rather, it contains only the facts that your Affiant believes are necessary to establish probable cause in support of a criminal complaint and arrest warrant against John Allen Crowe for violation of Title 18, United States Code, Section 2252(a)(1),

JAS
JA

2252(a)(4)(B) and 2256 (Transportation, and Possession of Visual Depictions of Minors Engaged in Sexually Explicit Conduct).

The information contained within the affidavit is based on my training and experience, as well as information imparted to me by other law enforcement officers involved in this investigation.

RELEVANT STATUTES

This investigation concerns alleged violations of 18 United States Code (U.S.C.) Sections 2252(a)(1) and 2252 (a)(4)(B), related to persons Transporting, Receiving, and Possessing Visual Depictions of Minors Engaged in Sexually Explicit Conduct.

18 U.S.C. Section 2252(a)(1) prohibits the transportation of any visual depiction involving the use of minors engaged in sexually explicit conduct (hereafter referred to as "child pornography") that has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

18 U.S.C. Section 2252 (a)(4)(B) prohibits possession of a matter which contains a visual depiction involving the use of a minor engaged in sexually explicit conduct that has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using material that had been shipped or transported in or affecting interstate or foreign commerce, by any means including a computer.

DETAILS OF INVESTIGATION

The current investigation involves activity in reference to IP address 69.247.74.20 which occurred on the following date and times:

- Thursday, March 3, 2011 from approximately 1:39 p.m. GMT through 5:04 p.m. GMT

New Mexico State Police Sergeant Matt Pilon, of the Online Predator Unit, utilized software configured to search the Gnutella network for IP address/computers which were offering to distribute and/or possessed, at least in part, files known to law enforcement that contain images/videos of visual depictions of minors engaged in sexually explicit conduct (hererafter "child pornography"). Upon reviewing the logs within the Law Enforcement version of the peer to peer software, Sergeant Pilon noted this activity occurring on each of the above mentioned dates. Sergeant Pilon noted that a computer utilizing IP address of 69.247.74.20 was offering to participate in the distribution of child pornography. Sergeant Pilon was also able to determine that the IP address was assigned to an Internet service provider (ISP) within New Mexico.

Sergeant Pilon noted that from these logs on the above mentioned date and time, a computer utilizing IP address 69.247.74.20 was seen with files containing SHA 1 values which have been



previously identified as child pornography. Your Affiant knows that P2P computer software has different methods to insure that two files are exactly the same. Your Affiant knows from training and experience that the method used by the P2P Operation described herein involves a compressed digital representation method called Secure Hash Algorithm Version 1 or SHA1. Your Affiant knows that the Secure Hash Algorithm (SHA) was developed by the National Institute of Standards and Technology (NIST), along with the National Security Agency (NSA), for use with the Digital Signature Standard (DSS) as specified within the Secure Hash Standard (SHS). The United States of America has adopted the SHA1 hash algorithm described herein as a Federal Information Processing Standard. Your Affiant knows that digital files can be processed by this SHA1 standard resulting in a digital signature. By comparing these signatures your Affiant can conclude that two files are or are not identical with a precision that greatly exceeds 99.9999 percent certainty. Your Affiant knows through the computer forensic community that there has never been a documented occurrence of two different files being found on the Internet having different contents while sharing the same SHA1 value.

On the above date the software was able to log and directly download a file from the suspect's computer. Specifically, on Thursday, March 3, 2011, at approximately 13:48 p.m. GMT, the software was also able to download a publicly available listing of a shared file listing from the suspect's computer. Your Affiant reviewed this file list and noted that there were numerous files on the listings. Your Affiant also noticed the overwhelming majority of the file names were pornographic in nature and many appeared to be directly referencing underage children. A few of these file names were listed as:

- A. "-.-Pthc Pedo Sex Daughter Incest Amateur Underage Young Xxx Porn Teen Ptsc Preteen Hussyfan Kids Boy Boylover Lolita Child Kiddy Mafiasex Ru Children Kids Hard Gay 12Yo Boys .jpg"
- B. "12yr old underage child daughter childsex childfugga childlover ptsc pthc lsm lsn pedo rape torture cum ass pussy hussyfan mafiasex r@ygold dick sandra teen model bd.jpg"

Sgt. Pilon also examined the logs in reference to the files which had been downloaded from the suspect's computer. These logs consisted of the image as well as their filenames and SHA values. After examining these logs and files, Your Affiant noted the following information for a file downloaded on March 3, 2011 at 13:39:38 GMT:

SHA VALUE: GEY3EOXLGLOMB7DBINE5SLQHA7GTBDLT

FILE NAME: "hornytoad's best cp ptn lsm pthc (259).jpg"

DESCRIPTION: A still digital color image which shows a prepubescent child seated on what looks like a child's car booster seat inside of a vehicle. The child is approximately seven to ten years of age. She is shown

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wearing a flowered dress and is seated with her legs spread apart. The child is not wearing underwear and therefore, this position clearly exposes her vaginal opening. The child does not possess any signs of pubic hair and it is obvious her exposed genital area is the primary focus of the photograph.

Also the following information for a file downloaded on March 3, 2011, at 17:04:50 GMT:

SHA VALUE: 5E67HPJ5XR2OIKWEJ2LFCLW5TUUCW54V

FILE NAME: "PTHC 2010 New Pedo 10Yo Little Girl Child Porn (32).jpg"

DESCRIPTION: A still digital color image which shows a naked prepubescent female child lying on her back on bed while holding a hair dryer. The child is approximately nine to twelve years of age and does not possess any pubic hair or significant breast development. The child is pictured with her legs spread apart and therefore, this position clearly exposes her vaginal opening towards the camera. The child's genital area is the obvious focal point of the photograph.

Sgt. Pilon was able to conclude from specialized training and experience that the logged results indicated that a computer utilizing IP address 69.247.74.20 on March 3, 2011, from approximately 1:39 p.m. GMT through 5:04 p.m. GMT, was receiving, possessing and/or distributing child pornography.

Your Affiant knows from training and experience that the software can be configured to allow parts of the files to be shared even if the copy located at these listed IP addresses have not yet been completely downloaded.

Sergeant Pilon conducted an Internet search on the origin of the IP address 69.247.74.20 and found it to be issued to Comcast.

Working this as a joint investigation, Sergeant Pilon requested the assistance of Department of Homeland Security Special Agent, Justin Allen. Agent Allen completed a summons requesting the identification of the subscriber using the IP address of 69.247.74.20 on:

- March 3, 2011, at 06:39:30 MST,
- March 3, 2011, at 10:04:50 MST



On April 01, 2011, Comcast replied via facsimile. Special Agent Allen forwarded these results to Sergeant Pilon. The response indicated that one account had been accessing the IP address on the dates and times in question. The response contained the following information:

Subscriber Name: John Crowe
Subscriber Address: 6901 Los Volcanes Rd. NW
Apt O204
Albuquerque, NM 87121
Telephone Number: 937-405-6799
Type of Service: Residential High Speed Internet Service
Account Number: 8497950052963864
Account Status: Active
Account Created: 1/19/2011

A public records check on John Crowe and the address 6901 Los Volcanes Rd. NW, Apt O204 in Albuquerque, confirmed that Mr. Crowe is in fact currently associated with this address.

On Friday, April 29, 2011, at approximately 12:00 p.m., New Mexico State Police Agent Joey Casarez conducted surveillance at Los Volcanes Rd. NW, Apt O204, in Albuquerque. While conducting this surveillance, Agent Casarez located and confirmed the location of the apartment O204. During this time, Agent Casarez took a photograph of the exterior area of this apartment.

Your Affiant knows that New Mexico State Police have executed numerous search warrants using the techniques described in this investigation. In prior cases the suspect confessed and/or the computers were seized and found to contain trace evidence confirming the undercover operation.

On May 23, 2011 an Affidavit in support of a Search Warrant prepared by the New Mexico State Police was presented to and approved by the Attorney Generals office. On May 24, 2011 the Search Warrant was signed by New Mexico District Judge Murdock.

On May 26, 2011, Agents with Homeland Security Investigations and New Mexico State Police executed a State Search Warrant upon the residence located at 6901 Los Volcanes Rd. NW, Apt O204, in Albuquerque, New Mexico 87121. John CROWE was encountered at the residence and interviewed by Special Agent Justin Allen and Agent Joey Casarez. Crowe was interviewed in the second bedroom of the apartment that was void of furniture. Prior to this interview beginning, Crowe was advised that he was not under arrest and that he was free to leave. He was asked again if he would speak with Agents and he replied "yes". During the interview, Crowe was questioned about his computer and his use of computer. Crowe indicated during the interview that on several occasions he actively searched for and downloaded child pornography. Crowe was asked if he had ever shared or sent any of these images via the internet to anyone and he stated "yes". Crowe indicated that on many occasions he had masturbated to the images. During the search of the residence a Compaq desktop computer was reviewed and found to

contain images depicting child pornography. The computer and one compact disk labeled "John & Teresa" were seized by New Mexico State Police for further forensic review.

On May 27, 2011, Agent Joey Casarez contacted Special Agent Justin Allen with information that images meeting the definition of child pornography were located on the seized computer that was consistent with photos taken with a hidden camera. Agent Casarez also indicated that there were videos that appeared to be filmed by a hidden camera located in the bathroom and bedroom of an unknown residence. There were several videos of unknown females who were both clothed and unclothed and who appeared to be under the age of 18.

MAR 15 Black top bottomless.MPG is a video approximately 15 seconds in length. The video depicts an underage female, identified by Mr. Crowe during his second interview as "Marie". The underage female is standing in a bathroom in front of a mirror and is naked from the waist down wearing a black tank top. Throughout the video the underage female is continuously touching her vaginal area with her hands. Approximately 10 seconds into the video the underage female raises her left leg and places her left foot against the wall by the mirror she is standing in front of further exposing her vaginal area while she continues to touch her vagina with both hands.

MAR 15 MAS 2. MPG is a video approximately 17 seconds in length. The video depicts an underage female, identified by Mr. Crowe during his second interview as "Marie". The underage female is completely nude and the video captures her body from the shoulder level to the knee level. Throughout the length of the video the underage female is continuously touching her vagina with her left hand.

John Crowe was contacted via telephone on May 28, 2011 at approximately 8:30am and asked if he would again speak with Agents. He agreed to meet at the Homeland Security Investigations office located at 5700 Harper Drive NE Ste. 230 in Albuquerque, NM 87109. Crowe arrived at the location at 9:15am and a second interview began at 9:30am. At the beginning of the interview, Crowe was read his rights per Miranda by Agent Casarez which Crowe stated he understood. Crowe agreed to speak with Agents. During the interview, Crowe was asked about the found pornographic images and videos of the underage females. Crowe stated that the images were obtained by him using a hidden camera in Ohio, Alabama, and Georgia. Crowe stated that the females in the images were daughters of his past girlfriends who were all under the age of 18 when the videos were taken. Crowe stated that he had purchased a hidden camera online that was disguised as a small fan. He stated that he placed the "fan" in the bathroom of different homes for purpose of filming the females bathing or changing clothes. Agent Casarez showed Crowe various images located on Crowe's computer. Crowe identified the female in each image that was presented to him. He also identified the residence in which the image was captured. Crowe stated that he had started the practice of filming using the hidden camera approximately five years ago. Crowe stated that the hidden camera contained a digital memory card that he would frequently use to transfer the videos from the hidden camera to his desktop computer while he lived in Ohio. He stated that he purchased a new computer while living in Ohio. He stated he used the memory card to transfer the images from his old computer to the

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new one. Crowe stated that in November of 2010 he moved from Ohio to his current residence in Albuquerque, New Mexico. He stated that he transported the computer containing the above referenced child pornographic images with him. Crowe stated that he moved into his current residence on December 1, 2010. He stated he continued to view the images until April of 2011. Crowe stated that in anticipation of the arrival of his wife, Teresa, in Albuquerque, he began deleting the images and videos from his computer on or about May 1, 2011.

Crowe was asked if he still has contact with any of the females in the pornographic images and videos of the underage females. He stated that he maintains contact with at least three of the females. Crowe produced his cell phone and showed Agents a text that he received approximately three days ago from Rachel, who he had previously identified as a minor in one of the pornographic videos of the underage females.

Interstate Nexus

Based upon the statements by John Crowe to Agents, specifically that he accessed child pornography images utilizing a Peer to Peer network while living in Albuquerque, New Mexico on or about March 3, 2011 and that Mr. Crowe stated that he utilized Comcast Cable as his internet service provider. Your Affiant knows that Comcast Cable servers are located outside the state of New Mexico thus satisfying "in or affecting interstate or foreign commerce". And that Mr. Crowe transported child pornography images from his residence in Ohio to his residence in Albuquerque on or about November 30, 2010, your Affiant believes that the element of "in or affecting interstate or foreign commerce" is satisfied for a violation of 18 U.S.C. §§ 2252(a)(4)(B) and 18 USC §§ 2252 (a)(1) in that Mr. Crowe admitted to obtaining visual depictions of minors engaged in sexual conduct through the use of the internet and storing those images on his desktop computer. Mr. Crowe stated that he purchased his computer in Dayton, Ohio. The desktop computer that Mr. Crowe utilized was a Compaq Desktop computer.

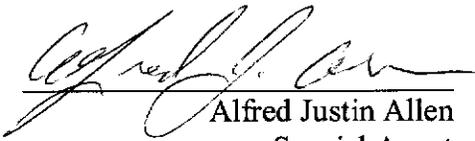
Specifically, Mr. Crowe admitted that he possessed visual depictions of minors engaged in sexual conduct through a file sharing network. Mr. Crowe admitted that he had obtained these images by downloading them from a P2P network and acknowledged his understanding of how the downloads are acquired. He also admitted to obtaining images of nude females under the age of eighteen by hidden camera and storing the images on his desktop computer. Mr. Crowe admitted that on at least two occasions he had sent these images to other users that he had been chatting with on the internet by attaching the photos to a chat message. Crowe also admitted to physically transporting the stored images on his desktop computer from his residence in Ohio to Albuquerque, New Mexico.

CONCLUSION

Based on the foregoing, your Affiant submits there is probable cause to believe that John A. Crowe violated 18 U.S.C. §§ 2252 (a)(1), that being Transportation of Visual Depictions of

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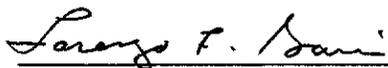
Minors Engaged in Sexually Explicit Conduct, and 18 U.S.C. §§ 2252(a)(4)(B), that being Possession of a Matter Containing a Visual Depiction of a Minor Engaged in Sexually Explicit Conduct. Based upon the foregoing, your Affiant requests a Criminal Complaint and Arrest Warrant in this matter.



Alfred Justin Allen
Special Agent
U.S. Immigration and
Customs Enforcement

Subscribed and sworn to before me

this 31st day of May, 2011



HONORABLE Lorenzo F. Garcia
United States Magistrate Judge