

UNITED STATES DISTRICT COURT

JAN 18 2013

for the

District of New Mexico

mlg
MATTHEW J. DYKMAN
CLERK

United States of America)

v.)

Case No. 13-MJ-150

Carey Gonzales)
Year of Birth: 1976)
SSN: XXX-XX-6871)

Defendant(s)

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 01/11/2013 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 2252(a)(4)(B)	Possession of visual depictions of minors, to include prepubescent children, engaged in sexually explicit conduct

This criminal complaint is based on these facts:
See attached affidavit

Continued on the attached sheet.

Victoria Vaughan
Complainant's signature

Victoria Vaughan Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: JAN 18 2013

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.)
)
 CAREY GONZALES,)
)
 SSN: XXX-XX-6871)
)
 Year of Birth: 1976)

AFFIDAVIT OF VICTORIA M. VAUGHAN

Your Affiant, Victoria M. Vaughan, having been first duly sworn, does hereby depose and state as follows:

1. Your Affiant is a Special Agent of the Federal Bureau of Investigation (FBI). Your Affiant has been a Special Agent (SA) since August, 2009. Your Affiant is currently assigned to the Albuquerque Field Office, with a primary duty to investigate civil rights and individuals involved in the on-line sexual exploitation of children.
2. Your Affiant has participated in investigations of persons suspected of violating federal child pornography and exploitation laws, including Title 18, United States Code, Section 2252. Your Affiant has also participated in training, including the Internet Crimes Against Children Conference in Atlanta, Georgia in 2012, for the investigation and enforcement of federal child pornography and exploitation laws in which computers are used as the means for receiving, transmitting, possessing, and

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distributing images depicting minors engaged in sexually explicit conduct (hereafter referred to as "child pornography"). Your Affiant has received training in peer to peer investigations involving computers and child pornography, and viewed numerous images and videos of child pornography in investigations. Your Affiant has received training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, computer evidence identification, computer evidence seizure and processing, and various other criminal laws and procedures. Your Affiant has personally participated in the execution of search warrants involving the search and seizure of computer equipment.

3. This affidavit will show there is probable cause in support of a criminal complaint against Carey Gonzales (Year of Birth 1976, SSN xxx-xx-6871) for a violation of Title 18, United States Code, Section 2252(a)(4)(B), which prohibits possession of any visual depiction involving the use of minors, to include prepubescent children, engaged in sexually explicit conduct ("child pornography") that has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

4. The statements contained in this affidavit are based upon Your Affiant's investigation, training, experience, and information provided by other law enforcement officers whom Your Affiant believes to be reliable and officers specially trained in the seizure and analysis of computers and electronic media. Because this affidavit is being submitted for the limited purpose of securing a search warrant, Your Affiant has not included each and every fact known to me concerning this investigation. Your Affiant has set forth only the facts that Your Affiant believes are necessary to establish probable cause to support a criminal complaint against Carey Gonzales, in violation of Title 18, United States Code, Sections 2252(a)(4)(B).

I. RELEVANT STATUTES

5. This investigation concerns an alleged violation of 18 USC 2252(a)(4)(B). According to 18 USC Section 2252 (a)(4)(B), it is a federal crime for a person to “knowingly possesses, or knowingly access with intent to view...[any] matter which contain any visual depiction [of a minor engaged in sexually explicit conduct] that has been mailed, 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 materials which have been mailed or so shipped or transported by any means including computer...”

II. DETAILS OF THE INVESTIGATION

6. In September 2012, Special Agent Owen Pena with the New Mexico Attorney General's Office selected the option to attempt to monitor Internet Protocol (“IP”) address 174.56.58.227. Special Agent Pena received information through Child Protection System (“CPS”) that this IP address may have been involved in the possession and distribution of child pornography. CPS is a database created by law enforcement and utilized by federal and state law enforcement agencies in P2P child exploitation investigations nationwide. CPS maintains a log of IP addresses that may have been previously involved in the possession and distribution of child pornography. When the IP address was online in the Peer-to-Peer (“P2P”) file-sharing network of Ares, Special Agent Pena's computer would automatically begin to download the files available for distribution from the suspect's computer. Between September 3, 2012 and November 10, 2012, SA Pena downloaded five complete files from the suspect IP address of 174.56.58.227.

7. CPS was also able to provide Special Agent Pena with two nicknames associated with the Ares account: "anon_ae383@Ares" and "orgas@Ares".

8. Special Agent Pena was able to complete a direct download of a file with the SHA-1 value of, "TP4A..." named, "b8 bfb thaiboys-bibcam, 2009, fucks cums,kdv,rbv boys, ped.avi". The download occurred between 1758 and 1940 on September 3, 2012 from a computer using the IP address of 174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "TP4A..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "TP4A..." and confirmed the file is a video containing images of two prepubescent nude males Your Affiant believes to be between the ages of eight and ten years old. The boys are on a bed, and one boy performs oral sex on the other boy. The video then shows one boy anally penetrating the other boy with his penis from multiple angles. The video ends when the boy that is penetrating the other boy pulls his penis out of his anus and masturbates until he ejaculates onto the back of the other boy.

9. Special Agent Pena was able to complete another direct download of a file with the SHA-1 value of, "T2GL..." named, "(pthc) jho 4illian 4 cum.avi". The download occurred between 1619 and 1644 on September 11, 2012 from a computer using the IP address of 174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "T2GL..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "T2GL..." and confirmed the file contains a video of a prepubescent female Your Affiant believes to be between three and five years of age, sitting in a bathtub. The female is wearing a dress and tights. An individual pulls down the girl's tights, exposing her genitalia. The individual's fingers rub the girl's genitalia,

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and then pulls her tights back up. The video then changes to a different location with what appears to be the same girl standing in the same dress and tights. An adult male starts to masturbate his exposed penis, and puts the penis into the girl's mouth. The male then ejaculates into the girl's mouth.

10. Special Agent Pena was able to complete another direct download of a file with the SHA-1 value of, "4LGV..." named, "!!new (pthc) sammy and dad with purple vibrator.mpg". The download occurred between 1127 and 1210 on September 13, 2012 from a computer using the IP address of 174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "4LGV..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "4LGV..." and confirmed the file contains a video of images of a prepubescent female Your Affiant believes to be approximately four years of age lying on a bed, nude from the waist down. The female is on her back, with her legs spread, exposing her genitalia. Another individual puts a vibrator against the female's genitals and rubs it up and down. Only the individual's left hand is visible.

11. Special Agent Pena was able to complete another direct download of a file with the SHA-1 value of, "EYGO..." named, "9 rusita kimmy.avi". The download occurred between 2228 on November 9, 2012 and 0000 on November 10, 2012 from a computer using the IP address of 174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "EYGO..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "EYGO..." and confirmed the video file contains images of a nude adult male lying on a bed, with his penis in view. There is a nude female Your Affiant believes to be approximately twelve years of age lying next to him. The female sits up and puts the male's penis in her hands, and then puts the male's penis in

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her mouth. The male touches his penis, and the female touches his penis the same way. The female plays with the male's penis until he ejaculates into the air.

12. Special Agent Pena was able to complete another direct download of a file with the SHA-1 value of, "HV6N..." named, "phtc - r@y gold - compilation !!new!! 30 min+376.avi". The download occurred between 0346 and 0715 on November 10, 2012 from a computer using the IP address of 174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "HV6N..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "HV6N..." and confirmed the video file is a compilation of several smaller videos. The video file contains images of a partially nude prepubescent female Your Affiant believes to be approximately seven years of age. A penis is against the girl's mouth and ejaculates into her mouth. Another image is of a clothed prepubescent female Your Affiant believes to be approximately three years of age. An adult assists the female in putting her hands on an adult penis and masturbating it.

13. Special Agent Pena also noted that from the CPS logs on September 3, 2012, a computer utilizing the IP address of 174.56.58.227 was seen with file names, the majority of which were pornographic in nature and many appeared to be directly referencing underage children. A few of these file names, consistent with what Your Affiant believes to be child pornography, were listed as:

- "! new ! (phtc) tara 8 yr - fucking with daddy every day - may.wmv"
- "(((kingpass))) 10y touch pussy webcam 3.avi"

14. Your Affiant can conclude from specialized training and experience that the logged results indicated that a computer utilizing the IP address of 174.56.58.227 on the above

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listed dates and times was receiving, possessing, and distributing visual depictions of minors engaged in sexually explicit conduct.

15. Special Agent Pena determined by using free Internet websites that the IP address of 174.56.58.227 on the dates listed above was owned by Comcast Cable as the Internet Service Provider (ISP).

16. On November 30, 2012, Special Agent Pena completed a Grand Jury Subpoena requesting the identification of the subscriber using the IP address of 174.56.58.227 used on the above-mentioned dates and times.

17. Comcast Cable's response indicated that information for the account accessing the IP address of 174.56.58.227 was not available for 09/03/2012, 09/11/2012, and 09/13/2012. Comcast Cable's response indicated that information for the account accessing the IP address of 174.56.58.227 on 11/09/2012 and 11/10/2012 was available, and as follows:

- Subscriber Name: Fred Gonzales
- Subscriber Address: 705 Burma Drive NE
Albuquerque, New Mexico 87123
- Home Phone: 505-414-2984
- Start of Service: 05/22/2012
- Email address: freddyjg@comcast.net

18. Special Agent Pena provided the above information, and all downloaded files, to Bernalillo County Sheriff's Office (BCSO) Detective Bradley Streiff. Detective Streiff used different law enforcement data bases to show a Frederick J. Gonzales (aka Fred Gonzales) lives at 705 Burma Dr NE, Albuquerque, New Mexico. This search

also showed that a Carey Gonzales also lives at the above address. Streiff obtained a copy of Frederick Gonzales' driver's license, which lists 705 Burma Dr NE, Albuquerque, New Mexico as his current address.

19. Detective Streiff also conducted research using Facebook. Detective Streiff located a Facebook page for Fred Gonzales, and compared the pictures on the Facebook page with Gonzales driver's license picture. Detective Streiff believed they appeared to be the same person (Hispanic male with dark hair and a goatee). The Facebook page indicated Mr. Gonzales had lived in Albuquerque for fifteen years with his wife, Carey Gonzales and his two children. Gonzales's Facebook page also indicated he is on the Board of Directors and holds the office of President-Elect for the New Mexico Young America Football League (NMYAFL).
20. On January 11, 2013, a search warrant was executed by BCSO on 705 Burma Drive NE, Albuquerque, New Mexico 87123 to search for evidence and instrumentalities of violations of 18 United States Code 2252, activities relating to material involving sexual exploitation of minors, and New Mexico Statute 30-6A-3, sexual exploitation of children. Numerous computers and computer-related media were seized from this residence pursuant to this search warrant, to include the following: more than 300 DVDs, an Ipad, computers, rolls of undeveloped film, and marijuana. The marijuana was hidden under the bed in the master bedroom.
21. On January 11, 2013, Carey Gonzales (Year of Birth 1976, SSAN XXX-XX-6871) was interviewed by BCSO Detective Theresa Sabaugh. This recorded interview occurred in a BCSO vehicle. Gonzales informed Detective Sabaugh that she was an employee at Montezuma Elementary School. Gonzales stated her husband downloads child pornography on their computer, and they watch it to do a mutual masturbation of each

other and then go to sleep. Gonzales stated she believed the youngest child in a video was approximately ten years of age, and she estimates age based on whether the children have breasts or pubic hair. Gonzales stated her husband likes to watch masturbation, and they watch the child pornography to watch children masturbate. Carey Gonzales was read her Miranda rights and informed the interview was voluntary. Carey Gonzales voluntarily waived her Miranda rights and agreed to continue speaking with Detective Sabaugh. Gonzales then admitted she and her husband watched child pornography. Carey stated that Fred is the one who downloads the child pornography on the computer, and that she doesn't really use the computer. Gonzales stated that Fred puts the child pornography on DVDs so they can watch them together in their bedroom. Carey stated she and her husband watch the DVDs of child pornography together, for "something different," so they can have a quick orgasm. Gonzales stated approximately twenty percent of their DVDs contain child pornography. Gonzales said she and her husband would never hurt anyone, and are not predators. She stated they only looked at child pornography for curiosity, and to "have a quick orgasm." Gonzales told Detective Sabaugh she knew the child pornography was wrong, disgusting, and sad, and they try to keep their kids safe from predators.

22. On January 11, 2013, Carey Gonzales agreed to be interviewed at the Albuquerque FBI. Gonzales was informed of her Miranda rights, and voluntarily waived her Miranda rights. Gonzales told Special Agent Jennifer Sullivan that she and her husband started watching child pornography together. She stated that her husband knows she is aroused by gay male adult pornography, and Fred found videos for her that showed juvenile boys having sex, it aroused her, and she masturbated to the videos. Gonzales was aware that her husband was in the computer room two times a day looking through child pornography so they could masturbate to his selections later that night. She accepted that her husband masturbated while the family was preparing for school or

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dinner. Gonzales and her husband smoke marijuana in the garage at night while the children, ages eleven and fourteen, are working on homework, and Gonzales stated she sometimes drives her children to events or appointments while she is "high."

Gonzales stated they are "great parents" with the exception of child pornography and smoking marijuana.

23. On January 11, 2013, Gonzales was taken into custody by BCSO and charged with 5 counts of distribution of child pornography, New Mexico Statute 30-6a-3f, and 1 count of manufacturing child pornography, New Mexico Statute 30-6a-3d. On January 13, 2013, Gonzales was released from Metropolitan Detention Center.
24. On January 16, 2013, Detective Streiff spoke with Michael Carillo, interim principal, Montezuma Elementary School. Carillo confirmed Gonzales worked at Montezuma Elementary School since August 2007, as a teacher's assistant for a kindergarten class. She would have contact with elementary school-age children between six and six and a half hours a day.
25. BCSO recovered hundreds of DVDs from the residence, which agents are still reviewing. In the course of reviewing DVDs seized from the residence, the following images were found:
 1. Brand: TDK, number SEI005311552H00
 - a. "Prime" handwritten on the DVD
 - i. **Video description:** This DVD contained a video of a prepubescent female Your Affiant believes to be approximately ten years old. The female is nude, sitting on a chair, and wearing a mask. The female inserts what appears to be a pink vibrator or dildo into her vagina. The female then inserts her fingers into her vagina.
 - ii. The same DVD also contained a video of a prepubescent female Your Affiant believes to be approximately seven years old, wearing a blue shirt. The female's genitals are exposed, and she inserts her fingers into her vagina.

2. Brand: TDK, number SEI005305141C23

a. "Nasty Boys 2" handwritten on the DVD

- i. **Video description:** This DVD contained a video of a female Your Affiant believes to be approximately nine years old. The female was nude, but wearing a mask, and lying on top of a nude adult male. The female put the penis in her mouth. The adult male then vaginally penetrated the girl with his penis. Another individual assists the male putting his penis in the girls' vagina. The girl then straddles the adult male and he vaginally penetrates her with his penis, while the other individual anally penetrates the girl with what appears to be a dildo. The adult male then ejaculates on the girl's mouth, while the other individual puts a piece of orange in the girl's mouth.
- ii. The same DVD also contained a video of a prepubescent male Your Affiant believes to be approximately eight years old. The male wears an orange shirt, is nude from the waist down and kneels on a bed with his anus exposed. Another male masturbates his own exposed penis and ejaculates on the back of the eight year old male.

3. Brand: Maxell, number PEP6K3LK29072336

a. "Lollis" handwritten on the DVD

- i. **Video description:** This DVD a video of a prepubescent boy Your Affiant believes to be approximately five years of age. The boy is nude and in the shower, performing oral sex on an adult male.
- ii. The same DVD also contained a video of two prepubescent boys Your Affiant believes to be between five and eight years of age. The boys are nude and performing oral sex on an adult male. One boy puts the adult male's testicles in his mouth, and the other boy puts the adult male's penis in his mouth.
- iii. The same DVD also contained a video of a prepubescent boy Your Affiant believes to be approximately six years of age. The boy is nude and performs oral sex on an adult male. The adult male puts his hand on the back of the boy's head to put his penis further in the boy's mouth.
- iv. The same DVD also contained a video of a prepubescent girl Your Affiant believes to be approximately eight years old. The girl is nude and on her knees. The girl is wearing a black mask, a collar around her neck, and her wrists and ankles are bound. Her ankles are attached with a cord or rope to her collar, and her wrists are attached to a cord or rope held by an adult male. The adult male wears a white shirt and is nude from the waist down. The adult male puts what

appears to be a dildo into the girl's mouth while his penis is against her face. The adult male then puts his penis in the girl's mouth.

4. Brand: TDK, number SEI005305132G23
 - a. "Mixed up" handwritten on the DVD
 - i. **Video description:** This DVD contained a video of a girl Your Affiant believes to be approximately fourteen years of age. The girl is nude from the waist down, and wears a pink and white striped shirt. The girl stands and puts one leg up on a chair, exposing her genitals. A white dog then licks the girl's vagina and anus. "Lolitacams.blogspot.com" was displayed at the top of the screen.

III. INTERSTATE NEXUS


34. The DVDs with the videos mentioned above (seized during the search of 705 Burma NE, Albuquerque, New Mexico) were manufactured by TDK and Maxell. TDK DVDs are manufactured in India. Maxell DVDs are manufactured in Taiwan. Your Affiant believes that because the DVDs were manufactured outside the state of New Mexico, the "in or affecting interstate commerce" is satisfied for the purposes of possession of visual depictions of minors, to include prepubescent children, engaged in sexually explicit conduct in violation of 18 USC Section 2252 (a)(4)(B).

IV. CONCLUSION

35. Based on the foregoing information contained in this affidavit, Your Affiant has probable cause to believe that during a period ranging from on or about November 9, 2012 to January 11, 2013, Carey Gonzales possessed visual depictions of minors, to include prepubescent children, engaged in sexually explicit conduct in violation of Title 18, USC Section 2252 (a)(4)(B). Your Affiant respectfully asks this court to issue an arrest warrant for Carey Gonzales (Year of Birth 1976, SSN xxx-xx-6871), for a violation of 18 USC Section 2252 (a)(4)(B), based on the foregoing information.

I swear that this information is true to the best of my knowledge and belief.

Respectfully submitted,


Victoria M. Vaughan
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to
before me this 18 day
of January 2013.


HONORABLE LORENZO F. GARCIA
UNITED STATES MAGISTRATE JUDGE