

AFFIDAVIT

FACTS AND CIRCUMSTANCES

Christopher Michael Sommers, a 28 year old white male, the defendant herein, did knowingly and intentionally produce, receive, and possess child pornography (CP) for which a person can be charged with criminal offenses in violation of Title 18, United States Code, Sections 2251 and 2252.

This complaint is made on the basis of investigation consisting of the following:

I, Shigeo D. Tuohey, being duly sworn, depose, and state as follows, to wit:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) assigned to the New Orleans Division and have been a SA since October 1988. I am currently assigned to investigate matters involving the online exploitation of children, particularly in relation to violations of Title 18, United States Code (USC) Sections 2252 and 2252A which criminalize the possession, receipt and transmission of child pornography. I have made arrests and conducted searches pertaining to these types of investigations.

2. This affidavit is made in support of a criminal complaint charging CHRISTOPHER MICHAEL SOMMERS, 139 Moss Lane, River Ridge, Louisiana, 70123, with production of child pornography in violation of Title 18, United States Code, Section 2251(a).

3. Title 18, United States Code, Section 2251(a) reads in pertinent part:

Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such

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visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

4. On January 15, 2009, between approximately 5:00 pm and 5:30 pm, Christopher Michael Sommers, a former staff employee of the Junior Achievement of Greater New Orleans, Inc. (JAGNO), 5100 Orleans Avenue, New Orleans, Louisiana, 70124, who was also their in-house Information Technology (IT) representative, had brought to BCI, an information technology company which at the time was contracted by JAGNO to conduct computer services located at 5333 River Road, Suite D, Harahan, Louisiana, his JAGNO issued laptop for servicing due to difficulties he encountered related to his Virtual Private Network (VPN) access connection to the JAGNO server. VPN allows employees who may be physically away from their work place to have remote access to their work place server.

5. It was determined by BCI that the creation date for the file on the JAGNO file server, "I:\users\csommers\New fldr\04.mpeg", was January 15, 2009, the same day on which Sommers had brought his laptop to the BCI office. BCI determined that on this date, the video files had been moved from Sommers' laptop to the JAGNO file server. As part of its service contract with JAGNO, BCI had administrative privileges to JAGNO's servers which enabled BCI to make this discovery.

6. On January 16, 2009, BCI initiated an examination of Sommers' laptop which included a scan of the JAGNO file server.

7. According to the BCI Radius Authentication Dial-In User Service (RADIUS) server log, it was discovered that on January 16, 2009 at 12:06:48 am (Central Standard Time), Sommers had utilized his user name "csommers" and established a VPN connection to the JAGNO server to log into his account from his personal Cox Communications Internet Protocol (IP) address 68.105.49.122.

8. On the evening of January 16, 2009, Steve Russo, Manager, BCI, was informed by his technician who had worked on Sommers' laptop that files believed to have been child pornography were found on Sommers' home directory located on the JAGNO "ja-fs1" file server.

9. BCI discovered that Sommers' laptop hard drive contained references to remnants of the same files found on the JAGNO (ja-fs1) file server.

10. On January 19, 2009, Jack G. Brancewicz, President of JAGNO, was informed by Russo that highly inappropriate material believed to be child pornography had been found during a routine examination of the JAGNO laptop computer issued to Christopher Sommers.

11. On the afternoon of January 19, 2009, BCI discovered through the use of "Recuva" (a freeware Windows utility which restores files which have been deleted from a computer) on Sommers' laptop references to remnants of the files which were the same files found on the JAGNO "ja-fs1" file server. Based upon the file names, the laptop's remnant files contained what was believed by BCI to contain videos of child pornography. These remnant files contained the same file creation dates and modified dates as the master files on the JAGNO file server. Russo

stated it appeared that Sommers utilized NTBackup for his laptop's entire drive to place its files onto the JAGNO file server.

12. On January 20, 2009, Brancewicz contacted the FBI concerning material believed to be child pornography had been discovered on an employee's laptop computer.

13. On January 21, 2009, your affiant and a FBI Computer Analysis Response Team (CART) Forensic Examiner met with Russo at the BCI office for the purposes of viewing and creating an imaged copy of the laptop's hard drive and obtaining custody of this laptop. Sommers' laptop is further described as an IBM Thinkpad R60, serial number LV-BK113. Upon receiving verbal authority from Brancewicz and with the assistance of Russo, a VPN connection was then established from BCI into JAGNO's file server, "ja-fs1". Upon accessing the server, the "I:\users|csommers\New fldr\04.mpeg" file was accessed and observed to contain five (5) videos, four (4) of which contained child pornography and one (1) which appeared to be adult pornography. Four images of child pornography were also observed. Your affiant then took custody of the laptop.

14. Your affiant reviewed the four (4) videos found in the "I:\users|csommers\New fldr\04.mpeg" file which contained the following descriptors some of the content of which is described below:

a. "bros 13 yo fucking while 3rd bro tries to sleep"

This video includes scenes of three (3) pre-pubescent males together on a bed who anally penetrate and masturbate each other.

b. "Dad, 13 yo and 15 yo sons"

This video includes scenes of an adult male with two (2) pre-pubescent males who engage in mutual masturbation and oral copulation of each other.

c. "Dad, 13 yo son loves Dad's big uncut dick"

This video includes an adult male and a pre-pubescent male engaged in masturbation of each other and the adult male penetrating the pre-pubescent male's anus.

d. "Young boys-p101-06yo humps his brother 10 yo Boy Sean (28s) with sound-preteen gay kiddy incest.mpg"

This video depicts a pre-pubescent male engaged in oral and anal penetration with another possible pre-pubescent male.

15. On January 24, 2009, your affiant returned the laptop back to BCI for the purposes of determining whether Sommers would attempt to access the JAGNO file server for the child pornography files.

16. Based upon BCI's RADIUS logs, on January 25, 2009 at 05:55:13 pm, Sommers had utilized his VPN access to the JAGNO file server "ja-fs1" to delete his "I:\users\csommers\New fldr\04.mpeg" file which contained the child pornography.

17. On July 31, 2009, a federal search warrant was executed at the residence of Sommers located at 9121 Darby Lane, River Ridge, Louisiana. Sommers was initially interviewed during the course of the search but upon being informed of the above captioned sexually explicit terminology he chose to stop speaking and requested an attorney.

18. During the execution of the search warrant, FBI agents seized computers, external hard drives, digital cameras, CDs and DVDs.

19. A review of Sommers' Western Digital MyBook 80 GB external USB drive, serial number WCAM9J904519, revealed several images that were taken by Sommers and dated from May 28, 2005, to July 6, 2006. These images were taken with a Canon Powershot A520 digital camera and were subsequently transferred to his Western Digital MyBook 80 GB external USB drive, serial number WCAM9J904519.

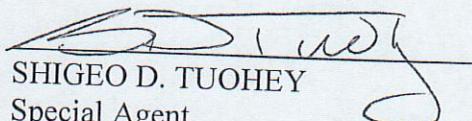
20. Agents located approximately (6) images that depict Sommers showing his penis to a young child in a stroller wearing a green shirt. The child appears to be a toddler approximately 1 or 2 years old. Three of the pictures depict the infant child reaching out and grabbing an adult penis.

21. Another (6) images were located that depict Sommers showing his penis to a young child wearing a blue shirt. The child appears to be the same child described above.

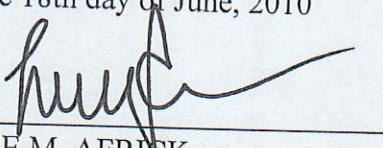
22. Based on your affiant's review of other images found on the defendant's hard drive, it appears that Sommers may be related to the toddler referred to above.

23. Your affiant knows that Canon Powershot digital cameras are manufactured in Malaysia and the Western Digital Hard Drive that these images were stored on was assembled in Thailand and manufactured in either Malaysia and/or Thailand. Therefore, these items, the camera and external hard drive, were produced, shipped, and transported in interstate and foreign commerce.

24. Based on the above information, Sommers did knowingly and intentionally produce child pornography using materials that had been produced, shipped, and transported in interstate and foreign commerce, all in violation of Title 18, United States Code, Section 2251(a).

  
SHIGEO D. TUOHEY  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me,  
this the 18th day of June, 2010

  
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LANCE M. AFRICK  
United States District Judge