

United States District Court

Eastern District of Louisiana

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

RUSSELL DAVID MANSEL
3316 Republic Street
New Orleans, Louisiana

CASE NUMBER: 10-6 MAG

(Name and Address of Defendant)

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 beginning at a time unknown and continuing until on or about November 4, 2009 in Orleans

Parish, in the Eastern District of Louisiana defendant(s) did, (Track Statutory Language of Offense)

knowingly receive and attempt to receive visual depictions involving the use of a minor engaging in sexual explicit conduct and the visual depictions were of such conduct, and that the visual depictions had been mailed, shipped, or transported in interstate or foreign commerce, or which contains materials which had been mailed or so shipped or transported, by any means including by computer;

In violation of Title 18 United States Code, Section(s) 2252(a)(2). I further state that I am a(n) Special Agent, Immigration and Customs Enforcement and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant
MATT WRIGHT
Special Agent, ICE

Sworn to before me and subscribed in my presence,

January 7, 2010 at NEW ORLEANS, LOUISIANA
Date City and State

HONORABLE LOUIS MOORE, JR.
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

I, Matt Wright, being duly sworn and deposed, state the following:

INTRODUCTION

1. I am employed as a Special Agent of the U.S. Immigration and Customs Enforcement (ICE) and have been so employed since June of 2008. I am assigned to the Fraud/Cyber Crimes group at the Office of the Special Agent in Charge, New Orleans, Louisiana. I am currently assigned to investigate matters involving the online exploitation of children, particularly in relation to violation of Title 18, United States Code (USC) Sections 2252 and 2252A, which criminalize the possession, receipt, and transmission of child pornography.

2. As a Special Agent, I have received training and have gained experience in the investigation of criminal violations enforced by U.S. Immigration and Customs Enforcement enumerated in Titles 18 and 19 of the United States Code. Specifically, I received twenty-three weeks of training at the Federal Law Enforcement Training Center in Glynco, Georgia.

3. I was previously employed, for approximately seven years, with the Bossier and Webster Parish District Attorney's Office, in Louisiana, where I served as a Computer Crimes Investigator, a Computer Forensics Examiner and the Information Technologies Manager. During my employment with the Bossier and Webster Parish District Attorney's Office, I served as a Special Agent with the Louisiana Attorney General's Internet Crimes Against Children Task Force. While employed by the Bossier and Webster Parish District Attorney's Office, I participated or assisted in more than one hundred investigations. I have been accepted as an expert witness in the fields of Computer Forensics and Undercover Internet Investigations, in Louisiana District Court.

PROBABLE CAUSE

4. Beginning at a time unknown and continuing until on or about November 4, 2009, in the Eastern District of Louisiana, Russell David MANSEL, DOB 02/20/1952, xxx-xx-8006, a 57 year-old male, the defendant herein, did knowingly possess and receive visual depictions involving the use of a minor engaging in sexually explicit conduct, and that the visual depictions were of such conduct, and that the visual depictions had been mailed, shipped, or transported in interstate or foreign commerce, or which contains materials which had been mailed or so shipped or transported, by any means including by computer, for which a person can be charged with a criminal offense in violation of Title 18, United States Code, Section 2252(a)(2).

5. ICE learned through an investigation that a user of an Internet account belonging to MANSEL had allegedly used a peer-to-peer file sharing program for the purpose of receiving and/ or distributing child pornography. On November 4, 2009, federal agents executed a Federal Search Warrant at 3316 Republic St., New Orleans, Louisiana, the residence of Russell David MANSEL. During the execution of the search warrant, two computers and other items of electronic storage media were seized by ICE agents pursuant to the legal authority granted by this Court.

6. ICE Computer Forensics Agent James Podboy conducted a computer forensics examination of the computers which were seized from MANSEL's residence and discovered that MANSEL's computers contained approximately 130 images depicting the sexual exploitation of minors (child pornography). Some of these images depicted prepubescent children engaged in sexual activity with adults.

7. After discovering images of child pornography on MANSEL's computer, ICE agents returned to MANSEL's residence on January 4, 2010 to conduct a consensual interview. MANSEL agreed to speak with the agents and executed a Miranda Rights waiver, and told agents that he used the search terms, such as "preteen model", to search for child pornography on the Internet. MANSEL advised that he was "disgusted" by some of the images that he saw, but that he typically searched for and accessed child pornography once or twice a week. MANSEL also advised that after accessing child pornography that he would delete his history files. SA Wright asked MANSEL if his interest in children at this point in his life was limited to viewing child pornography online and if he had touched any children since he got out of prison. MANSEL said that his interest in children was limited to viewing child pornography and stated "I have no access to children in any phase of my life." MANSEL advised agents that he purchased his computer around June of 2008 and that he started viewing child pornography online approximately one year prior to this interview. MANSEL told agents that although he was disgusted by child pornography, that sometimes he masturbated to it. MANSEL advised he "had been sick over this." SA Wright asked if MANSEL was sick because his computers were taken during the search warrant, and MANSEL advised that he had been sick since he first accessed the child pornography websites. MANSEL said that he had been sick and worried because he had accessed child pornography and he knew that it was wrong because the children depicted are victims. When asked if he knew it was illegal to access child pornography, MANSEL initially stated "yes" and then said "well I knew it was illegal to download child pornography, but I am not sure if I knew it was illegal to look at it." SA Wright then asked MANSEL if he knew child pornography was illegal and MANSEL said "yes." SA Wright then asked MANSEL if he knew why child pornography was illegal, and MANSEL said because children have to be victimized to

make child pornography. MANSEL advised that the youngest child depicted in the child pornography that he remembers viewing was approximately four years old.

During the course of the instant investigation ICE agents learned that MANSEL previously entered a plea of guilty on February 14, 1989, in Shelby County, Tennessee, to one count of Aggravated Rape, described as the sexual penetration of a child under the age of thirteen; to one count of Aggravated Sexual Battery, described as having sexual contact with a female under the age of thirteen; to one count of Aggravated Sexual Battery, described as having sexual contact with a male child under the age of thirteen; to one count of Aggravated Sexual Battery, described as having sexual contact with a male under the age of thirteen; one count of Aggravated Sexual Battery, described as having sexual contact with a female under the age of thirteen; and one count of Aggravated Sexual Battery, described as having sexual contact with a female under the age of thirteen. Court records obtained by ICE agents indicate that MANSEL was sentenced to serve twenty years in prison, as a result of his guilty plea.

8. Based upon the above information, there is probable cause to establish that Russell David MANSEL did knowingly receive and possess visual depictions involving the use of a minor engaging in sexually explicit conduct, and that the visual depictions were of such conduct, and that the visual depictions had been mailed, shipped, or transported in interstate or foreign commerce, or which contains materials which had been mailed or so shipped or

transported, by any means including by computer, for which a person can be charged with a criminal offense in violation of Title 18, United States Code, Section 2252(a)(2).

MATT WRIGHT
Special Agent
U. S. Department of Homeland Security
Bureau of Immigration and Customs Enforcement

Sworn to and subscribed before me
on this 7th day of January, 2010.

LOUIS MOORE
United States Magistrate Judge