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UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
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AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America v. HENIO M. HINOJOS	)	Case No. 10-1558 MJ

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 May 25, 2010 in the county of Sierra in the _____ District of New Mexico, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. 2252(a)(2) and (b)(1)	Attempted receipt of child pornography

This criminal complaint is based on these facts:

See attached affidavit

☑ Continued on the attached sheet.

Complainant's signature

Stephani M. Mendoza

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/26/2010

Judge's signature

City and state: Las Cruces, NM

LOURDES A. MARTINEZ
U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT SUPORTING COMPLAINT ON HENIO M. HINOJOS

1. This child pornography investigation began when, on or about March 17, 2008, a State Trooper and Computer Forensics Specialist (the "Trooper") contacted ICE Special Agents concerning a report the Trooper received from a student at an east coast university. The student reported that she had received an unsolicited "spam" email that contained a link to a web site which she believed contained child pornography. The Trooper, utilizing his training in computer forensics, analyzed the email that the student had received and concluded that the "spam" email received by the student contained a link to a web site that contained child pornography. The Trooper then performed a records check using a publicly available database in an effort to identify the owner of that child pornography website. Through this process it was revealed that the website was registered to a resident of Massachusetts. The Trooper contacted the ICE Boston field office.

2. Upon receiving the information from the Trooper, ICE Boston agents, utilizing an undercover computer, accessed the web site. Through further investigation, agents from ICE Boston learned that the web site is a pay-for-access commercial website that offers child pornography in a variety of media formats, including still images and VHS or DVD videos, and website access to the same.

3. Agents have also learned that owners of the web site employ a method known as "spamming" to advertise child pornography products by sending unsolicited emails containing links to Uniform Resource Locators (URLs) that advertise CP Company child pornography products (hereinafter referred to as "advertisement websites"). These URLs

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or advertisement websites may also be found and accessed using a publicly available search engine, such as Google. The use of advertisement websites is a common practice for websites that offer material that is illegal to view, order, and possess as it allows the "store front" website to operate while masking the identities of the website owners and operators. Such companies often utilize the stolen identities of former customers and other individuals to create and register URLs or domain names for illegal websites and content. These advertisement websites act as a shield for the "store front" company until the persons whose identities were stolen or law enforcement become aware of the illegal website and shut it down.

4. On July 08, 2008, HENIO M. HINOJOS using physical, "brick and mortar" Western Union transaction center, sent $130.00 by Western Union to an individual located in OMSK, Russia, traceable with the Western Union Money Transfer Control Number ("MTCN") 9464091221. At that time, this individual acted as a money courier for CP Company. The unique dollar amount of $130.00 is the price point for the Child Pornography product offered by this web site at that time. HINOJOS listed the address 604 Alhambra, Elephant Butte, NM, on that money order.

5. In March 2010, law enforcement agents in an undercover capacity, sent a letter by U.S. mail to the P.O. Box 1480, Elephant Butte, NM, *i.e.*, the residential address provided by HINOJOS during his Western Union transaction, inviting him to visit a website (undercover) to request child pornography or to request a catalogue offering child pornography through the U.S. mail. The law enforcement agents took this address from a CP Company customer list and, using information provided by the U.S. Postal Service,

associated the address 604 Alhambra, Elephant Butte, NM with the address P.O. Box 1480, Elephant Butte, NM.

6. On April 20, 2010, a law enforcement officer on the east coast of the United States received a white business sized envelope. The envelope was handwritten and addressed to the child pornography provider. The return address bearing Gene HINOJOS with a return address of P.O. Box 1480, Elephant Butte, NM, inside the envelope was a portion of the same yellow solicitation mailed to HINOJOS on or about April 8, 2010. This form contained the same handwritten information for address as listed on the return portion of the envelope. There was also a signed endorsement and the author provided an email address of "gnhinojos@yahoo.com." The author of this form requested catalogs for "hidden cam & voyeur", "masturbation – ua girls", "pedophilia", "pre-teen girls", and "young teen girl." HINOJOS also certified that he was not a law enforcement officer and not affiliated with law enforcement.

7. On or about April 23, 2010, the undercover officer mailed HINOJOS a child pornography catalogue that described the collection of videos available from the distributer, including the age of the participants, the type of sexual activity contained on the videos, the prices, and the order and method of payment procedures. The catalogue included an order form that provided the target an opportunity to purchase child pornography. The correspondence between the undercover agent and HINOJOS was assigned a unique customer number, to wit: 3055030 and HINOJOS was advised to retain this number and use it in all future correspondence.

8. HINOJOS then filled out the mail order form, indicating the child pornography product(s) he wanted to purchase and mailed the order form back to the undercover U.S.

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mail address in a state located on the eastern coast of the United States with a method of payment, to wit: $85.00 money order. HINOJOS also certified that he was not a law enforcement officer and not affiliated with law enforcement.

a. The undercover officer, using a covert screen name [denoted for purposes of this complaint as "UC" (not the real screen name)], then began to communicate directly by email with HINOJOS who used the screen name Gene HINOJOS at email address gnhinojos@yahoo.com..

From: "UC" <UNDERCOVER EMAIL ADDRESS>
To: gnhinojos@yahoo.com
Date: Friday, April 23, 2010 5:08 AM

Dear Sir,

We received your request for catalogs and sent them out this morning. If you have any questions, please feel free to email us. We strive to be your preferred choice of specialty videos and we want you back as a future repeat customer!

Thank you. UNDERCOVER COMPANY

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From: "Gene HINOJOS" <gnhinojos@yahoo.com>
To: "UC" <UNDERCOVER EMAIL ADDRESS>
Cc: gnhinojos@yahoo.com
Date: Tuesday, April 27, 2010 12:32 PM

Hello, UC
Thank you, for the catalogs, and good prices on your DVD, VHS features.
I have a request for DVDS, or photos of younger girls .
Thank You.

///

From: "UC" <UNDERCOVER EMAIL ADDRESS>
To: "Gene HINOJOS" <gnhinojos@yahoo.com>
Date: Wednesday, April 28, 2010 3:23 AM

Mr. HINOJOS,

Glad you received our catalogs and liked the products. I can assure you the quality is amazing. I will look for your order and we will process immediately upon receipt. Let me know if you have any questions or anything we can do for you.

Be well

UNDERCOVER COMPANY (Joe)

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From: "UC" <UNDERCOVER EMAIL ADDRESS>
To: "Gene HINOJOS" <gnhinojos@yahoo.com>
Date: Wednesday, April 28, 2010 5:14 AM

I just reread your email and if I understand you right, you are also looking for more, younger DVDs? If that's correct, I don't normally offer it on my usual catalog but I do have one movie that might fit the bill. It's called "Wendy's Surprise" and was shot with a super-8 video cam and converted to DVD. This video has a 3 year old girl being pissed on then blowing her uncle. He comes hard in her little mouth and she almost gags. They shower together and he rubs her little clitty and uses a shower massage on her until she comes. In another scene he penetrates her bum with his tongue, finger and then hard cock. It is certainly spectacular but a little much for most UA enthusiasts.

If this is of interest, let me know. I've only sold this particular movie one time as this one is special to me but I'm sure we can work something out.

Thank you – Joe

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From: "Gene HINOJOS" <gnhinojos@yahoo.com>
To: "UC" <UNDERCOVER EMAIL ADDRESS>
Cc: gnhinojos@yahoo.com
Date: Wednesday, April 28, 2010 8:57 AM

Hello , Joe
"Wenndys Surprise" What is your price for this DVD are thier others.

Thank You,

///

From: "UC" <UNDERCOVER EMAIL ADDRESS>
To: "Gene HINOJOS" <gnhinojos@yahoo.com>

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Date: Wednesday, April 28, 2010 12:42 PM

Because this one is rare and has had very limited distribution, I ask $50. There is one other very similar to it called "Karen's Awakening". It's about a four year old girl who learns to appreciate bondage and her own sexuality. Karen is gently tied and spanked by her uncle who removes her clothes and gives her oral pleasure until she screams and pees all over him. He then fingers her and penetrates her tight snatch for the first time. It's pretty awesome to. That one I usually charge only $30.

Let me know if interested. UNDERCOVER COMPANY (Joe)

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From: "Gene HINOJOS" <gnhinojos@yahoo.com>
To: "UC" <UNDERCOVER EMAIL ADDRESS>
Cc: gnhinojos@yahoo.com
Date: Thursday, April 29, 2010 7:22 AM

Hello, Joe
I am interested! Can I use the order format to place an order ?
Thank You.

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From: "UC" <UNDERCOVER EMAIL ADDRESS>
To: "Gene HINOJOS" <gnhinojos@yahoo.com>
Date: Thursday, April 29, 2010 1:04 PM

Yes - you can use the same order form I sent. If you don' t have it, let me know and I'll email another.

I'll look for your order.

UNDERCOVER COMPANY (Joe)

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From: "UC" <UNDERCOVER EMAIL ADDRESS>
To: "Gene HINOJOS" <gnhinojos@yahoo.com>
Date: Tuesday, May 11, 2010 5:48 PM

Hello Gene,

When you're ready to place an order, let me know via email and I can start putting it together so when I receive your order form, I can get it shipped faster. Also, if

you have any questions, let us know!

Thank you and have a good night. UNDERCOVER COMPANY

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From: "Gene HINOJOS" <gnhinojos@yahoo.com>
To: "UC" <UNDERCOVER EMAIL ADDRESS>
Cc: gnhinojos@yahoo.com
Date: Wednesday, May 12, 2010 6:48 AM

Hello Joe,
I have all ready send in my order on Monday 5/10/2010.
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From: "UC" <UNDERCOVER EMAIL ADDRESS>
To: "Gene HINOJOS" <gnhinojos@yahoo.com>
Date: Friday, May 14, 2010 4:36 AM

Gene - will head to the post office later today and get it - sure it's there by now.
I'll let you know when we're ready to ship it.

Thank you. Joe

9. Regarding payment, on or about May 13, 2010, an undercover agent received an envelope addressed to the undercover address associated with the distributor in Harrisburg, the same address that was previously supplied by HINOJOS during the U.S. mail correspondence. This envelope was postmarked, May 10, 2010, Albuquerque, New Mexico and contained a return address of P.O. Box 1480, Elephant Butte, NM 87935. Enclosed with the letter postmarked May 10, 2010, was a money order made payable to the child pornography provider.

10. The money order is dated May 10, 2010, made payable in the amount of $85.00. Noted in the upper left corner of this check the following is imprinted, and signed Gene HINOJOS. This amount of the money order was consistent with the total price of the order previously placed by HINOJOS of $85.00.

11. The package was delivered to the U.S. Post Office in Elephant Butte, New Mexico. Agents observed HINOJOS pick up the package at approximately 11:00am on May 25, 2010. In a consensual interview HINOJOS stated that he had placed an order for the child pornography that he had just picked up at the Post Office, and sent a money order to pay for the DVD's prior to receiving the package. HINOJOS stated he also downloaded child pornography and has over 100 images on his computer, along with at least three (3) videos. HINOJOS stated that he is the only person that uses that computer.

I swear under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

SA Stephani M. Mendoza, ICE

5·26·10

Date and Place

Lourdes Martinez

LOURDES A. MARTINEZ
U.S. MAGISTRATE JUDGE