

UNITED STATES DISTRICT COURT

for the

DISTRICT OF RHODE ISLAND

United States of America

v.

DAVID CRISOSTOMI

Defendant

)
)
)
)
)

Case No. 1:12 MJ 50A

ARREST WARRANT

To: Any authorized law enforcement officer

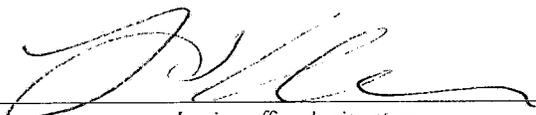
YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) DAVID CRISOSTOMI,
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

In violation of 18 U.S.C. §2251(a): Used and induced a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, 18 U.S.C. § 2252(A)(a)(2): Distribution of child pornography and 18 U.S.C. § 2252(a)(4)(B): Possession of child pornography.

Date: 2/16/12


Issuing officer's signature

City and state: Providence, RI

LINCOLN D. ALMOND, U.S. MAGISTRATE JUDGE
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____
Arresting officer's signature

Printed name and title

UNITED STATES DISTRICT COURT

for the
DISTRICT OF RHODE ISLAND

United States of America
v.
DAVID CRISOSTOMI

Case No.

1:12 MJ 50A

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 02/16/2012 in the county of Rhode Island, the defendant violated 18 U.S.C. § 2251 (a), an offense described as follows:

18 U.S.C. §2251(a): Used and induced a minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, 18 U.S.C. § 2252(A)(a)(2): Distribution of child pornography and 18 U.S.C. § 2252(a)(4)(B): Possession of child pornography.

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Andrew Yesnowski, Federal Bureau of Investigation.

Continued on the attached sheet.

Andrew Yesnowski
Complainant's signature

Andrew Yesnowski, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 2/16/12

Judge's signature

City and state: Providence, RI

LINCOLN D. ALMOND, U.S. MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT

I, Andrew Yesnowski, a Special Agent with the Federal Bureau of Investigation ("FBI") hereby make this affidavit in support of a complaint against DAVID CRISOSTOMI, who there is probable cause to believe: (1) used, persuaded, induced, and enticed a person under the age of eighteen to engage in sexually explicit conduct, specifically, graphic sexual intercourse, including oral-genital intercourse and the lascivious exhibition of the genitals and the pubic area of said minor for the purpose of producing visual depictions of such conduct, knowing and having reason to know that such visual depictions were produced using materials that have been mailed, shipped, and transported in interstate and foreign commerce, in violation of 18 U.S.C. §2251(a) (Count One); (2) knowingly distributed visual depictions of minors engaging in sexually explicit conduct using a means of facility of interstate or foreign commerce, including by computer, in violation of 18 U.S.C. § 2252(A) (a) (2) (Count Two); and (3) knowingly possessed one or more books, magazines, periodicals, films, videotapes and other matter which contained visual depictions of minors engaged in sexually explicit conduct that had been transported using any means or facility of interstate or foreign commerce, in violation of 18 U.S.C. § 2252(a) (4) (B) (Count Three).

1. On or about February 14, 2012, the undersigned applied for and received court authority to search the residence of defendant DAVID CRISOSTOMI in East Providence, Rhode Island. The

application to search this address was based, in part, on information gathered by law enforcement that an individual located at the residence of defendant DAVID CRISOSTOMI was sharing images of child pornography via "peer-to-peer" file sharing over the internet.

2. During the morning of February 16, 2012, the undersigned and numerous other federal agents and members of state law enforcement arrived at the residence of defendant DAVID CRISOSTOMI for the purpose of executing the aforementioned search warrant. While members of the search team conducted the physical search of the residence and the forensic pre-search of the computers, the undersigned and other FBI agents asked to speak with CRISOSTOMI. CRISOSTOMI was provided with his *Miranda* rights and executed a form acknowledging his waiver of those rights.

3. Defendant CRISOSTOMI admitted to having used the peer-to-peer file sharing program to obtain and share child pornography. Defendant CRISOSTOMI further admitted to trading images of child pornography of children five years of age and older, including images of children engaged in sexual intercourse with adults. CRISOSTOMI further admitted that he had approximately 70 gigabytes of child pornography on his computer. Upon further questioning, defendant CRISOSTOMI admitted that he had improper sexual contact with his daughter, currently aged 9, since she was 7 years old. Defendant CRISOSTOMI further admitted

that he took photographs and videos of his daughter involved in sexually explicit conduct with him, including oral-genital intercourse.

4. During the forensic pre-view of a computer located within CRISOSTOMI's residence, agents located hundreds of images of child pornography. Agents also located photographs and at least one video of defendant CRISOSTOMI's daughter engaged in sexually explicit conduct with the defendant, including oral-genital intercourse. Defendant CRISOSTOMI was shown the aforementioned video and a photograph and confirmed that the girl in the video and photograph was his daughter when she was 8 years old.

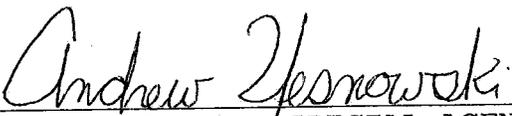
5. Defendant CRISOSTOMI further admitted that he used his cellular telephone to take the aforementioned images of child pornography of his daughter. That cellular telephone, which was seized by law enforcement, was manufactured outside the State of Rhode Island.

6. Following the verbal statement provided by defendant CRISOSTOMI, CRISOSTOMI agreed to provide an audio-taped statement. While being recorded, defendant CRISOSTOMI again admitted to improper sexual contact with his minor daughter and confirmed that the sexually explicit images found on his computer were of him and his daughter.

7. Pursuant to the search warrant, agents seized the aforementioned computer, another laptop and numerous c.d.'s which defendant CRISOSTOMI admitted contained numerous images of child pornography.

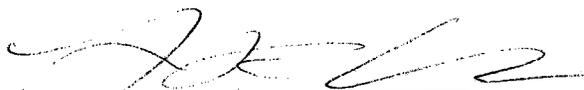
8. There therefore is probable cause to believe that on February 16, 2012, in the District of Rhode Island and elsewhere, defendant DAVID CRISOSTOMI (1) used, persuaded, induced, and enticed a person under the age of eighteen to engage in sexually explicit conduct, specifically, graphic sexual intercourse, including oral-genital intercourse and the lascivious exhibition of the genitals and the pubic area of said minor for the purpose of producing visual depictions of such conduct, knowing and having reason to know that such visual depictions were produced using materials that have been mailed, shipped, and transported in interstate and foreign commerce, in violation of 18 U.S.C. §2251(a) (Count One); (2) knowingly distributed visual depictions of minors engaging in sexually explicit conduct using a means of facility of interstate or foreign commerce, including by computer, in violation of 18 U.S.C. § 2252(A)(a)(2) (Count Two); and (3) knowingly possessed one or more books, magazines, periodicals, films, videotapes and other matter which contained visual depictions of minors engaged in sexually explicit conduct that had been transported using any means or facility of

interstate or foreign commerce, in violation of 18 U.S.C. §
2252(a)(4)(B) (Count Three).



ANDREW YESNOWSKI, SPECIAL AGENT
Federal Bureau of Investigation

Subscribed and sworn to before
me this 16th day of February, 2012
at Providence, Rhode Island.



HON. LINCOLN D. ALMOND
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: INFORMATION INDICTMENT COMPLAINT

CASE NO. _____

Matter Sealed: Juvenile Other than Juvenile
 Pre-Indictment Plea Superseding Defendant Added
 Indictment Charges/Courts Added
 Information

USA vs.
 Defendant: DAVID CRISOSTOMI

Address: _____

Name of District Court, and/or Judge/Magistrate Location (City)
 UNITED STATES DISTRICT COURT RHODE ISLAND
 DISTRICT OF _____ Divisional Office

Name and Office of Person Furnishing Information on THIS FORM PETER F. NERONHA
 U.S. Atty Other U.S. Agency
 Phone No. _____
 Name of Asst. U.S. Attorney (if assigned) LEE H. VILKER

Interpreter Required Dialect: _____

Birth Date _____ Male Alien
 Female (if applicable)

Social Security Number _____

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)
Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court (give name of court)

this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:
 U.S. Atty Defense

this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.)

prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

Place of offense RHODE ISLAND County _____

DEFENDANT

Issue: Warrant Summons

Location Status:
 Arrest Date _____ or Date Transferred to Federal Custody _____

Currently in Federal Custody

Currently in State Custody
 Writ Required

Currently on bond
 Fugitive

Defense Counsel (if any): _____

FPD CJA RET'D
 Appointed on Target Letter

This report amends AO 257 previously submitted

OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts _____

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Felony/Misd.
			<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
			<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor