

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

GARY L. THOMPSON
(DOB: XX/XX/1963)

CASE NUMBER: 11-M-201

I, Brant A. Ungerer, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about September 2, 2010, in the State and Eastern District of Wisconsin, the defendant herein did knowingly transport and ship in interstate commerce, by means of a computer connected to the Internet, child pornography, as defined in Title 18, United States Code, Section 2252A(a)(1).

I further state that I am a City of Milwaukee Police Detective and Task Force Agent with the Federal Bureau of Investigation, and this complaint is based on the following facts:

Please see the attached affidavit of Task Force Agent Brant A. Ungerer.

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


Signature of Complainant

Sworn to before me and subscribed in my presence,

February 1st, 2011
Date

at Milwaukee, Wisconsin
City and State

The Honorable Patricia J. Gorence
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Brant A. Ungerer, a Milwaukee Police Detective and Task Force Officer with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows:

1. I have been employed with the Milwaukee Police Department as a sworn law enforcement officer since April of 1993. I have held the rank of Detective since October of 2002. I am currently assigned as a Task Force Officer with the FBI, Milwaukee Division Cyber Crimes Task Force (CCTF). I am charged with conducting investigations of violations of federal law including the receipt, possession, distribution, and production of child pornography. I have gained experience in the conduct of such investigations through prior investigations, formal training, and in consultation with other members of the CCTF regarding these matters.

2. As a sworn Law Enforcement Officer assigned as a Task Force Officer to a federal law enforcement agency, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. I am investigating the activities of Gary L. Thompson, of 43XX N. 100th Street, City of Milwaukee, Milwaukee, in the State and Eastern District of Wisconsin. As will be shown below, there is probable cause to believe that Thompson possessed and transported child pornography in violation of Title 18, United States Code Section 2252A(a)(2) and (a)(4)(B). The statements in this Affidavit are based in part on my own investigation as experience, as well as upon information obtained from other agents and employees of the Milwaukee FBI. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not set forth every fact related to or otherwise the product of this investigation.

Results of the Present Investigation to Date

4. On September 2, 2010, at 3:20 PM Central Standard Time (CST), the Milwaukee Division of the FBI conducted an online undercover operation, in which an Online Covert Employee (OCE) connected to the Internet and signed on to the Limewire peer-to-peer (P2P) file-sharing program, which had been enhanced to limit downloads to a single source. The OCE identified another user assigned the IP address of 99.188.219.15 and Globally Unique Identifier (GUID) 8ADFD3F30267AF4A4EC80EAAB50BC000 that had image and video files that had been previously identified as child pornography in other law enforcement investigations. At approximately 3:26 PM CST, the OCE performed a search for the user assigned IP address 99.188.219.15 and was provided with a list of available files from that user. The OCE then viewed the list of available files from IP address 99.188.219.15 which displayed 108 files with filenames consistent with child pornography. The OCE then initiated several downloads from those listed files beginning at approximately 3:52 PM CST. The following files containing child pornography were downloaded from IP address 99.188.219.15:

- a. **Lucifer's Pedos Collection 3-9~Dick (Illegal Preteen Underage Lolita Kiddy Child Incest 666 Porno Gay Fuck Young Naked Nude Little Girls and Boys.jpg:** This black and white image is of a pre-pubescent female wearing a button down top. Her lower body is naked and the image is such that it exposes the child's vagina. The child appears to be seated. There is a male of unknown age standing in front of the child. This male is naked from the waist down and has his genitals exposed at the face level of the child. The child has both of her hands reaching out and touching the males genitalia.

b. **kdv – Gay Preteen Pedo Boy 8 Yr Old Russian Boys tied up Suck On Couch**

010101 tied (kdv rbv russian).mpg: This is a video file that is approximately 15 seconds long which depicts two pre-pubescent male children, both of whom appear to be completely naked. The first child is lying on a couch, with his hands bound behind his back with what appears to be a white rope. The second child is standing in front of the first child while the first child performs mouth to penis sexual intercourse on the second child. The second child strokes the first child's head and face as the first child does this.

c. **Y – pedo – Movie Gay Porn – 2 Little Boys 12 and 14 Year Old Having Their**

First Sex Oral Anal Jerk Off.mpg: This is an approximately 20 second video file that depicts two pre-pubescent male children on a bed. One of the male children is lying on his back while the second male child is straddled over the lower stomach area of the first child. Both of the children are completely naked. The child lying on his back is stroking the penis of the child straddling him, and as the movie progresses, the second child begins to thrust his hips back and forth with the other child's stroking motion.

5. Based upon my training and experience, the computers that are linked together to form a P2P network are typically located throughout the world, and Internet connections typically cross state and international borders even if the computers are in close geographical proximity. Therefore, a P2P network operates in interstate and foreign commerce, and a person that includes child pornography files in his/her "shared" folder on a P2P network is hosting and distributing child pornography in interstate and/or foreign commerce.

6. On September 20, 2010, AT&T Internet Services responded to a subpoena requesting subscriber information regarding IP address 99.188.219.15 on the date and times that child

pornography was downloaded as described above in paragraph 4 and provided the following information: Gary Thompson; 43XX N. 100th Street, Wauwatosa, Wisconsin, 53222; username: "thomsogary1972@sbcglobal.net," length of service, November 26, 2008, through the time of inquiry on September 2, 2010. Through the affiant's knowledge and through verification through the City of Milwaukee and the Wisconsin Department of Transportation it was learned that the address of 43XX N. 100th Street is actually located in the City of Milwaukee and not Wauwatosa and that the zip code of 53220 is a shared zip code with both Milwaukee and Wauwatosa.

7. According to the State of Wisconsin Department of Transportation, Gary L. Thompson DOB XX/XX/1963 renewed his State of Wisconsin driver's license on May 21, 2010 and listed his address at this time as 43XX N. 100th Street, Milwaukee, Wisconsin. The Wisconsin Department of Transportation also shows that Gary L. Thompson has a 2008 Chevy Impala listed to him at the address of 43XX N. 100th Street, Milwaukee, Wisconsin. These records show that this registration was last updated on December 16, 2010.

8. On January 21, 2011, I sought and obtained a federal search warrant from Magistrate Nancy Joseph for evidence related to the above-described distribution of child pornography at the residence of 43XX N. 100th Street, Milwaukee Wisconsin. On February 1, 2011, at approximately 6:17 A.M., myself and fellow agents executed the warrant. At that time, no one was in the residence, which is the upper unit of a duplex. Agents located a Sony VAIO desktop computer in a back room. Preliminary forensic examination revealed several hundred pornographic images and videos, including five files containing child pornography downloaded on September 2, 2010, including the files described in paragraphs 4b and 4c, above. At approximately 7:20 A.M., Gary Thompson came back to the residence. Agents advised him of his constitutional rights, which he stated he understood

and waived. Thompson related that he works as a youth counselor at the St. Amelian-Lakeside, which provides family centered care and educational services in the Milwaukee area. Regarding the files on the computer, Thompson stated that he has used the Limewire program for years, at first downloading music, then adult pornography, and within the last year, child pornography. Thompson added that he was aware that by sharing files containing child pornography on Limewire, he was allowing other users to download those files from him. Thompson stated he actively sought out files containing child pornography on Limewire, and never deleted those files. Thompson stated his interest ranged from adults to 11- year old children.

9. Agents further located a jacket in the residence, and a cell phone in the pocket. cursory examination of the phone revealed an image of a young boy sleeping on a bed in his underwear. When asked about the image, Thompson stated that he took the photo while at work, and believed the boy was 8 years old.