

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

JEREMY SCOTT CLARK

Case No.

3:18-mj- 1086-JBT

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 February 22, 2018 in the county of St. Johns in the
Middle District of Florida, the defendant(s) violated:

Code Section

18 U.S.C. § 2252(a)(2)

Offense Description

Knowing distribution of child pornography over the internet

This criminal complaint is based on these facts:

See attached.

☒ Continued on the attached sheet.



Complainant's signature

ABBIGAIL BECCACCIO, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/8/18

City and state: Jacksonville, Florida



Judge's signature

JOEL B. TOOMEY, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Abbigail Beccaccio, being duly sworn, state as follows:

INTRODUCTION

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since May 2012. I am currently assigned to the Jacksonville, Florida Division of the FBI where I conduct a variety of investigations in the area of violent crimes. Prior to this assignment, I was employed as Forensics and Technology Unit Supervisor with the Orlando Police Department for approximately 8 years. I have a Bachelor's degree in Molecular Biology & Microbiology. I have received law enforcement training from the FBI Academy at Quantico, Virginia. A substantial portion of my duties are dedicated to investigating cases involving crimes against children under the auspices of the FBI's "Innocent Images" National Initiative. Since becoming a Special Agent, I have worked with experienced Special Agents who also investigate child exploitation offenses. In the performance of my duties, I have investigated and assisted in the investigation of matters involving the advertisement for, possession, collection, production, receipt, and/or transportation of images of child pornography and the solicitation and extortion of children to produce sexually explicit images of themselves. I have been involved in searches of residences pertaining to the advertisement for, possession, collection, production, and/or transportation of child pornography through either the execution of search warrants or through the subject providing written consent to permit a search to be conducted.

2. I have investigated and assisted in the investigation of criminal matters involving the sexual exploitation of children that constituted violations of 18 U.S.C. §§ 2251, 2252, 2252A, 2422, and 2423, as well as Florida state statutes that criminalize the sexual activity with minors and other methods of child sexual exploitation. In connection with such investigations, I have served as case agent, have been the affiant for several search warrants and conducted interviews of defendants and witnesses, and have served as an undercover agent in online child exploitation cases. I am a member of a local child pornography task force comprised of the FBI, U.S. Immigration and Customs Enforcement, the Florida Department of Law Enforcement, the Jacksonville Sheriff's Office, the St. Johns County Sheriff's Office, and the Clay County Sheriff's Office, among other agencies. These agencies routinely share information involving the characteristics of child sex offenders as well as investigative techniques and leads. As a federal agent, I am authorized to investigate and assist in the prosecution of violations of laws of the United States, and to execute search warrants and arrest warrants issued by federal and state courts.

3. The statements contained in this affidavit are based on my personal knowledge, as well as on information provided to me by experienced Special Agents and other law enforcement officers and personnel. This affidavit is being submitted for the limited purpose of establishing probable cause for the filing of a criminal

complaint, and I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that JEREMY SCOTT CLARK has committed a violation of 18 U.S.C. § 2252(a)(2), that is, knowing distribution of child pornography over the internet.

4. I make this affidavit in support of a criminal complaint against JEREMY SCOTT CLARK, that is, on or about February 22, 2018, in the Middle District of Florida and elsewhere, JEREMY SCOTT CLARK did knowingly distribute visual depictions using any means and facility of interstate and foreign commerce by any means, that is, by computer via the internet, when the production of the visual depictions each involved the use of a minor engaging in sexually explicit conduct, and the visual depictions were of such conduct, the visual depictions being specifically identified in the computer files titled “6f30cf2e-b978-4269-9986-c63d9c6bceb3.jpg,” “32f4b561-d04d-4652-832a-8e21cdd70815.jpg,” and “947cae62-4e87-abab—95d7-396c04e40b37.jpg,” in violation of 18 U.S.C. § 2252(a)(2).

5. On March 7, 2018, I applied for and obtained a federal search warrant for the residence located at 1600 Merroway Lane, Ponte Vedra, Florida 32081, believed to be occupied by JEREMY SCOTT CLARK. I was the affiant for the affidavit in support of the application for this search warrant, and I am familiar with the facts contained therein. A certified copy of the application and affidavit for this

search warrant is attached as Exhibit A, and the facts and information contained therein is hereby incorporated by reference herein¹. This warrant authorized the search of this residence for fruits, evidence, and instrumentalities of violations of 18 U.S.C. §§ 2251, 2252 and 2252A, that is, advertising for, solicitation, receipt, distribution, transportation, and possession of child pornography. This search warrant was issued by United States Magistrate Judge Joel B. Toomey in Case No. 3:18-mj-1084-JBT.

6. On March 8, 2018, at approximately 6:02 a.m., I, together with other FBI agents and law enforcement personnel, executed this search warrant at the residence located at 3946 Valley Garden Drive West, Jacksonville, Florida 32225.

7. Jeremy Scott CLARK was located inside the residence, and was detained while the residence was cleared. CLARK was then released and I approached him for a possible interview.

8. I told CLARK that a search warrant was being executed at his residence, that he was not under arrest, and was free to leave. CLARK was advised interviewing agents wished to speak with him and were available to answer any questions. CLARK agreed to speak with me and accompanied me and FBI Special Agent Rob Schwinger to a FBI vehicle, where CLARK sat in the front passenger

¹ Certain identifying information has been redacted from the affidavit in support of the application for the search warrant to protect the privacy of persons referred to therein.

seat. CLARK then provided, among other things, the following information:

(a) CLARK was asked if he was comfortable or in need of anything. CLARK responded that he was cold. SA Schwinger retrieved a coat from within the residence for CLARK to wear.

(b) CLARK has rented the current residence for approximately four years, with his wife and three children. CLARK previously lived in California where his wife worked and he was a stay at home dad. CLARK went to college, obtained a teaching certificate while in California, and currently teaches Algebra at First Coast High School in Jacksonville, Florida. CLARK served in the United States Navy for approximately 18 months to two years when he received a less than honorable discharge. CLARK was discharged from the Navy for underage drinking and other such things.

(c) The family does not have many visitors, just a few close friends. CLARK stated he thought Internet services were through Comcast or Xfinity. The residence has Wi-Fi and is password protected. All of CLARK's children and his wife have cell phones that access the Wi-Fi network. The secured Wi-Fi network is called "CLARKFam." CLARK stated the neighbor kids have the password to the Wi-Fi also.

(d) CLARK uses the Internet for various activities to include Facebook, Instagram and games. CLARK uses the Instagram to monitor his

children. CLARK denied file sharing software and only listened to Pandora radio. CLARK stated the family shared one laptop computer, which was setup for common use in the front room of the house. This computer was used for schoolwork and printing documents.

(e) CLARK requested a telephone number from a backpack within the residence. I searched the bag for weapons and brought the bag to CLARK. I assisted CLARK in locating an envelope with contact information for First Coast High School. CLARK then retrieved his Apple iPhone from his pocket, placed his right thumb on the Touch ID pad and attempted to place a phone call. Prior to dialing the number, I advised CLARK that I was taking possession of his phone. CLARK did not readily release his phone and told me to, "get a warrant." I then seized the phone from CLARK and told him that a search warrant had been obtained and a copy left with the residence upon completion of the search.

(f) CLARK stated his children were very good kids and would not do anything that would lead the FBI to their house.

(g) CLARK acknowledged the email jeremyc1973@yahoo.com or gmail.com, a school email account and denied having any additional email accounts. CLARK has visited "mainstream" adult pornography sites but has never had anything "pop-up" that he considered contraband or illegal. CLARK and his wife had previously admonished other occupants in the home after they viewed adult

pornography.

(h) When asked if he had a Kik account, CLARK stated he has not had one, "in several years" and did not remember an associated email address. CLARK denied having any nicknames. When asked if CLARK ever had the nickname "Opie," CLARK stated no. CLARK was told that his Facebook page had several posts in which friends called him "Ope." CLARK stated, "Oh that's an old nickname from years ago." CLARK denied any email addresses associated with his nickname. CLARK then invoked his right to counsel.

(i) CLARK was told he was not under arrest and was still free to go. CLARK's children remained in the residence and got ready for school. CLARK waited in the driveway of the residence for approximately 15 minutes and requested his vehicle be moved outside. Following a search of the vehicle Agents backed the gray Nissan out of the garage and provide both the car and keys to CLARK. CLARK sat in the vehicle. A short time later, CLARK attempted to make contact with his wife who had reentered the residence. CLARK was told that his wife did not want to speak with him. The driveway remained clear and unblocked for the duration had CLARK wished to leave.

9. Some of the following information is contained in Exhibit A and incorporated by reference herein. On February 22, 2018, at approximately 9:00 p.m. Mountain Standard Time (MST), an individual with the Kik username

“LLCoolJack1973” using the screen name “Jack Crow,” hereafter referred to as “Jack,” answered an undercover post by sending a Kik message. The Kik account used by “Jack” contained a profile photo or avatar depicting a male with an erect penis wearing gray/black underwear. During this Kik communication, “Jack” sent a close-up image of a hand holding an adult penis, lying on a bed. This image distributed by Kik user “Jack” can be described as follows: This image depicts a close-up of a hand holding an adult penis that has a distinctive curve to it. The hand is placed towards the base of the penile shaft and a shaved scrotum can be seen. The arm has some hair and the hand grasping the penis has long thin fingers with longer nails. Vertical blinds can be seen in the photo background. The male appears to be lying on a bed with a comforter and a rag or towel placed on his abdomen. The comforter appears to have white/brown flowers. The rag or towel has green and blue colors visible and appears to have a distinctive pattern.

10. On March 8, 2018, SA Jonathan MacDonald and Staff Operations Specialist (SOS) Megan Hammerling conducted an interview with Heather Clark, hereafter Heather. Heather agreed to speak with SA MacDonald and SOS Hammerling and accompanied them to a FBI vehicle, where Heather sat in the front passenger seat. Heather then provided, among other things, the following information:

a. Heather has been married to Jeremy CLARK for 20 years and moved to Jacksonville approximately four years ago. Heather does not have a Kik account and each member of their family has their own iPhone.

b. Heather was shown the chat transcript from the user "Jack Crow"/LLCoolJack1973 communication referred to herein. Heather did not recognize either name, but noted "Jack" was a nickname for their son and "1973" was often used in names or accounts by CLARK because it is the year of his birth.

c. When shown the picture of an erect penis (described above), which was included in the chat transcript that was sent to another Kik user, Heather recognized it as CLARK's thumb and penis, shaved pubic area, and recognized that he was lying on their master bedroom bed on an old bed comforter with a towel over his stomach. Heather stated, "that's my kitchen towel," and then stated, "that's him," identifying CLARK.

d. Heather stated she believed the old comforter would be found under the master bedroom bed. The kitchen towel would be found in their linen closet or the pantry linen closet.

e. Heather knew that "Opie" was an old high school nickname for CLARK.

11. During the execution of the search warrant while searching for authorized items, agents located a comforter with white/brown flowers in a plastic

comforter bag under the master bedroom bed. Agents additionally located a towel in the master linen closet with green and blue colors and a distinctive pattern that appears to match the towel in the photo depicting the penis as set forth above.

Based upon the foregoing, I believe that the photo described above that was received by the undercover FBI agent on February 22, 2018 depicts CLARK masturbating in a bedroom of the residence located at 1600 Merroway Lane, Ponte Vedra, Florida 32081.

12. After the conclusion of the interviews of CLARK and Heather, I contacted Assistant United States Attorney D. Rodney Brown, who authorized me to arrest CLARK for knowing distribution of child pornography. Shortly thereafter, I placed CLARK under arrest.

13. Based upon the foregoing facts, I have probable cause to believe that on or about February 22, 2018, in the Middle District of Florida and elsewhere, defendant, JEREMY SCOTT CLARK, did knowingly distribute visual depictions using any means and facility of interstate and foreign commerce by any means, that is, by computer via the internet, when the production of the visual depictions each involved the use of a minor engaging in sexually explicit conduct, and the visual depictions were of such conduct, the visual depictions being specifically identified in the computer files titled "6f30cf2e-b978-4269-9986-c63d9c6bceb3.jpg," "32f4b561-

d04d-4652-832a-8e21cdd70815.jpg,” and “947cae62-4e87-abab—95d7-396c04e40b37.jpg,” in violation of 18 U.S.C. § 2252(a)(2).


ABBIGAIL BECCACCIO, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this
8 day of March, 2018, at Jacksonville, Florida.


JOEL B. TOOMEY
United States Magistrate Judge