

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

Kyle Sean Wallace

Case No.

8:18 MJ 2059 AEP

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 2016 to Present in the county of Hillsborough in the  
Middle District of Florida, the defendant(s) violated:

Code Section

18 U.S.C. § 2251(a)  
18 U.S.C. § 2252(a)(4)(B)

Offense Description

Production and attempted production of child pornography.  
Possession of child pornography.

This criminal complaint is based on these facts:

See Affidavit

☒ Continued on the attached sheet.



Complainant's signature

Charles Sloan, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/29/18

City and state:

Tampa, Florida



Judge's signature

ANTHONY E. PORCELLI, US Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF ARREST**

I, Charles Sloan, being sworn to tell the truth, state the following:

**INTRODUCTION**

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since 2007. Beginning 2011, to the present, I have been assigned, amongst other duties, to a Child Exploitation Task Force, members of which investigate the sexual exploitation of children. Since October 2018, I have been assigned to the Tampa Field Office.

2. I have investigated and assisted in the investigation of numerous criminal matters involving the sexual exploitation of children, which have constituted violations of 18 U.S.C. §§ 2251, 2252, 2252A, and 2422(b), as well as Florida state statutes that criminalize the online enticement of minors and the production, possession, receipt, and transmission of child pornography, that is, visual images depicting minors engaged in sexually explicit conduct. I have made arrests and been involved in numerous searches pertaining to these types of investigations. I have attended numerous specialized courses involving cyber-crimes, computers, and child exploitation. I have received training for online undercover investigations involving child exploitation.

3. As a special agent with the FBI, I am authorized to investigate violations of laws of the United States and to execute arrest and search warrants issued under the authority of the United States.

4. I submit this application and affidavit in support of a criminal complaint for the arrest of Kyle Sean Wallace ("WALLACE"). The affidavit does not set forth every fact resulting from the investigation; rather, it sets forth facts sufficient to establish probable cause that between in or around 2016 and in or around 2018, WALLACE knowingly attempted to persuade a minor to produce child pornography via the Internet from his residence in Tampa, Middle District of Florida, in violation of 18 U.S.C. § 2251(a), and that on November 29, 2018, WALLACE, possessed child pornography on his cell phone, in violation of 18 U.S.C. § 2252(a)(4)(B).

5. The statements contained in this affidavit are based in part on: information provided by FBI special agents; written reports about this and other investigations that I have received, directly or indirectly, from other law-enforcement agents; information gathered from the service of administrative subpoenas; the results of physical surveillance conducted by law-enforcement agents; independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training and background as a Special Agent with the FBI.

**RELEVANT STATUTES**

6. 18 U.S.C. § 2251(a) prohibits any person from employing, using, persuading, inducing, enticing, or coercing any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed; if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce; or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, or attempting or conspiring to do so.

7. 18 U.S.C. § 2252(a)(4)(B) prohibits a person from possessing any visual depiction of minors engaging in sexually explicit conduct using any means or facility of interstate commerce, or affecting interstate commerce.

8. “Child Pornography,” as used herein, is defined in 18 U.S.C. § 2256(8) to include any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a

minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct, as well as any visual depiction, the production of which involves the use of a minor engaged in sexually explicit conduct.

### **MICROSOFT XBOX LIVE**

9. Microsoft Xbox Live is an Internet-enabled cloud-based gaming service from the Microsoft Company that provides a platform connecting users to other Xbox Live subscribers for multi-player gaming and social networking. Users connect to Xbox Live through the use of an Xbox, which is a computer device that has software and hardware components.

10. While playing online games on Xbox Live, users can purchase virtual equipment with virtual currency, and their purchases and credits are tracked in their Microsoft payment account history. Users can add money to their account through credit cards, gift cards, or codes.

### **INSTAGRAM**

11. Instagram is a social networking application made for sharing photos and videos from a smartphone or other Internet-enabled device. Every user who creates an Instagram account has a profile and a news feed, which displays posts of other users that user follows. When a user posts a photo or video on Instagram, it is displayed on the user's profile. Other users who follow

that user will see the posts in their own news feeds. Instagram also has instant messaging between users.

### **SUMMARY OF INVESTIGATION**

12. Since in or around August 2018, the FBI and the Manatee County Sheriff's Office (MCSO) have been investigating the online enticement of two minor children who were 13 years of age, hereafter referred to as Victim #1 (V1) and Victim #2 (V2), in Manatee County, Florida by WALLACE. Between in or around September 2017 through July 2018, WALLACE communicated with V1 and V2, using the Internet, a means of interstate commerce, through messages sent on Microsoft Xbox Live and Instagram. During those Internet communications, WALLACE enticed V1 and persuaded him to produce child pornography. On November 29, 2018, FBI agents conducted a search of WALLACE's residence. WALLACE admitted to attempting to persuade V1 and V2, as well as three additional minors to produce child pornography. FBI agents found at least one image of child pornography on WALLACE's phone.

### **BACKGROUND OF THE INVESTIGATION**

#### **Victim 1**

13. On or about August 2, 2018, the parents of V1 reported to MCSO that they believed their child had been in contact with an adult who had persuaded their child to produce child pornography. MCSO interviewed V1, who

stated that he learned about WALLACE from V2. V1 stated that V2 had advised V1 that WALLACE was using Microsoft Xbox Live, and if V1 sent nude images of himself to WALLACE, WALLACE would send V1 gift cards to use in order to purchase goods and services on Microsoft Xbox Live. According to V1, about a year ago, he began communicating with WALLACE, whose user name was "AsThickAsFire"—the SUBJECT ACCOUNT, via Microsoft Xbox Live. V2 also gave WALLACE V1's Instagram user name, and WALLACE began messaging V1 from WALLACE's Instagram account, which had the user name "drawinguitar." V1 stated that at first, he did not wish to communicate with WALLACE via Instagram. Over Instagram, WALLACE told V1 that V2 had sent nude images of himself to WALLACE. Eventually, V1 decided to respond to WALLACE, and V1 sent WALLACE pornographic images via Instagram that V1 found on the Internet, claiming that the images were photographs of V1. WALLACE sent V1 multiple payments for these images in the form of codes that V1 used to reload his Microsoft Xbox Live account. V1 stated he and WALLACE communicated over Microsoft Xbox Live, but when V1 needed gift codes, he and WALLACE switched to communicating over Instagram messages and V1 sent WALLACE nude photos via the Internet. According to V1, after a while, WALLACE did a reverse lookup of the photographs V1 found on the Internet and WALLACE learned that the pornography images V1 sent did not

depict V1. WALLACE then told V1 that V1 owed WALLACE real pictures of his private parts. In response, V1, who was 13 years old at the time, took nude pornographic images of himself and sent them to WALLACE, who was located in the Middle District of Florida, over Instagram via the Internet.

14. V1's parents printed out a copy of V1's Microsoft Xbox Live payment history and provided it to MCSO. V1's parents stated that they controlled and made payments to V1's Microsoft Xbox Live virtual currency account. They identified numerous suspicious payments to the account that they had not made. V1 stated that these suspicious payments were payments from WALLACE. V1 gave consent to MCSO to seize and search his iPad and iPhone, which V1 stated he had used to communicate with WALLACE and to take and store child pornography images. MCSO conducted a forensic examination of both devices.

15. I have reviewed the forensic examination reports and have discovered three nude images, two of which were child pornography images—all three of which were taken by V1 and sent to WALLACE. The metadata on the images indicates that the images were taken using V1's iPhone camera and were stored on V1's iPad computer device. The first nude image appears to be a selfie photograph showing V1's exposed buttocks. The second nude image (**Child Pornography Image #1**) appears to be a selfie photograph with V1 bending over

and spreading his buttocks and showing his anus in a lewd and sexually explicit manner. The third nude image (**Child Pornography Image #2**) appears to be a selfie photograph taken by V1 from a downward camera angle with V1 completely nude with his genitals exposed in a sexually explicit manner. All three of these nude images had a date stamp in the metadata indicating they were produced on or about July 12, 2018. That same day, a payment of \$30.00 posted to V1's Xbox Live virtual currency account. V1's parents stated that they did not make this payment.

16. On or about September 26, 2018, MCSO served a search warrant on Facebook, the parent company for Instagram, requesting subscriber information, IP Address login history, and chat messaging content for WALLACE's Instagram account with the user name "drawingguitar." Facebook responded with the requested information, and I have reviewed it.

17. Although V1 told MCSO that he believed he had deleted the Instagram direct messages with Wallace, I found some Instagram direct messages between V1 and WALLACE that had not been deleted. These messages are dated on or about July 27 to 30, 2018, and consist of V1 asking WALLACE for "the money," "\$35," "\$25," or "\$10."

18. Facebook provided the registered subscriber name of the Instagram account as Kyle WALLACE. The profile photograph on the account appears to depict WALLACE.

19. MCSO identified several log-in IP addresses used to access WALLACE's Instagram account on or about July 27, 2018. On or about October 23, 2018, pursuant to a subpoena, Spectrum, an Internet Service Provider, identified the subscriber of one of the IP Addresses as A.D., believed to be WALLACE's mother, at WALLACE's residence. MCSO traced another IP address to an assisted living facility located in Tampa, Florida, which was later identified as WALLACE's workplace.

20. On or about November 6, 2018, an MCSO Detective and I re-interviewed V1. V1 identified Child Pornography Images #1 and #2 as images of himself that he took with his iPhone camera and linked to his iPad through the Cloud. V1 further stated that he produced these images at the request of WALLACE, and that he sent the photos to WALLACE via Instagram direct messages over the Internet in exchange for a \$30 Xbox Live gift card credit.

### **Victim 2**

21. On or about August 6, 2018, MCSO interviewed V2 and his parents. V2 stated that he "met" WALLACE approximately a year and a half ago in a chat room on Microsoft Xbox Live, while playing the online game Grand Theft

Auto. V2 advised that WALLACE's Xbox Live user name was "AsThickAsFire"—the SUBJECT ACCOUNT. During their conversations on Xbox Live, V2 initially disclosed to WALLACE that he was 12 years old, and V2 believed that WALLACE was more than 18 years old. V2 also stated that WALLACE told V2 his full name, Kyle WALLACE, and that WALLACE stated he worked at a retirement home. V2 provided law enforcement with WALLACE's Instagram user name, "drawingguitar."

22. V2 stated that at WALLACE's request, V2 sent images of himself in his underwear to WALLACE via Instagram in exchange for gift cards that could be used on Microsoft Xbox Live. WALLACE then requested nude images of V2, so V2 downloaded nude images from the Internet and claimed they were images of himself. V2 stated that he never actually sent nude photographs of himself to WALLACE. V2 cropped the photos to change the hash value (a digital fingerprint for the file), and then sent them to WALLACE in exchange for gift cards. V2 also stated that during his conversations with WALLACE, WALLACE indicated he wanted to travel to meet V2 for the purpose of having sex.

23. V2's parents provided a copy of V2's Microsoft Xbox Live payment account history. V2's parents stated that they controlled and provided money for V2's Microsoft Xbox Live virtual currency account. They identified numerous

suspicious payments to the account that they had not made. Based on my investigation, I believe at least some of these suspicious payments are from WALLACE.

24. Within WALLACE's "drawinguitar" Instagram account, I found numerous direct messages between V2 and WALLACE, which are evidence of enticement and attempted production of child pornography.

25. On or about September 21, 2017, V2 and WALLACE had a conversation in which V2 agreed to send a child pornography photograph of his "wiener" in exchange for a \$40 gift card code for use on Xbox Live. The conversation is excerpted as follows:

WALLACE: "How bad do you want the 40?"

V2: "Like badly"

WALLACE: "Wiener?"

V2: "Rlly"

WALLACE: "Yeah"

V2: "Ok send the [gift card] code"

WALLACE: "I was hoping you could do it first"

WALLACE: "I mean you can trust me right"

V2: "No no no this one you have to go first because this is hard in my part and I know you only have \$80 so I don't know if you will just go first I got you fam"

V2: "So once you can tell me"

WALLACE: "Hard?"

V2: "Naw just beat my dick"

\*\*\*

WALLACE: "I want to see it hard"

V2: "Fine"

V2: "I'll try"

\*\*\*

WALLACE: "Tell me when its hard"

WALLACE: "OK???"

V2: "Ok... I'm a rock"

\*\*\*

V2: "U getting the codes" [for gift card numbers]

WALLACE: "Yes honey"

V2: "Ok send the codes I got the pick"

V2: "Pic"

\*\*\*

V2: "Now hurry I don't like having these pics on my phine"

V2: "Phone"

\*\*\*

V2: "How long is this gonna take you to type"

WALLACE: "VFCQX CT249 WP3MK 6MP9G 397KZ" [gift card code]

\*\*\*

WALLACE: "its the whole 40"

\*\*\*

V2: "It's sending"

\*\*\*

V2: "Tf [sic] it's still loading"

WALLACE "Resend it"

V2: "Ok"

(WALLACE then received from V2 **Child Pornography Image #3**, which is a depiction of a prepubescent boy's erect penis. I cannot determine who this image depicts.)

V2: "They're both loading"

(WALLACE then received from V2 a child-pornography image, which appears to be a duplicate of **Child Pornography Image #3**. Consistent with the conversation, V2's Xbox Live payment account history reflects a payment of \$40 from a redeemed code on or about September 21, 2017.)

24. On or about September 22, 2017, WALLACE and V2 had the following excerpted conversation, which indicated that WALLACE knew V2 was a minor and that WALLACE would pay for photographs of him:

WALLACE: "What undies are you wearing today?"

V2: "School uniform"

WALLACE: "Can I see your uniform?"

V2: "Not even for a shark card"<sup>1</sup>

\*\*\*

WALLACE: "So do I get a free pic now"

V2: "Soon"

WALLACE: "Can I see your butt hole since I took all this time"

\*\*\*

WALLACE: "40 for a pic of your face and asshole"

(WALLACE then sent two pictures of gift cards with codes.)

V2 "Here I'll just send you my school picture"

(V2 then sent a photograph of a minor boy that appears to have been taken for a yearbook.)

WALLACE: "No"

\*\*\*

---

<sup>1</sup> Based on my review of the evidence, a shark card appears to be a credit for Xbox Live.

V2: "And I'll get the other hold on"

(V2 sent a nude image of a young male bent over with his buttocks spread and his anus visible with his testicles showing. I cannot determine the male's age from the photograph.)

V2: "This is ducking weird"

WALLACE: "How did you manage that"

V2: "Fucking"

V2: "Timer"

\*\*\*

WALLACE: "Oh, wheres the free pic you said I can have after I sent you the 40"

V2: "What do you want"

\*\*\*

WALLACE "You butt naked from the front"

(V2 sent a photograph of a nude minor from the waist up.)

V2 "Happy"

WALLACE "Omg.. I was expecting to see your wiener too"

\*\*\*

V2 "So be happy that you got that for free"

WALLACE "Trust me. As much as I love seeing you naked. I cant afford to"

26. On or about September 30, 2017, and on or about October 5, 2017, V2 and WALLACE had additional conversations regarding V2 providing photographs to WALLACE, and V2 provided child erotica photographs to WALLACE.

27. On or about October 14, 2017, WALLACE and V2 had the following excerpted conversation about V2 sending photographs for payment:

V2: "Anything I can do for 200? I need to buy food and my parents are gone till Minday"

WALLACE: "I just sent it"

V2: "I'm sorry"

WALLACE: "It's Ok baby"

V2: "Can you do \$5 more"

V2: "Please"

WALLACE: "Can I see your butt?"

V2: "Uh sure hold on"

(V2 sent a close-up image depicting what appeared to be a male's butt wearing underwear.)

\*\*\*

WALLACE "You're such a cute boy"

My review of the Microsoft Xbox Live payment history did not reveal any suspicious payments on or near October 14, 2017.

28. On or about October 19, 2017, WALLACE and V2 had the following excerpted conversation about V2 sending WALLACE photographs for payment:

V2: "Come on baby what do you want for \$70"

\*\*\*

WALLACE: "Give me 4 sexy pics"

V2: "For 70"

WALLACE: "Yeah"

V2: "Ok brb"

(V2 sent four images to WALLACE—all of which were selfie photographs of young minor boys other than V2 from the waist up with their chests exposed. My review of the Microsoft Xbox Live payment history did not reveal any suspicious payments on or near October 19, 2017.)

29. On or about October 21, 2017, WALLACE and V2 had the following excerpted conversation about V2 sending photographs for money:

V2: "Dammit I guess that's ok but I'm only gonna send you pics for that because ducking is a lot more money"

\*\*\*

V2: "You have my paypal right"

WALLACE: "Yes baby"

\*\*\*

WALLACE: "Can I tell you what I want?"

V2: "Sure"

WALLACE: "Your butt, your underwear, and a dick pic"

(V2 sent WALLACE four files. One was an image of underwear in a drawer, one was an image of a person wearing jeans focused on the buttocks, one was **Child Pornography Image #4**, which depicted a young prepubescent boy's genitals. The last file appears to be a video that I am not able to review.)

\*\*\*

WALLACE: "So if I was your age, you would date me?"

\*\*\*

V2: "Maybe it depends what day I'm having"

WALLACE: "-\_- you really want me to fuck your bubble butt?"

V2: "Sure I want to help my friend"

WALLACE: "If I can send the whole 100? When would we do it?"

V2: "\$125and yes"

WALLACE: "When though is the question"

V2: "?"

WALLACE: "When would we have sex"

V2: "Like a couple of weeks because I'm busy"

\*\*\*

WALLACE: "Since I'm doing a hundred, can I get another pic? And your welcome"

V2: "What pic"

WALLACE: "Your butt hole"

(V2 sent another nude image to WALLACE depicting an exposed buttocks. My review of the Microsoft Xbox Live payment history did not reveal any suspicious payments on or near October 19, 2017.)

30. On or about October 27, 2017, WALLACE and V2 had the following excerpted conversation, which indicated WALLACE knew V2 was a minor:

V2 "I'm at school"

V2 "About to leave"

31. On or about November 10 through November 12, 2017, WALLACE and V2 had the following excerpted conversation, which led to V2 sending a nude image:

V2: "I'm out camping"

\*\*\*

V2: "I want to buy some goggles<sup>2</sup> but they are \$30 ☹"

\*\*\*

WALLACE: "Alright, you alone?"

---

<sup>2</sup> Goggles appear to be equipment for Microsoft Xbox Live games.

V2: "No"

WALLACE: "Family?"

V2: "Yes"

\*\*\*

WALLACE: "I guess you won't get any \$ [for sending photographs]"

V2: "Why"

V2: "I have a tent"

WALLACE: "Anyone can walk in ot"

\*\*\*

V2: "I'll tell them I'm changing"

\*\*\*

WALLACE: "No... I'll wait"

V2: "No no the goggles I want here only I'll try brb"

WALLACE: "Can you"

\*\*\*

V2: "If it's for money I'll do it"

\*\*\*

V2: "Do you have \$30?"

WALLACE: "I will tomorrow"

(V2 sent a nude image to WALLACE depicting a male's genitals with sperm coming out of an erect penis.)

\*\*\*

V2: "Can you send the \$30 please so I can buy the goggles"

WALLACE:

"I will... when you send a picture of YOU"

V2:

"What do you mean"

WALLACE:

"Of you coming"

V2:

"OK"

(V2 then sent another nude image to WALLACE depicting a close-up

photograph of sperm coming out of an erect penis.)

\*\*\*

WALLACE:

"If you're camping, how are you going to transfer the money"

V2:

"Send it to my dad"

\*\*\*

WALLACE:

"Is that his PayPal then?"

V2:

"Just send it to mine"

WALLACE:

"OK"

WALLACE:

"I sent it"

V2:

"Kyle"

V2:

"Tell me when you want to fuck because I'll make the

price kinda low because I kinda want your cock"

\*\*\*

V2: "hey uh got any more money for a Xbox card?"

WALLACE:

"Maybe ;)"

V2: "So whatcha want from me baby?"

WALLACE:

"Sexy stuff"

V2:

"Ok"

V2:

"What kind"

\*\*\*

V2:

"What did you have in mind?"

WALLACE:

"First your hot bubble butt"

V2:

"Can you do \$100 and I'll send a lot of pics or how much can u do?"

WALLACE:

"50"

V2:

"Ok for how many?"

WALLACE:

"6"

V2:

"Of?"

WALLACE:

"Sexy stuff. Like your butt, your dick, you in your undies, you fingering your butt"

\*\*\*

V2:

"Sorry it's taking a while it's because I am getting a lot of snaps"

WALLACE: "Ok"

(V2 sent WALLACE four images. One image depicts a nude male masturbating, one image depicts a close up photo of an anus, one image depicts a male's erect penis, and one image depicts a selfie photo of a young male exposing his buttocks.)

V2: "Anything else?"

\*\*\*

WALLACE: "Can I see you in your undies?"

V2: "Ok"

(V2 sent an image of himself to WALLACE, depicting a young male wearing only green underwear.)

WALLACE: "How come some of your pics, you have hair on your legs and some don't -\_-"

V2: "Old pics"

\*\*\*

WALLACE: "I love your but baby"

V2: "Thank you"

WALLACE: "I need to fuck it bad and your welcome"

V2: "Ok so \$50 right"

\*\*\*

WALLACE: "I get one more pic. I have 5."

\*\*\*

V2: "Of what tho"

WALLACE: "Do something sexy. Something that will make me really want to fuck your ass"

\*\*\*

WALLACE: "Give me a pic of your ass bent over with your cheeks spread and a caption that says fuck my boy hole"

V2: "I can't because I can't put a caption but I will do the first parts"

WALLACE: "Ok"

V2: "Well it's not what you asked but you said something that would make you want my ass so here it is"

(V2 sent an image to WALLACE depicting a close-up photo of a person wearing blue jeans with part of their buttocks exposed.)

\*\*\*

V2: "Is that ok?"

WALLACE: "It'll work. When I do decide to fuck you, I want you to wear those with no 'underpants'"

V2: "Ok"

WALLACE: "1 to 10, how bad do you want my dick"

V2: "6"

\*\*\*

V2: "Send me the code for the [Xbox Live] card"

V2: "Kyle?"

WALLACE: "Yes"

V2: "Can you buy the \$50 card"

\*\*\*

WALLACE: "Say you love me"

V2: "I love you Kyle"

WALLACE: "I love you too [V2]"

WALLACE: "WRFHX T4KFY Y6J3M CF2JH G9VYZ" [Gift card code]

My review of the Microsoft Xbox Live payment history did not reveal any suspicious payments on or near November 10 to November 12, 2017.

32. The final conversation between V2 and WALLACE occurred on or about November 29, 2017. V2 sent WALLACE a direct message on Instagram that stated, "After the next payment to me I'm probably gonna block you because the age difference and it's just I'm not that gay so it's starting to get uncomfortable and like if you find out where I live or something."

33. On or about November 20, 2018, Microsoft Corporation responded to an administrative subpoena with information regarding the Xbox Live account for user name "AsThickAsFire." According to Microsoft, the account was created

on or about June 1, 2012, and the customer name is Kyle WALLACE with an address of WALLACE's residence in Tampa, Florida.

34. WALLACE has no known criminal history.

#### **SEARCH OF WALLACE'S RESIDENCE**

35. On or about November 29, 2018, FBI agents executed a federal search warrant at WALLACE's residence in Tampa, Florida.

36. During the execution of the search warrant, among other things, FBI agents located and seized an LG cellular phone that contained child pornography images.

37. WALLACE participated in a consensual, non-custodial interview with law-enforcement agents. WALLACE admitted that he was user "drawinguitar" on Instagram and user "AsThickAsFire" on Xbox Live.

38. WALLACE admitted that he communicated with V1 and V2 online via Xbox Live and via direct messages on Instagram. WALLACE stated that he talked to V1 and V2 more than a year ago and last communicated with them a few months ago. WALLACE admitted that he knew V1 and V2 were minors, but claimed that he thought they were close to 18. WALLACE admitted that he attempted to persuade V1 and V2 to produce child pornography and agreed to send V1 and V2 Xbox Live gift cards in exchange for them sending him pornographic images of themselves. WALLACE stated that V1 and V2 sent him

pornographic images, but that he was not certain these images were child-pornographic images of V1 and V2. WALLACE stated that at one point, he discovered V2 had sent him images that V2 had taken from the Internet rather than images of V2, and WALLACE continued to request that V2 send him nude images of V2.

39. In addition to V1 and V2, WALLACE admitted to attempting to persuade three other minors (hereafter “V3,” “V4,” and “V5”) to produce child pornography and send it to WALLACE via the Internet.

40. WALLACE stated that approximately three or four years ago, when he was 18 or 19 years old and living near Ocala, Florida, he performed oral sex on a then eleven- or twelve-year old minor, V3. In or around 2016, WALLACE moved to Tampa, Florida. Sometime between in or around 2016 and in or around 2018, V3 told WALLACE that V3 needed money. WALLACE told V3 that if V3 sent WALLACE nude photographs, WALLACE would send V3 money. According to WALLACE, V3 sent him multiple nude photographs of V3, who was a minor, which WALLACE had received on his cell phone and then deleted.

41. FBI forensic examiners found three photographs of V3 on WALLACE’s LG cell phone. All three photographs depict the same pose, which is a close-up of a male pulling down a pair of green cargo shorts and exposing his

genitals in a lewd and lascivious manner. WALLACE identified the photographs as child pornography images depicting V3. Consistent with WALLACE's statements, the photographs had been deleted from WALLACE's cell phone.

42. WALLACE stated that starting approximately three years ago, WALLACE began communicating with V4 via Facebook Messenger. At the time, <sup>V4</sup>~~WALLACE~~<sub>crs</sub> was twelve years old. WALLACE stated that over the last three years, V4 sent him a "lot" of nude photographs. WALLACE stated that he had persuaded V4, whom WALLACE knew was a minor, to produce child pornography photographs for WALLACE in exchange for money. WALLACE claimed he had received these photographs on his LG phone and later deleted them. WALLACE stated that he had been communicating with V4 since V4 was approximately 12 years old.

43. FBI forensic examiners located numerous child-erotica photographs of V4 on WALLACE's phone. They also located numerous photographs depicting a young male's penis on WALLACE's phone, one of which WALLACE identified as V4. The child pornography image appears to be a selfie photograph from a downward camera angle of a young male's fully exposed genitals, which are depicted in a lewd and lascivious manner.

44. WALLACE stated that from an unknown date more than a year ago, he had persuaded V5, whom WALLACE believed was a minor, to produce

nude photographs for WALLACE in exchange for money. WALLACE claimed he had received these photographs on his LG phone and later deleted them. WALLACE stated that he last communicated with V5 approximately two weeks ago.

45. WALLACE stated that he has Asperger's and he claimed that he has the mindset of a younger child, which he indicated explains his offenses.

CONCLUSION

46. Based on the foregoing facts, there is probable cause to believe that Kyle WALLACE, committed violations of 18 U.S.C. §§ 2251(a) and 2252(d)(4).

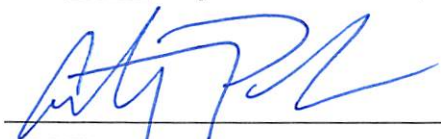
Further your affiant sayeth naught.



---

Charles Sloan, Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me  
this 29th day of November, 2018.



---

ANTHONY E. PORCELLI  
United States Magistrate Judge