

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of New Mexico

United States of America v. Michael D. Blackburn, Year of Birth: 1985 SSN: xxx-xx-2826 Defendant(s)

Case No.

Filed KBM 12/17/2013 at 9:06pm

13mj3868

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 03/01/2013 to 12/17/2013 in the county of Bernalillo in the Judicial District of New Mexico, the defendant(s) violated:

Table with 2 columns: Code Section, Offense Description. Includes Title 18, United States Code, Section 2251(a) and (e) and Title 18, United States Code, Section 2252(a)(2) and (b)(1).

This criminal complaint is based on these facts:

During a period on or about between March 1, 2013 to December 17, 2013 Michael D. Blackburn produced and distributed visual depictions of minors engaged in sexually explicit conduct in violation of Title 18, United States Code, Sections 2251(a) and (e) and 2252(a)(2) and (b)(1).

Continued on the attached sheet.

Handwritten signature of Ryan N. Breen

Complainant's signature

Ryan N. Breen, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: December 17, 2013

Handwritten signature of Karen Molzen

Judge's signature

City and state: Albuquerque, New Mexico

Karen Molzen, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Ryan Breen, being duly sworn, depose and state:

1. Your Affiant has been employed by the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) since December 26, 2010. Prior to employment with ICE/HSI, your Affiant was employed as a Federal Air Marshal stationed in both Boston, Massachusetts and as an Instructor for Federal Air Marshals in Artesia, New Mexico from May 2002 to December 2010. Your Affiant has also been employed as a Border Patrol Agent with United States Border Patrol stationed in Alamogordo, New Mexico from August 1997 to May 2002. During that time your Affiant was assigned as the Prosecutions Officer for the Alamogordo Station and as Task Force Officer assigned to the Drug Enforcement Administration in Las Cruces, New Mexico. Your Affiant is currently assigned to the Office of the Assistant Special Agent in Charge, Albuquerque, where it is your Affiant's primary duty to investigate individuals involved in the exploitation of minors including violations of Title 18, United States Code, Section 2252.

2. Your Affiant has successfully completed twelve weeks of Criminal Investigator training at the Federal Law Enforcement Training Center (FLETC). In addition, your Affiant completed twelve weeks of Special Agent training with HSI, also at FLETC. Your Affiant has received various training in investigating and enforcing federal child pornography and exploitation laws in which computers and computer related media are used as the means for receiving, transmitting, distributing, transporting, storing, and possessing images of minors engaged in sexually explicit conduct (hereafter referred to as "child pornography"). Since October 2012, your Affiant has been a part of the Albuquerque Internet Crimes Against Children (ICAC) Task Force in Albuquerque, New Mexico. The Albuquerque ICAC is a cooperative

effort of members from the New Mexico Attorney General's Office (AGO), the HSI Albuquerque office and other law enforcement agencies, whose purpose is to investigate criminal violations of both federal and state child pornography and child exploitation laws. Your Affiant has worked child pornography and child exploitation investigations and has been trained in the investigation of computer related child exploitation and child pornography cases, including Title 18, United States Code, Section 2252. In addition, Your Affiant has participated in searches of premises, and assisted in the gathering of evidence by means of a search warrant. Your Affiant has had the opportunity to observe and review numerous examples of child pornography in many forms of media including video and photographs on computers and computer-related media.

3. This Affidavit is made in support of a criminal complaint charging MICHAEL DAMEON BLACKBURN with violating 18 U.S.C. §§ 2251(a) and (e), which makes it a crime to produce and attempt to produce child pornography, and 18 U.S.C. §§ 2252(a)(2) and (b)(1), which makes it a crime to distribute and attempt to distribute child pornography.

4. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child pornography.

5. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of 18 U.S.C. §§ 2251(a) and (e), as well as 18 U.S.C. §§ 2252(a)(2) and (b)(1) has been committed by MICHAEL DAMEON BLACKBURN between on

or about March 2013 through December 15, 2013. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.

6. On November 15, 2013, Homeland Security Investigations (HSI) Albuquerque, New Mexico received information from the Cyber Crimes Center (C3) of a possible victim identification lead that was associated with the Albuquerque Area of Responsibility. C3 sent an image that was discovered during a separate investigation. Based on the exif data¹ from the image, it appeared that the image was taken at the Aspens Apartment Complex, located at 9677 Eagle Ranch Road NW, Albuquerque, New Mexico 87114. The image depicted a nude adult male with his penis partially inserted into a prepubescent minor's vagina.

7. Based on the above information, agents from HSI Albuquerque attempted surveillance on the apartments that were associated with the GPS location determined by the exif data. On November 18, 2013, affiant and SA Christina Altamirano conducted surveillance on the property. Based on GPS coordinates, the apartments located in the north-west part of building five were the primary targets, these being apartments 515 and 525. No further information was determined at that time.

8. On November 20, 2013, affiant and SA Altamirano again conducted surveillance. It was observed that numerous children lived in the buildings surrounding building 5, however, none were observed coming or going from building 5 during the surveillance.

9. On November 26, 2013, affiant and SA Altamirano spoke to a resident representative of the property concerning the residents of the identified apartments during the

¹ Based on my training and experience, I know that exif data stands for "exchangeable image file format" and is a standard that specifies the formats for images, sound, and ancillary tags used by digital cameras (including smartphones), scanners and other systems handling image and sound files recorded by digital cameras. This information can reveal, among other things, the GPS coordinates of where an image was produced.

timeframe the photograph's exif data showed. Based on the exif data, agents believed the picture was taken in May of 2013. During that time the apartments were occupied by different tenants than are currently residing in them.

10. On December 10, 2013, HSI Albuquerque with assistance from Bernalillo County Sheriff's Office, conducted interviews of the residence in building 5 located at the Aspen Apartments. During the interviews it was brought to the investigators attention that a family that had lived in apartment 514 had a daughter that was the approximate age of the prepubescent minor depicted in the image. During further questioning of residents and management staff, the apartment's former tenants were identified. It was also determined that a couple with two minor children also lived in the apartment.

11. On December 13, 2013, affiant received further information from C3 with an additional image showing similar GPS coordinates as the first image. In this image a prepubescent female child is shown with her legs lifted and her vagina and anus are spread for display to the camera. Also visible in this image is the face of the child. The exif data from this image showed the creation date as July 14, 2013 at 10:13 p.m..

12. On December 13, 2013, SA Breen returned to the Aspen Apartments and spoke with management, who identified the sanitized image of the child's face as being that of the minor female that lived in apartment 514. Based on that information, HSI conducted a background investigation on the identified parents of the child, who law enforcement had already determined were living in apartment 514 at the times and dates that the images appeared to have been taken. That background check showed that those subjects now possibly resided at the address of 5601 Wyoming Blvd. NE.

13. On December 17, 2013, affiant along with HSI SA Bonza, SA Altamirano, SA

Langer, and Albuquerque Police Detectives J. Hawkes and J. Storey conducted a “knock and talk” at 5601 Wyoming Blvd. NE. Once at the residence Detective Storey made contact with MICHAEL DAMEON BLACKBURN and two young children, a two year old girl (“Victim 1”) and a two year old boy (“Victim 2”). It was verified that the same individuals who had been identified as being the parents of the two young children from apartment 514 were in fact the biological parents of Victims 1 and 2. Victims 1 and 2’s parents were out of town at the time law enforcement made contact.

14. Two other adults were also living at the Wyoming residence when law enforcement made contact. Both individuals stated that they have been living at this residence for approximately six weeks. They stated to detectives that the two young children were always running around the residence nude and that BLACKBURN was often the caretaker for both of the children. They confirmed that both children had displayed signs of sexual behavior not normal for their age. They stated that Victim 1 is often rubbing toys on her vaginal area and simulating fellatio on phallic type objects. The adults also stated that Victim 2 has been seen putting toys into his anal area.

15. One of the adult residents also stated to detectives that on Saturday, December 14, 2013, the children’s parents had left out of town. The adult resident stated that, on that same day, BLACKBURN took both Victims 1 and 2 upstairs for a nap. The adult resident added that this was not their usual nap time. The adult resident received a phone call from the children’s parents, at which time they asked to speak with BLACKBURN. The adult resident stated that she went upstairs to the bedroom that BLACKBURN shares with both children—where he had taken them for their nap—to take him the phone. The adult resident noticed that the door was locked, and stated that she could hear what sounded like Victims 1 and 2 crying and saying “no”.

The adult resident also stated that she has heard screaming and crying coming from the room that BLACKBURN shares with Victims 1 and 2 during the night.

16. BLACKBURN was interviewed by affiant, Detective J. Storey and HSI agents on scene. During the interview BLACKBURN gave Special Agent M. Langer written consent to look at his cell phone. A preview was conducted of BLACKBURN's cell phone on scene at which time two digital photographs were viewed. The first photograph depicted Victim 2 laying on a toddler bed posed in a sexual manner. The second photograph depicted Victim 1 sitting on a toddler bed, performing oral sex on a nude adult male's penis. The visible portion of the adult male's body appeared consistent with that of BLACKBURN. Both photos appeared to be taken in the upstairs bedroom that BLACKBURN shares with Victims 1 and 2, which is located at 5601 Wyoming Blvd NE Albuquerque, NM 87109.

17. BLACKBURN was transported to Main Police Station to be interviewed. BLACKBURN was advised of his Miranda rights and agreed to speak to Detective T. Sabaugh. BLACKBURN stated that he has lived with the children and their parents since March of 2013, and that he has been sexually abusing Victims 1 and 2 since that time. BLACKBURN admitted to having sexual contact with both Victims 1 and 2 approximately twice a week since March 2013. BLACKBURN admitted that the sexual acts include digital penetration of the children as well as penetrating Victims 1 and 2 with his penis. BLACKBURN stated that he performs oral sex on both children and that he has had both children perform oral sex on him as recently as December 15, 2013. BLACKBURN stated that he also has Victims 1 and 2 perform oral sex on each other.

18. During the interview, SA Breen asked BLACKBURN about the images that were seen on his phone. BLACKBURN stated that he had taken pictures of Victim 1 and 2 almost

every time that he sexually assaulted them. BLACKBURN was then shown pictures that were printed from the phone that appeared to be Victim 1. BLACKBURN confirmed that the image was Victim 1 sucking his penis and that he took the picture. BLACKBURN was then shown two similar pictures and confirmed that they were taken at the same time and that they were of Victim 1 at different times during the same sexual assault. The pictures depict Victim 1 sucking BLACKBURN's penis.

19. BLACKBURN also stated that he had emailed a video that he had created from this incident to another individual. BLACKBURN was shown another image that appeared to be of Victim 1 sucking on the penis of Victim 2. BLACKBURN stated that he had taken the picture and then emailed the picture to another individual. BLACKBURN signed and dated the photo. BLACKBURN was shown a picture of what appeared to be Victim 2 trying to penetrate Victim 1 from behind. The children are shown bent over a couch and are looking at the camera. BLACKBURN stated that he was directing the children because he wanted it to appear as though they were having sex. BLACKBURN admitted to taking the photo about three weeks prior to today's date. BLACKBURN then signed and dated the photo. BLACKBURN was shown an image of Victim 2 with his legs spread not wearing pants. The focus of the image is on Victim 2's penis. BLACKBURN admitted to having taken that picture as well. BLACKBURN then signed and dated the image.

20. Based upon the foregoing information contained in this affidavit, your Affiant has probable cause to believe that during a period ranging from approximately March 2013 to December 17, 2013, MICHAEL DAMEON BLACKBURN produced and distributed depictions of minors, to include prepubescent children, engaged in sexually explicit conduct in violation of 18 U.S.C. §§ 2251(a) and (e), which makes it a crime to produce and attempt to produce child

pornography, and 18 U.S.C. §§ 2252(a)(2) and (b)(1), which makes it a crime to distribute and attempt to distribute child pornography. Therefore your Affiant respectfully request this court issue a criminal complaint and arrest warrant in this matter.

Prosecution of BLACKBURN was approved by Assistant United States Attorney Glynette Carson-McNabb.

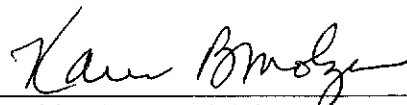
I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

FURTHER AFFIANT SAYETH NOT.



Ryan Breen
Special Agent
Department of Homeland Security
Homeland Security Investigations

Subscribed and sworn before me this 17th day of December 2013 at 9:06 hours.



Honorable Karen B. Molzen
United States Magistrate Judge

Affiant, Ryan Breen