

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the Southern District of Florida

United States of America)

v.)

DONALD BARTLING)

Case No. 11-3690-White

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 12-08-11 in the county of Miami-Dade in the Southern District of Florida, the defendant violated 18 U. S. C. § 2252(a)(4), an offense described as follows:

knowingly possessing, and accessing with intent to view, matter, which contains any visual depiction that has been transported using any means and facility of and affecting interstate and foreign commerce, and the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such visual depiction is of such conduct.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet.

Emily Shoupe
Complainant's signature

Emily Shoupe, Special Agent, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/09/2011

Patrick A. White
Judge's signature

City and state: Miami, Florida

U.S. MAGISTRATE JUDGE PATRICK A. WHITE
Printed name and title

AFFIDAVIT

I, Emily A. Shoupe, Special Agent with Homeland Security Investigations (“HSI”), having been first duly sworn, do hereby depose and state as follows:

1. I am a law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code. That is, I am an officer of the United States who is empowered by law to conduct investigations of, and make arrests for, offenses enumerated in Title 18, United States Code, Sections 2422, 2423, 2251, and 2252, et seq.

2. I have been employed as a Special Agent with HSI since May 2009. As a federal agent, I have participated in investigations of persons suspected of violating federal child pornography laws, including Title 18, United States Code, Sections 2251, 2252 and 2252A. These investigations have included the use of surveillance techniques, undercover activities, the interviewing of subjects and witnesses, and the planning and execution of arrest, search, and seizure warrants. In the course of these investigations, I have reviewed hundreds of still images and videos containing child pornography and images depicting minor children engaged in sexually explicit conduct on all forms of electronic media including computers, digital cameras, and wireless telephones, and have discussed and reviewed these materials with other law enforcement officers. I have also participated in training programs for the investigation and enforcement of federal child pornography laws relating to the use of computers for receiving, transmitting, and storing child pornography. As a federal agent I am authorized, under Title 18, United States Code, Section 3056, to conduct investigations of and execute warrants for offenses involving the exploitation of children, including those offenses enumerated in Title 18, United States Code, Sections 2422, 2423, 2251, and 2252, et seq.

3. The information contained in this affidavit is based upon my investigation of this matter as well as my training and experience, and the training and experience of other law

enforcement officers. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause in support of the criminal complaint against Donald Bartling, it does not contain all of the information known to me or other law enforcement officers.

4. On October 25, 2011, I conducted an undercover online investigation into the sharing of child pornography over the internet using a Peer to Peer (P2P) sharing program on the Gnutella network. Using a law enforcement tool that provides the geographic locations associated with IP addresses, I identified a subject assigned IP address 76.109.238.219 (hereinafter "the target IP address") who was actively sharing files over the Gnutella network. I observed that the user of the target IP address was sharing approximately 566 files containing SHA1 values associated with child pornography.¹

5. On October 25, 2011, I downloaded two of the shared files from the user of the target IP address. After reviewing these files, I determined, based on my training and experience, that they depicted children engaged in sexually explicit conduct and/or sexual poses, consistent with child pornography. A list and description of the downloaded files is as follows:

a. (Pthc) (Ptsc) Bibcam - 10Yo Noelle.avi: This five minute and 18 second video depicts a female child, who appears to be under the age of 12, lasciviously displaying her pubic region.

b. Bibcam - 11Yo Lulboy 8m54S.avi: This eight minute and 54 second video depicts a male child, who appears to be under the age of 12, lasciviously displaying his genitals.

6. Further investigation indicated that the target IP address had been assigned by

¹ "SHA1" refers to a file encryption method known as Secure Hash Algorithm Version 1. All files on the Gnutella network are processed through the SHA1 method, resulting in a digital signature unique to that digital file. Much like a fingerprint, this unique digital signature can be compared to ensure that two files are exactly the same. Law enforcement makes use of the SHA1 signature for known movies or images of child pornography to identify the computers that are trading in those movies or images. Each copy of a specific image of child pornography will have the same SHA1 signature.

Comcast Cable Communications to "J.B." at a residence in Miami, Florida (hereinafter, the "Target Residence").

7. On December 5, 2011, Magistrate Judge Patrick A. White signed a search warrant authorizing the search of the Target Residence, including any computers and storage media located therein for any visual depictions, including still images, videos, films or other recordings of child pornography or minors engaged in sexually explicit conduct.

8. On December 8, 2011, law enforcement arrived at the Target Residence to execute the search warrant. After questioning the Target Residence's occupants, law enforcement determined that Donald Bartling and his brother are the only people who live in the Target Residence. A forensic preview of a desktop computer revealed over twenty video files depicting child pornography, including the files downloaded by law enforcement on October 25, 2011. This desktop was located in an office attached to Donald Bartling's bedroom.

9. Bartling was advised of his Miranda rights, which he waived both orally and in writing. Bartling stated that he had been downloading child pornography for approximately 3-5 years, and believes he has over 1,000 movie files depicting child pornography saved on his computer. Bartling also stated, among other things, that he has a bachelor's degree in information technology and that he is in the process of getting a master's degree in management information systems. He further stated that his brother does not know how to use a computer and is "computer illiterate," which his brother confirmed.

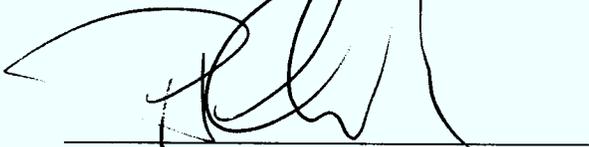
10. Based upon the files of child pornography found on the desktop computer on December 8, 2011, I submit that there is probable cause to believe that Bartling did knowingly possess matter, that is, computer files stored on a computer hard drive and storage media, that contained any visual depiction that had been shipped and transported using any means and facility of interstate and foreign commerce, and the production of which involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct, in violation of Title 18, United States Code, Section 2252(a)(4)(B).

FURTHER YOUR AFFIANT SAYETH NOT.



Emily A. Shoupe
Special Agent
Homeland Security Investigations

Sworn and subscribed to before me
this 9th day of December, 2011.



PATRICK A. WHITE
UNITED STATES MAGISTRATE JUDGE