

FILED
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FILED UNDER SEAL PURSUANT TO THE E-GOVERNMENT ACT OF 2002

AFFIDAVIT IN SUPPORT OF APPLICATION
FOR ISSUANCE OF A CRIMINAL COMPLAINT

4:16mj28

I, Stacey A. Sullivan, being first duly sworn state:

EXPERIENCE AND TRAINING OF AFFIANT

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been since October 2008. As part of my daily duties as an FBI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of Title 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography, as defined in Title 18 U.S.C. § 2256(8), in all forms of media including computer media.
2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

PERSON TO BE ARRESTED

3. This affidavit is being made in support of an application for an arrest warrant for **MARK ANTHONY LOWE** for two counts of Aggravated Sexual Abuse with Children, in violation of Title 18 U.S.C. § 2241(c).
4. Your affiant has assisted in the investigation of the offenses described in this affidavit. As a result of your affiant's participation in this investigation and a review of reports made by other law enforcement officers, your affiant is familiar with the circumstances of this on-going investigation. I have not included each and every fact known to me in this affidavit, but only the facts I believe are

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necessary to establish probable cause to believe **MARK ANTHONY LOWE** committed violations of Title 18 U.S.C. §§ 2241(c).

STATUTORY AUTHORITY

5. Title 18 U.S.C. § 2241(c) prohibits a personin the special maritime and territorial jurisdiction of the United States....knowingly engages in a sexual act with another person who has not attained the age of 12 years.... or attempts to do so, shall be fined under this title and imprisoned for not less than 30 years or for life.

6. Title 18 U.S.C. §2246 (2) states “ the term sexual act” means-

- (A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however, slight;
- (B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;
- (C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or
- (D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

BACKGROUND OF THE INVESTIGATION

7. On December 28, 2015, the United States Air Force, Office of Special Investigations (AFOSI) requested the assistance of the Norfolk FBI to assist in an investigation regarding

LOWE, 62 years old, who sexually assaulted a six (6) year old minor female, Jane Doe, on Langley Air Force Base in Hampton, Virginia. Jane Doe is a relative of **LOWE's**. AFOSI received information from G.L., also a relative of **LOWE's** and Jane Doe, who reported that **LOWE** sexually assaulted Jane Doe on the evenings of December 24 and December 25, 2015, in G.L.'s home located on Langley Air Force Base.

8. Your affiant met with G.L., who told your affiant that on the morning of December 26, 2015, he asked Jane Doe if **LOWE** had touched her vagina. Jane Doe responded **LOWE** licked her "tutu", Jane Doe's word for vagina, and asked if he could stick his (referring to **LOWE's** penis) in her "tutu". Jane Doe told **LOWE** no.

9. On December 26, 2015, G.L. took Jane Doe to the emergency room at Langley Air Force Base hospital for examination. G.L. was redirected to Riverside Hospital in Newport News, Virginia, for a SANE (Sexual Assault Nurse Examiner) examination of Jane Doe.

10. **LOWE** sent G.L. two text messages on December 26, 2015, which read; "Please at least let me take care of my mother on her final days. I don't deserve to ask. But please let me take care of her." A few hours later, **LOWE** texted G.L., "After eating in coming back to your place, would you not beat me up. Although I would expect it."

11. On December 28, 2015, Jane Doe was forensically interviewed at the Children's Hospital of King's Daughters (CHKD) where she reported **LOWE** licked her "tutu" and asked if he could stick his in her "tutu".

12. On December 30, 2015, your affiant met with Langley emergency room nurses S.M. and C.T. who first encountered G.L. and Jane Doe on December 26, 2015. S.M. and C.T. advised G.L. reported **LOWE** had performed oral sex on Jane Doe by licking her vagina. When asked, Jane Doe confirmed **LOWE** had licked her "tutu". C.T. advised your affiant that **LOWE's** wife

came to the emergency room shortly after G.L. and Jane Doe's arrival and demanded to speak with them. G.L. refused to talk to her.

13. On January 7, 2016, your affiant met with a SANE nurse examiner, E.W., at Riverside Regional Medical Center. E.W. provided the sexual assault forensic report of Jane Doe and told your affiant Jane Doe reported to the nurse examiner that **LOWE** touched and licked her on her private parts. He also rubbed his penis. Jane Doe was examined by a SANE Nurse and the examination revealed that there were no signs of injury to her vaginal area.

14. **LOWE** is a convicted sex offender from Tarrant County, Texas. His previous convictions were in September 1993 for two counts of Aggravated Sexual Assault of a Child under 14 years of age, one count of indecency with a child-contact, and one count of Sexual Assault of a Child under 17 years of age. He was placed on 10 years of supervised probation. G.L. informed your affiant that the victim in the former case was another relative of **LOWE's** who was under the age of 14. **LOWE** is currently not on probation.

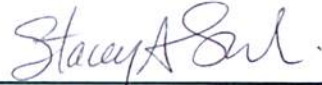
15. Langley Air Force Base is in the special maritime and territorial jurisdiction of the United States and is located within the Eastern District of Virginia.

CONCLUSION

16. Based on the information and evidence set forth above, I respectfully submit that there is probable cause to believe that **MARK ANTHONY LOWE** has committed the following offenses: on or about December 24, 2015, and December 25, 2015, in the Eastern District of Virginia, in the special maritime and territorial jurisdiction of the United States did knowingly engage in a sexual act with another person who has not attained the age of 12 years, to wit; Jane Doe, age six (6) years old, in violation of Title 18 U.S.C. § 2241(c).

17. Accordingly, I request that a warrant be issued authorizing the arrest of **MARK ANTHONY LOWE** on two counts of Title 18 U.S.C. § 2241(c).

FURTHER YOUR AFFIANT SAYETH NOT.



Stacey A. Sullivan
Special Agent
Federal Bureau of Investigation

Sworn to before me this 10th day of February 2016.



United States Magistrate Judge
Eastern District of Virginia

ROBERT J. KRASK
UNITED STATES MAGISTRATE JUDGE

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