

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America

v.

Kyle Dale Ritsema

Defendant(s)

Case No.

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 2/14/18 in the county of Pinellas in the Middle District of Florida, the defendant(s) violated:

Code Section 18 U.S.C. §§ 2251, 2252(a)(2) and (a)(4)(B). Offense Description Possession, production, and distribution of child pornography.

This criminal complaint is based on these facts:

See attached Affidavit.

Continued on the attached sheet.

S/A Terri Botterbusch HSI Complainant's signature

Terri Botterbusch, Special Agent (HSI) Printed name and title

Sworn to before me and signed in my presence.

Date: February 14, 2018

AMANDA A. SANSONE Judge's signature

City and state: Tampa, Florida

AMANDA A. SANSONE, U.S. Magistrate Judge Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Terri Botterbusch, a Special Agent with Homeland Security Investigations (HSI), being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (hereinafter "HSI"). I have been employed with HSI for over thirteen years. I am currently assigned to HSI, Special Agent in Charge (SAC), Tampa, Florida. I have investigated matters involving the online exploitation of children, particularly in relation to violations of Title 18, United States Code, Sections 2422(b), 2251, 2252, and 2252A, which criminalize the use of a facility of interstate/foreign commerce to attempt to knowingly persuade, induce, entice, and coerce a person who had not yet attained the age of 18 to engage in sexual activity for which any person can be charged with a criminal offense, and the production, possession, receipt, and transmission of child pornography. I have made arrests and conducted searches pertaining to these types of investigations. I have attended specialized courses involving computers and child exploitation.

2. As a Special Agent, I am authorized to investigate violations of the laws of the United States and to execute arrest and search warrants issued under the authority of the United States. I have received training for online

undercover investigations involving child exploitation and have participated in numerous investigations involving child pornography.

I. SUMMARY

3. This affidavit is submitted in support of an application for a criminal complaint and arrest warrant for Kyle Dale RITSEMA. This affidavit does not set forth every fact resulting from the investigation; rather, it sets forth facts sufficient to establish probable cause to believe that Kyle Dale RITSEMA committed violations of 18 U.S.C. §§ 2251, 2252(a)(2) and (a)(4)(B), production, distribution and possession of child pornography. As discussed further below, RITSEMA used cellular and digital devices with internet and mobile computing capabilities to connect to the internet to produce, distribute and possess images depicting child pornography. I am requesting that the Court issue an arrest warrant for Kyle Dale RITSEMA based upon the following information that I have learned in my official capacity, by firsthand observations, as well as by receiving information from federal, local and foreign law-enforcement in reference to this investigation.

II. BACKGROUND

4. In November 2017, a Federal Grand Jury in the Middle District of Florida indicted an individual ("Defendant 1") for having distributed and having possessed child pornography, in violation of 18 U.S.C. §§

2252(a)(2) and (a)(4)(B). This investigation has revealed that Defendant 1 had used a variety of internet platforms to distribute, receive and possess child pornography. On multiple occasions, Defendant 1 engaged in sexually explicit conversations (using the internet-communication applications Kik and Skype) regarding his sexual interest in children and his access to live children.

5. In or about October 2017, law-enforcement officers executed a federal search warrant at the Defendant 1's residence. As a result of the federal search warrant, several electronic-storage devices belonging to the Defendant 1 were seized for further forensic examination.

6. The forensic examination of the Defendant 1's iPhone revealed hundreds of "chat" messaging conversations between the Defendant 1 and numerous other individuals. Some of these conversations involved the exchange of child-exploitation material and discussed having sexual intercourse with children.

7. One of the SMS/text messaging conversations forensically extracted from the Defendant 1's iPhone is summarized further below. The Defendant 1's iPhone phone number has been identified (per his own admission and through legal process) as 727-XXX-6576. I have determined (by way of a summons to AT&T) that phone number 727-

XXX-6554, listed below as “Kyle,” belongs to a person named Kyle Ritsema (“RITSEMA”). The conversations between RITSEMA and Defendant 1, portions of which are detailed below, suggest a mutual interest in child pornography and hands-on abuse of minors in the community.

III. PROBABLE CAUSE

8. As noted above, RITSEMA and Defendant 1 communicated via SMS/text messaging from their cellular phones from 2014 until early 2016. On or about January 12, 2014, the following text messages took place between RITSEMA and Defendant 1:

Kyle 1/12/2014 15:50(UTC+0)

Hey

Kyle 1/12/2014 15:50(UTC+0)

Enjoying bfast

Defendant 1 1/12/2014 16:13(UTC+0)

I ended up not going to breakfast i'm making something at home.

Kyle 1/12/2014 16:13(UTC+0)

Awe. Then you should've come over!!

Kyle 1/12/2014 16:14(UTC+0)

Or I can come to you ;-)

Kyle 1/12/2014 16:14(UTC+0)

Ok. Now?

Defendant 1 1/12/2014 16:15(UTC+0)

I could swing by I'm going to go to work out after I'm done having a little fun with you

Defendant 1 1/12/2014 16:15(UTC+0)

No not yet I'm just about to eat breakfast right now I will text you when I'm get ready to leave. I should be leaving here probably around 1135-ish

Kyle 1/12/2014 16:16(UTC+0)

Ok. That's not too long from now

Defendant 1 1/12/2014 16:19(UTC+0)

Nope not too long I'll text you when I leave my house. I live near the corner of Little Road & Trinity Boulevard

Kyle 1/12/2014 16:20(UTC+0)

Oh wow. You're pretty close. Need my address?

Kyle 1/12/2014 16:21(UTC+0)

What gym do you go to?

Kyle 1/12/2014 16:21(UTC+0)

2950 westmoreland ct

Defendant 1 1/12/2014 16:22(UTC+0)

Yes send me your address. I go to family fitness off little & old 54

Defendant 1 1/12/2014 16:40(UTC+0)

On my way

Defendant 1 1/12/2014 16:47(UTC+0)

Do you have a white car in the driveway question

9. As RITSEMA and Defendant 1's relationship evolved, their conversations became more graphic in nature. Both began to share details of their shared sexual interest in children.

10. One such instance occurred on or about March 21, 2015, when RITSEMA and Defendant 1 exchanged the following text messages:

Defendant 1 3/21/2015 08:46(UTC+0)

Very good! Had fun

Kyle 3/21/2015 08:46(UTC+0)

Me too. Thanks for goin!

Kyle 3/21/2015 08:46(UTC+0)

We'll have to do it again.

Kyle 3/21/2015 02:50(UTC+0)

IMG_4377.png

Defendant 1 3/21/2015 15:41(UTC+0)

Mmmm ;) hot man!

Kyle 3/21/2015 16:42(UTC+0)

I made him cum twice. He fucked me

Defendant 1 3/21/2015 15:42(UTC+0)

Damn

Kyle 3/21/2015 15:42(UTC+0)

IMG_4161.JPG

Defendant 1 3/21/2015 15:42(UTC+0)

Never chatted with him just saw him online

Kyle 3/21/2015 15:43(UTC+0)

IMG_4162.JPG

Defendant 1 3/21/2015 15:43(UTC+0)

Damn

Defendant 1 3/21/2015 15:43(UTC+0)

How old is he

Kyle 3/21/2015 15:46(UTC+0)

I think 15

Defendant 1 3/21/2015 15:46(UTC+0)

Mmmm ;)

Defendant 1 3/21/2015 15:46(UTC+0)

I almost messaged him but was to tired, lol

Kyle 3/21/2015 15:46(UTC+0)

Yeah. It's not him. This is the kid from [local high school]

Defendant 1 3/21/2015 15:47(UTC+0)

Oh, which one was that

Defendant 1 3/21/2015 15:47(UTC+0)

Oh I think I remember

Defendant 1 3/21/2015 15:48(UTC+0)

That's hot man!!

Defendant 1 3/21/2015 15:48(UTC+0)

Someone else

Defendant 1 3/21/2015 15:48(UTC+0)

Lol

Kyle 3/21/2015 15:48(UTC+0)

IMG_4160.JPG

Kyle 3/21/2015 15:48(UTC+0)

IMG_4158.JPG

Defendant 1 3/21/2015 15:49(UTC+0)

That's hot man

Defendant 1 3/21/2015 15:50(UTC+0)

The boy Steven I play with can't come back to my house cause he can't be gone long. Have to play at the park or side of the house, lol

Kyle 3/21/2015 15:55(UTC+0)

IMG_4163.JPG.jpeg

Defendant 1 3/21/2015 15:56(UTC+0)

Damn he's sexy

Defendant 1 3/21/2015 15:57(UTC+0)

IMG_3148.png

Defendant 1 3/21/2015 15:57(UTC+0)

[Victim S]

Kyle 3/21/2015 16:01(UTC+0)

Oh. Gotcha

Kyle 3/21/2015 16:02(UTC+0)

My guy came while I fuckrf him and while he fucked me

Kyle 3/21/2015 16:02(UTC+0)

Stayed hard the entire time

Defendant 1 3/21/2015 16:02(UTC+0)

Hope you boys get to play ;)

Defendant 1 3/21/2015 16:03(UTC+0)

I bet man! ;)

Defendant 1 3/21/2015 16:07(UTC+0)

Can't believe I'm horny again

Defendant 1 3/21/2015 16:07(UTC+0)

Lol

Kyle 3/21/2015 16:08(UTC+0)

I couldn't pass up that boy. And he usually only meets late at night so it was perfect

Kyle 3/21/2015 16:08(UTC+0)

That was only the second time he's ever topped. First time he came from it

Kyle 3/21/2015 16:08(UTC+0)

Just dropped him off. That car pic I took right when I sent it

Defendant 1 3/21/2015 16:09(UTC+0)

Nice ;) you guy play this morning

Defendant 1 3/21/2015 16:09(UTC+0)

Guys

Defendant 1 3/21/2015 16:10(UTC+0)

Mmmmm, hot!!!

Kyle 3/21/2015 16:10(UTC+0)

Yes. I still want to play more

During this conversation, on or about March 21, 2015, RITSEMA sends Defendant 1 five images of a juvenile male. Based on my training and experience, four of the images are child pornography. IMG_4161.JPG depicts the genitals and the anus of a male child, approximately 14–15 years old. The face on the individual depicted in this image is not visible. IMG_4162.JPG is an image of a nude male child. The child is standing upright nude. The face on the individual depicted in this image is not visible and the image shows the collarbone area down to the mid-thigh area. At least one mole can be seen on the child's left oblique, below his nipple but above his belly button. IMG_4160.JPG is an image of a nude male child with a partially erect penis. The face on the individual depicted in this image is not visible. IMG_4158.JPG is of a nude male child lying on a bed. There is a hand visible in the image that is touching the child's inner thigh. The child's face is not visible. IMG_4163.JPG.jpeg is an image of a male child sitting in a vehicle facing forward. A profile of this child is visible. This child has been identified as child victim B.N.C. (DOB: 06/XX/2000). All five images distributed by RITSEMA to Defendant 1 on or about March 21, 2015, via SMS/text message, are of child victim B.N.C. B.N.C. would have been 14 years old at the time of this communication. That same day, RITSEMA also sends [Defendant 1] IMG_4377.png. That image shows RITSEMA's smiling face.

11. Based on the communication to and from the phone number, belonging to “Kyle,” I entered that phone number into the Facebook search toolbar. Facebook linked “Kyle’s” phone number to a Facebook profile belonging to “Kyle Ritsema.” The Facebook profile belonged to a white male who matches the photograph that RITSEMA sent Defendant 1, described above. The person appears to be the same individual known in the SMS/text as “Kyle.” RITSEMA is employed as a vice principal at Cypress Creek Middle High School in Pasco County, Florida.

12. On or about November 27, 2017, the Florida Department of Revenue responded and confirmed that RITSEMA is currently employed by the District School Board of Pasco County and has been so since approximately 2006. RITSEMA was employed by the YMCA (The Young Men’s Christian Association) from approximately 2009–2013. Moreover, before RITSEMA took his job as the Vice Principal at Cypress Creek Middle High School, he was the Assistant Principal at Pine View Middle School and a math teacher at Paul R. Smith Middle School—both located in Pasco County, Florida.

13. On or about January 8, 2018, I reviewed the summons results provided by AT&T for RITSEMA’s cell phone number. I reviewed SMS/text messages records for the date of March 21, 2015, looking for communication to a phone number that could assist in the identification of a 15-year-old child victim that

RITSEMA communicates about to Defendant 1. On this date, I observed RITSEMA text message a phone number multiple times. As a result, I accessed an undercover Facebook account and utilized the Facebook search tool, entering the phone number communicating with RITSEMA. Upon doing this, Facebook linked the profile for now-identified child victim B.N.C. I reviewed this Facebook profile and was able to observe the High School that B.N.C. attends as well as numerous pictures of B.N.C. I believe B.N.C. is the same child victim that RITSEMA communicates about and distributes child pornography of on or about March 21, 2015. I also determined that B.N.C.'s birth date is 06/XX/2000, making B.N.C. 14 years-old at the time of the communication. An additional review of the AT&T summons results of RITSEMA's phone number revealed numerous SMS/text message traffic between RITSEMA and B.N.C. from approximately November 2014 through June 2015.

Federal Search Warrant

14. Based in part on the information provided above, on February 7, 2018, this Court granted a search warrant for both RITSEMA's current residence and for his current cell phone, an iPhone.

15. On February 13, 2018, myself and an FDLE Special Agent conducted a non-custodial interview of Kyle Dale RITSEMA at Cypress

Creek Middle High School where RITSEMA is employed as an assistant principal. During this consensual interview, RITSEMA provided identifying information, confirming his full name, date of birth, last four of his social security number and his current address. RITSEMA confirmed his current phone number and stated that he has an iPhone 6 with fingerprint biometrics. RITSEMA told law enforcement that prior to living at his current address, he lived on E. Palm Ave. Tampa, Florida, for two years, beginning in approximately 2015. Before that, he resided on West Mooreland Ct. New Port Richey, Florida, in a villa that he owns and currently rents out.

16. During this interview, RITSEMA told the agents his employment history with Pasco County Schools. He stated he started at Paul R. Smith Middle School in Holiday, Florida, in approximately 2006 and was employed as a Math Teacher/ Math Coach. He said that he was the Math Coach (for two years) at Gulf Highland Elementary School in New Port Richey, Florida. He said that he taught math at Seven Springs Middle School and then was at River Ridge Middle School as an Assistant Vice Principal Intern. RITSEMA stated that he is currently employed as one of the four Assistant Vice Principals at Cypress Creek Middle High School since its opening in March 2017.

17. RITSEMA was asked about this text communications with Defendant 1 that discussed his request for Defendant 1 to bring over child pornography and said that he remembers the text communication and that Defendant 1 was “into it,” but told us that Defendant 1 never brought him a CD with child pornography. “He had stuff and I’d never seen it or ever seen anything so I asked to see it.” RITSEMA recalled one video of a very young boy, maybe five years old. RITSEMA stated that Defendant 1 did show him child pornography videos on his laptop while at Defendant 1’s townhouse. RITSEMA told the agents that he never had child pornography.

18. The agents then showed RITSEMA an image of an identified child victim referred to above as B.N.C. and asked him who he was. RITSEMA told the agents that he did not know his name but that he was someone he hooked up with or “met.” He said that the person told RITSEMA that he was “18 but a late bloomer.” RITSEMA said that the person does not live in the area anymore. RITSEMA told the agents that the person lived in Oldsmar and he met him on an internet-based application. RITSEMA said that the person “messed me on [the application].” RITSEMA stated that he did not remember the person’s screen name, his phone number, or his real name. RITSEMA told the agents that he was living in his villa in New Port Richey at the time. He told the agents that he remembers sending the

following message to Defendant 1: "I met this boy-looks like he could be around 15 but said he was 18." RITSEMA said that he probably joked with "[Defendant 1]" about it since he likes younger. RITSEMA then stated: "He was adamant he was 18." RITSEMA told the agents that this boy did not have a driver's license and that he came from a broken home. RITSEMA initially stated that he knew this boy for a very short time, maybe about a week and that he may have text messaged him but he does not remember.

19. RITSEMA was then shown an image of B.N.C. that appears to be taken inside a car. RITSEMA confirmed that the picture was taken inside his Ford Fusion car. RITSEMA told the agents that he forgot that he took that picture. RITSEMA also said that he picked the boy up and drove the boy to his place in New Port Richey. RITSEMA stated: "I may have taken some other pictures of him-naked," but advised that the boy also sent other pictures of himself naked. RITSEMA then clarified that he took 2-3 naked pictures of the boy while in his bedroom in New Port Richey. RITSEMA further said that he took the pictures of this boy with his phone. RITSEMA told the agents "he wanted me to take them, the pics."

20. RITSEMA was shown four images of B.N.C. (described above in paragraph 10) that, based on my training and experience, are child pornography. In response, RITSEMA stated that he took those images with

his phone. RITSEMA told the agents that the images were of the person that law enforcement has identified as B.N.C. RITSEMA identified the sheets and a tapestry in the images as being inside his bedroom when he lived in his villa in New Port Richey. RITSEMA confirmed that he and the child victim “fooled around,” meaning that they engaged in oral sex on each other while at his residence in New Port Richey, Florida. RITSEMA told the agents that theirs was “not a relationship.” RITSEMA told the agents that he and the boy engaged in sex acts (maybe two or three times) and that it was mainly oral sex because RITSEMA is not big into anal sex. RITSEMA told the agents that the child was a “stoner.”

21. The agents showed RITSEMA the images of B.N.C. and he stated that he remembers taking them. He advised this was the only time he took the images of the boy. RITSEMA told the agents that he distributed the images he produced of the boy to Defendant 1. RITSEMA also told the agents that the boy stayed with his grandparents and that is the reason they met somewhere else. He said that he did not know where his mom or dad were. RITSEMA said that the child might have told him he went to [Local High School] and stated that RITSEMA told Defendant 1 that the boy was 15 because Defendant 1 likes this.

22. The agents asked RITSEMA about his “nephew-in-law,” which he had sent graphic text messages about to Defendant 1. RITSEMA stated he “joked about doing stuff with him.” He said that the child is now a senior in high school and he resides out of State. He stated that he just “joked” with Defendant 1 about this and he assured the agents that he would never do anything, nor has he ever done anything, with this child. RITSEMA said that he remembers “joking with [Defendant 1] about wanting to do stuff with him.” RITSEMA said he thinks that his nephew-in-law would have been fifteen at the time. RITSEMA said “nothing happened and he would never.” RITSEMA was asked if he had a sexual interest in children, and answered that just because someone does have such an interest doesn’t mean that they are going to act on it.

23. Throughout the interview, RITSEMA was cooperative and provided written consent to search his phone as well as the four-digit passcode to access it. He also allowed agents to search his backpack located in his office. RITSEMA provided the number code to unlock his car so that it could be seized and told the agents that he only had an iPad inside his residence. He provided the passcode to access the iPad. RITSEMA also told the agents that he did not have any child pornography on his iPad. RITSEMA told the

agents that he might have the images of the boy identified as B.N.C. on his phone but that he is not positive.

24. Later in the day on February 13, 2018, HSI agents executed the search warrant at RITSEMA's residence. RITSEMA's iPad was found inside his residence. During a preview of the device, five images of B.N.C. were located. Four of the images had been seen (as having been sent from RITSEMA to Defendant 1) and are described in detail above. This newly-discovered image is similar to the previously-seen image, carrying the file name IMG_4159. This image depicts a partially erect penis. In this image, the lower abdomen area, genital area, and thigh area show what appears to be a male child. Part of a hand is resting on the child's left thigh. RITSEMA identified this image, as well as IMG_4158, IMG_4160, IMG_4161, IMG_4162, and IMG_4163 (described in paragraph 10) as images of the boy that law enforcement has identified as B.N.C. RITSEMA said that he produced the photographs using his older iPhone while he lived in his villa in New Port Richey, Florida.¹ With the exception of IMG_4163, all of the images appear to be child pornography. Based on the images' content, RITSEMA's identification of the person in the photos known to law enforcement as B.N.C., B.N.C.'s June 2000 birth date, and B.N.C.'s

¹ Based on my training and experience, Apple iPhones and iPads are both manufactured outside the United States and contain parts that were manufactured outside of the United States.

confirmation of his identity in the photos (as detailed below), I believe that the images are child pornography. B.N.C. would have been 14 years-old at the time RITSEMA produced the images and distributed them to Defendant 1.

25. Agents conducted a forensics preview of RITSEMA's iPhone and discovered that B.N.C.'s phone number (detailed above) is saved into RITSEMA's contacts as "[First Name] Boy." A cropped image of B.N.C. standing (described above) was also found saved in the phone's photo gallery. There are other images of young males seen during the preview of RITSEMA's phone that, based on my training and experience, would be considered age difficult. Additionally, RITSEMA's iPad showed B.N.C. as being saved in RITSEMA's contacts under "[First Name] Boy."

26. Following RITSEMA's interview and a search of his residence, I took additional steps to further identify B.N.C. and to confirm that he is still a minor.

27. In the early morning of February 14, 2018, myself and another law-enforcement officer interviewed B.N.C. at his home in the Middle District of Florida. B.N.C. confirmed that his date of birth is 06/XX/2000 and also confirmed his phone number.

28. The agents showed B.N.C. a photo of RITSEMA and asked how he knew him. B.N.C. was hesitant at first, but then stated that he did not know

his name but that he met RITSEMA on the internet where they talked about the sexual things they were going to do with each other.

29. B.N.C. recalled one time where he was picked up by RITSEMA in a white car and brought to RITSEMA's place. B.N.C. stated that he could not remember anything specifically that happened but said that it most likely progressed sexually.

30. The agents showed the child pornographic images of B.N.C., described in paragraph 10, to B.N.C. B.N.C confirmed that all of the images depict him. B.N.C. further stated: "I didn't know there were pictures of me; I did not ask him to take the pictures." He also said that he is "pretty sure he (RITSEMA) took the pics but he does not remember it happening." B.N.C. allowed agents to take pictures of his torso and arms. Upon seeing B.N.C.'s torso area, I saw that he has a mole that matches the mole in the images described in paragraph 10.

CONCLUSION

31. Based on the foregoing facts, there is probable cause to believe that Kyle Dale RITSEMA possessed, produced, and distributed child pornography, in violation of 18 U.S.C. §§ 2251, 2252(a)(2) and (a)(4)(B).



Terri Botterbusch
Special Agent
Homeland Security Investigations

Sworn to and subscribed before me
this 15th day of February, 2018.



AMANDA A. SANSONE
United States Magistrate Judge