

UNITED STATES DISTRICT COURT

9/20/2018

for the

Middle District of Florida

CLERK, U. S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

United States of America
v.
CHRISTOPHER SHAWN POTTER

Case No.

3:18-mj-1320-JRK

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 February 10, 2018 in the county of Duval in the Middle District of Florida, the defendant(s) violated:

Code Section
18 U.S.C. § 2252(a)(2)

Offense Description
Knowing distribution of child pornography over the internet

This criminal complaint is based on these facts:

See attached.

Continued on the attached sheet.

Complainant's signature

ASHLEY WILSON, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 9-20-18

Judge's signature

JAMES R. KLINDT, U.S. Magistrate Judge

Printed name and title

City and state: Jacksonville, Florida

AFFIDAVIT

I, Ashley Wilson, being duly sworn, state as follows:

INTRODUCTION

1. I am a Special Agent (SA) with Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), an agency of the United States Department of Homeland Security (DHS), and have been so employed since October 2007. I am currently assigned to the Office of the Assistant Special Agent in Charge Jacksonville, Florida, where I conduct a variety of investigations. Prior to this assignment, I was assigned to the Office of the Deputy Special Agent in Charge Laredo, Texas for approximately six years also as a Special Agent. I have a Bachelor's degree in Criminal Justice. I am a law enforcement officer of the United States and am thus authorized by law to engage in or supervise the prevention, detection, investigation or prosecution of violations of federal criminal law. I am responsible for enforcing federal criminal statutes under the jurisdiction of HSI, including violations of law involving the exploitation of children. I participated in a 22-week training program at the Federal Law Enforcement Training Center in Brunswick, Georgia, which included the Criminal Investigator Training Program and ICE Special Agent Training. In my capacity as a Special Agent, I have participated in numerous types of investigations, during which I conducted or participated in physical surveillance, undercover transactions and operations, historical investigations, and other complex investigations. Since becoming a



Special Agent, I have worked with experienced Special Agents and state and local law enforcement officers who also investigate child exploitation offenses.

2. In the performance of my duties, I have investigated and assisted in the investigation of matters involving the possession, collection, production, receipt, distribution, and transportation of images and videos depicting the sexual exploitation of children, and the solicitation and extortion of children to produce sexually explicit depictions of themselves. I have been involved in searches of residences pertaining to the possession, collection, production, distribution and/or transportation of child exploitation materials through either the execution of search warrants or through the subject providing written consent to permit a search to be conducted. I am a member of a local child pornography task force comprised of HSI, the FBI, the Florida Department of Law Enforcement, the Jacksonville Sheriff's Office, the St. Johns County Sheriff's Office, and the Clay County Sheriff's Office, among other agencies. We routinely share information involving the characteristics of child sex offenders as well as investigative techniques and leads. As a federal agent, I am authorized to investigate and assist in the prosecution of violations of laws of the United States, and to execute search warrants and arrest warrants issued by federal and state courts.

3. The statements contained in this affidavit are based on my personal knowledge, as well as on information provided to me by experienced Special Agents



and other law enforcement officers and personnel. This affidavit is being submitted for the limited purpose of establishing probable cause for the filing of a criminal complaint, and I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that CHRISTOPHER SHAWN POTTER has committed a violation of 18 U.S.C. § 2252(a)(2), that is, knowing distribution of child pornography over the internet.

4. I make this affidavit in support of a criminal complaint against CHRISTOPHER SHAWN POTTER; that is, on or about February 10, 2018, in the Middle District of Florida and elsewhere, CHRISTOPHER SHAWN POTTER did knowingly distribute a visual depiction, that is, using any means and facility of interstate and foreign commerce by any means, that is, by computer via the internet, when the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct, and the visual depiction was of such conduct, in violation of 18 U.S.C. § 2252(a)(2).

5. On September 19, 2018, I applied for and obtained a federal search warrant for the residence located at 6458 Velvet Springs Court, Jacksonville, Florida 32244, believed to be occupied by CHRISTOPHER SHAWN POTTER. I was the affiant for the affidavit in support of the application for this search warrant, and I am familiar with the facts contained therein. A certified copy of the application and

affidavit for this search warrant is attached as Exhibit A, and the facts and information contained therein is hereby incorporated by reference herein¹. This warrant authorized the search of this residence for fruits, evidence, and instrumentalities of violations of Title 18, United States Code, Sections 2422(b), 2251(a) and (e), 2251(d)(1)(A) and (2)(B), 2252, and/or 2252A, that is, the attempted online enticement of a person believed to be a minor to engage in criminal sexual activity, the attempted production of child pornography, solicitation for child pornography, distribution and possession of child pornography. This search warrant was issued by United States Magistrate Judge James R. Klindt in Case No. 3:18-mj-1317-JRK.

6. On September 20, 2018, at approximately 6:10 a.m., I, together with other HSI agents and law enforcement personnel, executed this search warrant at the residence located at 3946 Valley Garden Drive West, Jacksonville, Florida 32225.

7. CHRISTOPHER SHAWN POTTER was located inside the residence, and was asked to step outside while the residence was cleared. I approached him for a possible interview. POTTER stated he was nervous and asked what was going on. I told POTTER we could move to a more private area and I would explain to him what was going on. POTTER agreed to talk to myself and HSI Special Agent

¹ Certain identifying information has been redacted from the affidavit in support of the application for the search warrant to protect the privacy of persons referred to therein.

Anthony Algozzini in our HSI vehicle that was parked outside of the residence.

8. HSI Special Agent Algozzini and I walked out of the residence with POTTER and I asked if POTTER would be ok with sitting in the front seat of my HSI vehicle. POTTER agreed and sat in the front passenger seat. I introduced myself as a Special Agent and presented my badge and credentials to POTTER. I told POTTER a search warrant was being executed at his residence and would like to ask him some questions. I advised POTTER of his constitutional rights and gave him a Statement of Rights form to review. POTTER asked if he was being arrested and I told him he was not under arrest and that we were just having a conversation. POTTER agreed to speak with me and HSI Special Agent Algozzini and waived his constitution rights by signing the bottom portion of the form. POTTER agreed to talk to us without an attorney present and provided, in substance and among other things, the following information:

(a) POTTER has lived at the current residence since January of 2018, with his mother and father. POTTER obtained a Bachelor's Degree in secondary education, a Masters Degree in strategic intelligence and was working on his doctorate at University of Florida in social studies education but has not completed it. POTTER currently works at U-Haul on Normandy Boulevard as an Area Field Manager and started working for U-Haul on August 20, 2018. POTTER was a teacher at Clay High School from 2016 to 2017 and was an officer recruiter for



the Navy from 2010 to 2016. POTTER also was a teacher at Orange Park High School from 1997 to 2004. POTTER is currently a member of the Individual Ready Reserves with the Navy.

(b) POTTER stated his mother and father live at the residence with him, but they are currently visiting family in Indiana. POTTER stated his bedroom is located in the back left, "where the bed is messed up", and he confirmed which bedroom was his when I showed him pictures I took earlier that morning. I asked POTTER if the device shown in one of the bedroom pictures was his and he said "yep" and confirmed it is a LG phone. POTTER stated he also has a silver laptop that was located on the floor in the living room that he has owned for approximately one year. POTTER stated he has had his LG cell phone for approximately eight months.

(c) POTTER stated that his parents have a desktop computer located in their bedroom that he does not use. POTTER added that he uses the printer located in the same bedroom on occasion to print out his resume. POTTER does not share his LG cell phone or laptop with his parents and he is the only person who uses both devices.

(d) POTTER uses AT&T for internet services at the residence, his parents pay the bill and he thought the account was in his father's name. POTTER stated the residence has Wi-Fi and is password protected. The secured Wi-Fi

network is called "TP412rp."

(e) POTTER uses the Internet for various activities to include Facebook, email, and Kik. POTTER has a Facebook account under the name "Chris Potter" and logs into Facebook with email address chrispotter1987@hotmail.com.

(f) POTTER acknowledged the email catsfan198748@gmail.com as his primary email address. POTTER stated he is familiar with Kik, has an account and his screen name is "catsfan1987". POTTER denied having any other usernames on Kik and added he uses Kik to talk to people. POTTER denied other social media accounts, but stated he has used dating websites such as Match.com and Plenty of Fish. POTTER stated catsfan19848@gmail.com is the email account linked to his Kik account.

(g) POTTER has visited adult pornography sites on his laptop. When asked if he has visited any other websites, POTTER stated he has also viewed "animal stuff" and described "animal stuff" as "animal... people having sex." When asked if he has seen children engaged in sexual activity, POTTER initially responded with no. POTTER further explained he has seen "pop ups" appear on the screen when he was viewing adult pornography, but quickly hit the X button.

(h) I showed POTTER the 14 second video containing child pornography that depicts a female child performing oral sex on an adult male (this is

the video sent by POTTER and received by Officer Lanier on February 10, 2018) and asked if he recognized it and remembers sending it. POTTER stuttered and said “Uh, if, no, if I did, uh, yeah, uh, no, I mean really, I could have but I don’t remember if I did. Obviously, I did if you got it.” POTTER initially stated he first saw the video containing child pornography as a “pop up”, but later admitted to receiving the video via Kik private message. I asked POTTER if he sent the video via Kik in a group chat or private message and he said “more than likely it would’ve been private because I wouldn’t have done that in a group.” I asked POTTER “why wouldn’t you” and he said “fear of getting caught”.

(i) POTTER admitted to receiving the video containing child pornography via private message on Kik. POTTER admitted to saving the video on his cell phone and stated he later sent the video containing child pornography to another Kik user (which I believe to be Officer Lanier) via private message on Kik.

(j) POTTER said he has one other image containing child pornography on his cell phone. POTTER said it depicts a teenager lying in the grass and she is “laying there naked in the grass”. When HSI SA Algonzzini asked if you can see her genitals, POTTER said “mhmm”. POTTER said he fantasizes about teenagers, more specifically 15 to 16 year olds. POTTER said he mostly fantasizes about oral sex with young girls. POTTER admitted to receiving the image containing child pornography via Kik.

(k) I showed POTTER the conversation he had with Officer Lanier via Kik acting in an undercover capacity and he said he was familiar with it and remembered it.

9. During the interview, POTTER denied that he would have met with this "child."

10. Some of the following information is contained in Exhibit A and incorporated by reference herein. On February 10, 2018, at approximately 2:28 p.m., an individual using anonymizing email address 77b6b697ca13792b1dcfab9e89317db@reply.craigslist.org sent an email to an undercover officer's anonymizing email address stating the following, "LOL. Hey there. Housesitting huh? Wild party time! Haha. My KIK is catsfan1987. I am real, it is going to be around 80 today." This undercover officer was posing online as a 14-year old female during an undercover operation in Putnam County, Florida. This conversation transitioned to Kik Messenger with this individual using the username "Catsfan1987" and the display name "Mr. Fireball". During this Kik conversation, the undercover officer advised this individual, who used the username "Catsfan1987" and the display name "Mr. Fireball," that she was 14 years old. During subsequent Kik communications, "Mr. Fireball," who was subsequently identified as CHRISTOPHER SHAWN POTTER, among other things, did the following: (i) indicated that he was 49 years old, (ii) requested that the undercover



officer send “pics” of the “child,” (iii) indicated that he could “get in trouble” because of their age difference, (iv) sent the undercover officer a picture of him holding two small children, (v) initiated conversation of a graphic sexual nature, (vi) discussed trading “pics,” and (vii) described his penis to the “child.” At approximately 10:59 p.m., the user “Catsfan1987” sent a 14-second color video to Officer Lanier. I have reviewed this video in its entirety. It depicts what I believe to be a female minor performing oral sex (fellatio) on the erect penis of a white male individual. The video appears to have been produced using a camera (or smart phone) depicting the scene from the vantage point of the male’s upper body as the male lies on his back. The minor appears to be positioned between or on top of the male’s legs and facing the male’s upper body. The minor’s face, hands, and arms are depicted, as is the male’s erect penis. The minor is performing the sex act by bobbing her head up and down repeatedly while gripping the penis as it penetrates her mouth. The female appears to be a minor based upon her child-sized arms, child-like facial features, and the youthful appearance of her complexion and skin. There is a television in the background showing the Disney movie “Toy Story.” Based on my training and experience, I have probable cause to believe that the video depicts a minor engaged in sexually explicit conduct, that is, oral to genital sexual intercourse and masturbation, and therefore constitutes child pornography pursuant

to Title 18, United States Code, Section 2256.

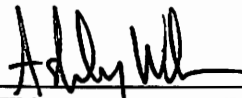
11. On February 11, 2018, at approximately 12:07 a.m., the user “Catsfan1987, subsequently identified as CHRISTOPHER SHAWN POTTER, sent a one minute and seven second color video to Officer Lanier that depicted the masturbation of an erect Caucasian penis. During subsequent Kik Messenger conversations, POTTER continued to discuss his desire to engage in sexual activity with the “child.” During his interview on September 20, 2018, I showed POTTER this video and he admitted he made the video of himself masturbating.

12. A forensic preview examination of POTTER’s cell phone, a LG-M210 Android, was conducted by HSI Computer Forensic Analyst (CFA) Van Wilson, who advised me of the results. I learned that one video and one image, both depicting child pornography, were discovered on this device. I viewed the video and the image. The video is the same video described above and in Exhibit A attached hereto. The image is a color photograph of a prepubescent female child with brown hair completely nude lying on her side and leaning on her right hand. There is a red cloth lying underneath her leg. The photo depicts the female child’s entire body and she is posing a manner in which her genitals are displayed in a lascivious manner.

13. After the conclusion of the interviews of POTTER, I contacted

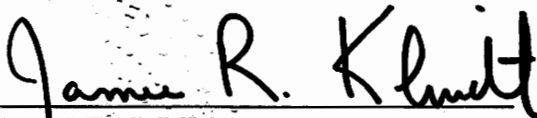
Assistant United States Attorney D. Rodney Brown, who authorized me to arrest POTTER for knowing distribution of child pornography. Shortly thereafter, I placed POTTER under arrest.

14. Based upon the foregoing facts, I have probable cause to believe that on or about February 10, 2018, in the Middle District of Florida and elsewhere, defendant, CHRISTOPHER SHAWN POTTER, did knowingly distribute a visual depiction, that is, a video, using any means and facility of interstate and foreign commerce by any means, that is, by computer via the internet, when the production of the visual depiction involved the use of a minor engaging in sexually explicit conduct, and the visual depiction was of such conduct, in violation of 18 U.S.C. § 2252(a)(2).



ASHLEY WILSON, Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this
20th day of September, 2018, at Jacksonville, Florida.



JAMES R. KLINDT
United States Magistrate Judge