

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

v.

Case Number 3:16cr34/MCR

ANDRE M. STRAUGHN
_____ /

FACTUAL BASIS FOR GUILTY PLEA

The defendant admits that if this case were to proceed to trial, the government could prove the following facts.

On July 23, 2015, Synchronoss Technologies Incorporated, acting as an Electronic Service Provider, reported three image files to the National Center for Missing and Exploited Children (NCMEC) deemed by Synchronoss Technologies Inc. as containing child pornography. The files were listed as follows:

“d50c22f65de9425d95914b013cd4329b_file1”

“d50c22f65de9425d95914b013cd4329b_file2”

“d50c22f65de9425d95914b013cd4329b_file3”

Synchronoss Technologies Inc. identified these files in an online cloud based account on July 23, 2015, which were uploaded by cellular telephone number (850) 619-xxxx. Homeland Security Investigations (HSI) contacted NCMEC for additional information. HSI was able to confirm that the file names supplied by Synchronoss Technologies Inc. had matching hash values to those stored in

NCMEC's database of sexually exploited children. Review of the three child pornography files was conducted by HSI and is described below:

"d50c22f65de9425d95914b013cd4329b_file1.jpg" is an image depicting a prepubescent female between the approximate ages of 3-8 years old. The child, who is clothed in a purple striped shirt only, is bent over a couch/bed with her anus and vagina displayed for the camera. A male's hand is in view and is observed on the upper thigh area of the child.

"d50c22f65de9425d95914b013cd4329b_file2.jpg" is an image depicting a prepubescent female between the approximate ages of 6-12 years old. The child is kneeling on a bed. She is forward facing and is fully nude. She has blonde hair and is holding a feathered mask to her face.

"d50c22f65de9425d95914b013cd4329b_file3.jpg" is an image depicting a prepubescent female between the approximate ages of 6-12 years old. She has dark colored hair and is lying on her back on some sort of furniture/ottoman. A male is vaginally penetrating the child with his penis. The male is stuffing/holding an article of clothing over the child's mouth.

HSI reviewed documents provided by NCMEC and determined that the provider for telephone number (850) 619- xxxx, which uploaded the images of child pornography, was Verizon Wireless. The following relevant account information was provided pursuant to legal process:

Account ID: 412079477-1
Telephone number: 850-619- xxxx
Account name: Denise M. Straughn
Address: xxxxxxxx xxxxxx, Milton, FL 32583

On November 20, 2015, United States Magistrate Judge Elizabeth M. Timothy authorized a search warrant for the above noted Synchronoss Technologies cloud account. While the results of said search warrant were pending, on or about

December 22, 2015, HSI Pensacola received an investigative lead from HSI Detroit regarding an arrest in the Detroit area involving the social media application known as "Kik." During a forensic review of the Detroit target's digital media, it was discovered the Detroit target had been communicating with Defendant Andre Martez Straughn. The nature of the communications appeared to regard the sharing of images and videos of child pornography as well as discussion of child sex. Detroit HSI was able to determine the identity of Straughn via legal process based upon an IP Address captured during "Kik" usage, which resolved to xxxxxxxx xxxxxx, Milton, Florida 32583, via records obtained from AT&T. As such, HSI knew Straughn was utilizing multiple electronic platforms to engage in online child pornography.

On or about January 6, 2016, HSI received the results of the aforementioned Synchronoss Technologies federal search warrant. The results confirmed that the above noted account resolved to Straughn and that he was a traveling truck driver who traveled with his cellular device and laptop (confirmed via images stored within the online storage account). On January 7, 2016, HSI conducted surveillance of the residence located at xxxxxxxx xxxxxx, Milton, Florida. HSI again confirmed that Straughn lived at the residence, and that he was a traveling truck driver.

On February 2, 2016, United States Magistrate Judge Elizabeth M. Timothy authorized a federal search warrant for xxxxxxxx xxxxxx, Milton, Florida. On the

same date, the magistrate judge also authorized a federal search warrant regarding location information for (850) 619-xxxx. Beginning on or about February 3, 2016, HSI was able to learn the general location of Straughn pursuant to said warrant being served on Verizon Wireless. Over the course of the following few days, HSI witnessed Straughn travel throughout Texas, Louisiana, Mississippi, Tennessee, Georgia, and eventually into Florida.

On February 6, 2016, HSI determined that Straughn was returning home to Milton, Florida. As such, on said evening, law enforcement executed the above noted residential search warrant at xxxxxxxx xxxxxx, Milton, Florida. Straughn was home. After being advised of his rights pursuant to *Miranda*, though not in custody, Straughn seemed nervous.¹ Straughn affirmatively informed HSI that he did not maintain an online cloud storage account and did not possess/utilize the social media application “Kik.” As noted above, these platforms were material to Straughn committing child exploitation offenses. Straughn also told law enforcement that he was unable to positively remember the password to his cellular telephone – while HSI knew very well that he had been traveling with it and using it right up until the search warrant execution. Straughn also stated he never received child pornography even after being advised as to the criminal consequences of lying to a federal agent pursuant to Title 18, United States Code, Section 1001. Law

¹ HSI advised Straughn as to the consequences of lying to a federal agent.

enforcement seized multiple pieces of electronic evidence for forensic review from the residence.

A forensic review of Straughn's digital media revealed a significant amount of child pornography located on Straughn's main laptop computer. This included videos/images of infants and toddlers engaged in sex acts, file folders containing sexual bondage involving children, and even "grooming" videos to normalize sexual relations for minors. Also located therein, it was confirmed that Straughn did indeed maintain online cloud storage accounts as well as a "Kik" account. Therein, within the "Kik" folders, contraband was located.

In the end, there was a wealth of child pornography in file folders referencing "Kik" and Dropbox on this laptop. Indeed, it appears Straughn maintained multiple digital devices that contained significant amounts of child pornography dating back approximately ten (10) years. The forensic examination has revealed in excess of 50,000 images and videos of child pornography and child exploitation material procured by Straughn via multiple electronic platforms (e.g. – peer to peer software, newsgroups, Kik). Straughn received this contraband over time via the Internet, and he transported it in interstate commerce on his digital media as a traveling truck driver.

Moreover, a federal search warrant was served on Straughn's online cloud storage account with Dropbox. His Dropbox account contained multiple folders

with specifically labelled sub-folders within, and said sub-folders contained a wealth of child pornography. That is, Straughn had folders with titles such as "Young," "Video CP," and "Yep young." Within some folders, there were sub-folders with titles such as "13yo," "12yo," and "6yo." HSI knows such folder titles to reference the age of minors generally utilized in the world of online child sexual exploitation. Straughn now concedes his receipt, transportation and possession of child pornography involving minors under the age of 12 years old, and that said child pornography implicated interstate and foreign commerce.

Elements of the Offense

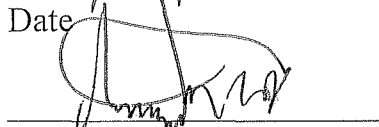
The Defendant, along with his counsel, reviewed ~~Eleventh Circuit Pattern Jury Instructions (2015) - Criminal, Offense Instr. No. 83.3A, 83.4A & 36.~~

the applicable statutes and elements of the offenses charged.




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