

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

United States of America
v.
Jason Christopher Davis

Case No. 18mj 1688

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 November 29, 2017 in the county of Dona Ana in the State and District of New Mexico, the defendant(s) violated:

Code Section
18 U.S.C. 2252A(a)(2)(A)

Offense Description
Receipt of Material Constituting or Containing Child Pornography

I further state that I am a Homeland Security Investigations Special Agent and that this complaint is based on the following facts:

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet.

Complainant's signature

Stephani Legarreta-HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 5/18/18

Judge's signature

City and state: Las Cruces, New Mexico

Stephan M. Vidmar, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

On April 10, 2018, the New Mexico Attorney General (NMAG) Office requested assistance with an investigation involving the uploading of Child Pornography. The cyber tip to NMAG came from the National Center for Missing and Exploited Children (NCMEC), cyber tip #25884529. The original cyber tip NCMEC received came from Google, Inc. that indicated 2 files, with same file name, VID-20171129-WA0012-ANIMATION.gif had been uploaded by a user with the email account brdrdfndr@gmail.com on two separate occasions, 11/02/2017 at 00:16:53 UTC and 11/06/2017 at 19:50:32 UTC.

The IP address associated with the child pornography uploads were IP address 2601:8c1:8580:13e2:d5f4:29c3:1f8:17ab (Login) 11/06/2017 19:50:32 UTC, and 2601:8c1:8580:13e2:6c6c:1661:2b17:fbe5 (Login) 11/02/2017 00:16:53 UTC.

The NMAG Office sent a subpoena to Google for subscriber information for email address brdrdfndr@gmail.com and received the following results from Google Inc.:

EMAIL ADDRESS	brdrdfndr@gmail.com
Name	Jason Davis
Google Account ID	1040191445967

The NMAG Office also sent a subpoena to Comcast for subscriber information related to IP address 2601:8c1:8580:13e2:d5f4:29c3:1f8:17ab (Login) 11/06/2017 19:50:32 UTC, and 2601:8c1:8580:13e2:6c6c:1661:2b17:fbe5 (Login) 11/02/2017 00:16:53 UTC. Below are the results from Comcast.

Account Number	8497950571399392
Service Name	Jason Davis
Service Address	4343 Soda Spring Drive, Las Cruces, NM
Phone Number	575-373-0981

The Las Cruces Police Department obtained and executed a search warrant to view the files provided by Google, Inc. to NCMEC. The uploaded files were then viewed by law enforcement and both files depict child pornography.

File name, VID-20171129-WA0012-ANIMATION.gif depicts the following:

Two young pubescent females who appear to be between the ages of 11-14 years of age. Both are on a bed, one is naked laying on her back with her legs slightly spread apart to expose her vagina. She is rubbing the back of the second girl who is also naked sitting next to the first girl rubbing the right inside thigh of the first girl laying down. The second girl is also exposing her own vagina. Both girls have pre-forming breasts and neither appear to have pubic hair.

On April 27, 2018, the Las Cruces Police Department obtained and executed a search warrant for the contents of Google account 1040191445967, associated with the email address brdrdfndr@gmail.com. Google, Inc. returned with the contents of the account.

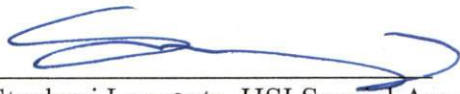
Included in the return from Google, Inc. was a video file named VID-20171129-WA0012.mp4. This file appeared to be an extended version of the video VID-20171129-WA0012-ANIMATION.gif originally sent by Google to NCMEC, and described above. VID-20171129-WA0012.mp4 depicts two young prepubescent females, naked on a bed, masturbating themselves, masturbating each other, and performing oral sex on each other.

On May 15, 2018, the Las Cruces Police Department and Homeland Security Investigations executed a state search warrant at the residence of Jason Davis ("Davis") at 4343 Soda Spring Drive in Las Cruces, New Mexico. Numerous items were seized as evidence to include digital media.

Homeland Security Investigations and the Las Cruces Police Department conducted a Post-Miranda interview with Davis. During the interview, Davis stated that he received the child pornography from a WhatsApp group post. Davis explained that he viewed the child pornography video from the group post and when he viewed the video it automatically saved to his phone. Davis stated that he did not want the video on his phone so he emailed the video to his Gmail account, brdrdfndr@gmail.com, and saved it on his computer.

Davis also admitted to taking videos of a 5-year-old child that focused on the child's exposed genital area. Davis explained he did not know why he recorded this video. Davis stated that he knew it was wrong to record the video yet he still has the video saved on his laptop and views it.

Assistant United States Attorney Alex Shapiro was advised of the facts and authorized the prosecution of Jason Christopher Davis.



Stephani Legarreta, HSI Special Agent



United States Magistrate Judge