

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.


CASE NUMBER: 8:13-MJ-1488-T-EAJ

DONALD E. GALLAGHER, JR.

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. From on or about January 9, 2013 to January 26, 2013, in Pinellas County, in the Middle District of Florida, defendant(s) did, possess and distribute child pornography in violation of Title 18, United States Code, Section(s) 2252(a)(2) & (a)(4). I further state that I am a(n) Task Force Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No


Signature of Complainant
Nathan Dix, Task Force Agent
Federal Bureau of Investigation

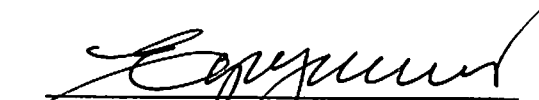
Sworn to before me and subscribed in my presence,

July 24, 2013 _____

at

Tampa, Florida _____

ELIZABETH A. JENKINS
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Nathan Dix ("affiant"), being duly sworn, hereby deposes and state:

1. Your affiant has been employed as a police officer with the Largo Police Department since December 20, 2004. Since June 23, 2009, your affiant has been assigned as a Detective in the Investigative Services Division. From November 2010 to the present, your affiant has been assigned to the Internet Crimes Against Children (ICAC) Task Force and the Federal Bureau of Investigation Innocent Images Task Force, members of which investigate the sexual exploitation of children. On January 12, 2011, your affiant was sworn in by the United States Marshals Service as a Special Deputy. Under the regulations of the United States Marshals Service and pursuant to the authority of Title 28, Federal Code of Regulations, Sections 0.112, and 0.19A, such Special Deputies are authorized to seek and execute arrest and search warrants and make arrests. Therefore, your affiant is authorized to investigate violations of laws of the United States, and is a law enforcement officer with authority to execute arrest and search warrants issued under the authority of the United States. Your affiant has received advanced training from the FBI, Florida ICAC and other organizations regarding computer crimes and has been involved in multiple investigations involving violations of Title 18, United States Code, Sections 2251, 2252, and 2252A, involving the sexual exploitation of children.

2. The facts set forth below are based upon your affiant's personal observations, reports and information provided to your Affiant by other law enforcement officials and obtained records. Your affiant has not included each and every fact known to him concerning this investigation. Your affiant has set forth only the facts necessary

to establish probable cause that violations of Title 18, United States Code, Section 2252 have been committed by DONALD E. GALLAGHER, JR.

3. On or about January 9, 2013, a St. Petersburg Police Department (SPPD) Detective connected to a publicly available P2P file sharing network via his computer connected to the internet to conduct an investigation into the sharing of child pornography files. Thereafter, the Detective identified a computer with the IP address 72.64.196.119 and using the nickname of "anon_4840c477" as a potential download candidate (source) who possessed at least 200 files of investigative interest. These files of interest had been recently detected by investigator(s) conducting keyword searches or hash value searches for files related to child abuse material including child pornography on the P2P network. The SPPD Detective's investigative tool began a systematic attempt to download files directly from the IP address of 72.64.196.119, which continued from on or about January 9, 2013 until stopped by the Detective on January 26, 2013. The Detective used an investigative tool that limited downloads to a single-source computer.

4. From January 9, 2013 to January 26, 2013, the SPPD Detective successfully downloaded 15 complete files and 17 partial files from the computer at IP address 72.64.196.119. All of these files had been publicly available for download on the P2P network. The following are just a sample of the complete files the SPPD Detective downloaded:

- a. **File Name:** "(pthc) blond samantha 13 years 11 5.avi"
SHA-1 Value: 4HIBM6TICHZR2WMIMLTW2WEAYQUICUWT
Description: This is a video file that is 11 minutes 5 seconds in length. The video appears to be a computer webcam style video which is focused

on a white female subject that is sitting in front of the computer. The female subject appears to be approximately 12-13 years of age. This video begins with the female subject facing the camera, with the words "Samantha 13 U.K. Part 3", "Taurenwolf" and "Stuff By Danny" displayed. The female is wearing a white shirt and pink colored glasses. At the [0:06] mark the scene changes to an image of the same female wearing a black sweatshirt, viewable from the chest up. At the [0:27] mark the female lifts up her sweatshirt toward the camera, clearly displaying her bare breasts. The female proceeds to massage her breasts toward the camera momentarily. The female then appears to focus on the computer screen until the [2:52] mark, at which point the female stands up and pulls down her underwear toward the camera, clearly exposing her vagina. The female proceeds to stimulate herself, vaginally, using her fingers in front of the camera. The female then appears to focus on the computer screen until the [4:27] mark, at which point the female pulls down her underwear and bends over while facing her buttocks toward the camera, clearly exposing her anal and vaginal areas. The female then appears to focus on the computer screen until the [5:58] mark, at which point the female points the camera toward her vaginal area and begins stimulating herself, vaginally, with her fingers underneath her underwear. At the [7:13] mark, the video displays several still photos which include screen shots of the same female subject displaying her vaginal and anal areas. At the [7:19] mark, the video again displays the female subject bending over and facing her buttocks toward the camera with her underwear pulled down, clearly displaying her anal and vaginal areas. At the [11:00] mark, the video displays a still shot of the same female's face wearing a baseball cap, with the wording "Taurenwolf" and "the end..." displayed. Your affiant reviewed the file and confirmed it to be child pornography as defined by Title 18, United States Code, Section 2256(8).

- b. **File Name:** " pthc sex - 9 yr old with man.avi "
SHA-1 Value: 75MWM6D274AHSXIHPXPZBG5KD222VY5P
Description: This file is a video file that is seven minutes and thirty-eight seconds in length. This video depicts a prepubescent female, approximately 8-10 years of age, wearing only socks. This video begins with the female sitting on a bed, with her legs spread, reading a magazine. The camera continuously zooms in and focuses on the female's vagina, which is clearly exposed. At the [1:33] mark, a completely nude adult male enters the screen and begins kissing the female and stimulating the

female's vagina with his fingers. At the [3:25] mark, the female stands up on the bed and the adult male orally stimulates the female's vagina. The female then sits back down and the adult male begins masturbating next to her. At the [5:18] mark, the female lays on her back with her legs spread and the adult male performs vaginal intercourse with the female. At the [6:02] mark, the female bends over onto her arms and knees while the adult male appears to again perform vaginal intercourse with the female. Your affiant reviewed the file and confirmed it to be child pornography as defined by Title 18, United States Code, Section 2256(8).

- c. **File Name:** "(pthc) daphne - beautiful 11y blond, hj, bj, anl (~.wmv"
SHA-1 Value: VC75ALM3OTCNVCGCKRRHQ3RJWRKIQE2CS
Description: This is a video file that is twenty six minutes and forty six seconds in length. This video depicts an adult male wearing only underwear and socks and a prepubescent female, approximately 10-12 years of age, that is completely nude. The video begins with the female removing the male's underwear. At the [1:43] mark, the adult male is laying on his back while the female manually stimulates his erect penis with her hand. At the [4:09] mark, the female begins performing oral sex on the male. At the [5:06] mark, the female straddles the male and begins rubbing her vaginal area on the male's erect penis. At the [8:44] mark, the female straddles the male's face and the two began performing oral sex on each other simultaneously. The female then returns to rubbing her vaginal area on the male's erect penis. At the [16:15] mark, the female lays on her back and the male appears to momentarily have vaginal intercourse with the female and then begins performing oral sex on the female. The male continues to stimulate the female's vagina, both orally and digitally. At the [22:44] mark, the male digitally penetrates the female's anus, during which time the female attempts to pull the male's fingers away from her anus. At the [25:10] mark, the female bends over on her knees and the male appears to perform vaginal or anal intercourse on the female. Your affiant reviewed the file and confirmed it to be child pornography as defined by Title 18, United States Code, Section 2256(8).

5. In connection with downloading these files, the SPPD Detective identified the IP address of 72.64.196.119 as belonging to Verizon FiOS and obtained a subpoena to identify the subscriber to the IP address at the time of the downloads. On

April 11, 2013, Verizon FiOS provided a response identifying the subscriber to IP Address 72.64.196.119 as an individual at the residence located at xxxx San Martin Blvd, St. Petersburg, Florida 33702.

6. On July 23, 2013, a federal search warrant was authorized by United States Magistrate Judge Elizabeth A. Jenkins, United States District Court, Middle District of Florida, to search the residence located at xxxx San Martin Boulevard, St. Petersburg, FL 33702, for violations of Title 18, United States Code, Sections 2252 and 2252A.

7. On July 24, 2013, Agents of the FBI, Florida Department of Law Enforcement, St. Petersburg Police Department, and the Largo Police Department executed the search warrant at the residence located at xxxx San Martin Boulevard, St. Petersburg, FL 33702. DONALD E. GALLAGHER, JR was the only individual located at the residence and admitted that he is the only resident of the property. Among other items located and seized during the search was a Toshiba laptop computer, with serial number ZA0Z11S4W. While on site, a Special Agent with the Florida Department of Law Enforcement utilized a preview tool for the purpose of conducting a cursory forensic review of the computer. He was able to personally observe hundreds of images of child pornography. The preview tool indicated at least 85 files of child pornography videos. The 85 video files were located in a folder on the computer's hard drive with the file path Don/desktop/mysharedfolder, which was approximately 9.56 gigabytes in size. The FDLE agent conducting the cursory examination observed files that had been accessed as recently as yesterday, July 23, 2013.

8. The following files observed by the FDLE agent in the folder identified in paragraph 7 above and relayed to your affiant are just a sample of the files located on the hard drive that are child pornography as defined in Title 18, United States Code, Section 2256(2)(B):

a. PTHC 11Y mossi dad (09 52).mpg. The video is 9 minutes and 48 seconds in length, depicting a pre-pubescent female with digital and penile penetration of her vagina.

b. 12_17 PTHC LSM YAMAD LOLI.mpg. This video is 11 minutes and 59 seconds in length, depicting two pre-pubescent females who are digitally penetrating each other, with one adult male performing digital penetration on one of the female's vagina and engaging in oral sex with the females.

c. P101 (bibcam-PTHC-PJK) dad little son having sex.wmd. This video is 39 minutes and 2 seconds in length, depicting an adult male and a pre-pubescent male performing various sex acts, including fellatio and anal sex. The pre-pubescent male is being held in bondage while the adult male is performing oral sex.

9. On July 24, 2013, during a post-Miranda interview, GALLAGHER advised that he is the sole occupant of the residence, that the Toshiba laptop belongs to him, that the Verizon internet account associated with the residence belongs to him, that his wireless network is password protected, and that he downloaded the images through the P2P program at the residence.

10. GALLAGHER described having downloading the P2P file sharing program onto his Toshiba laptop computer approximately six months ago. He further described

understanding how the program works, that is, that any files that he downloaded would then be made available to share with others when he was logged onto the P2P program. GALLAGHER admitted to using at least three other P2P file sharing programs in the past. He admitted to using the current program to search for pornography and initially claimed that he accidentally downloaded child pornography, but later stated that he downloaded and viewed child pornography out of curiosity. GALLAGHER admitted to creating a folder on his laptop called "Don" that was specifically for "his videos," and that he physically moved videos from the folder where the downloads are automatically sent to the folder that he created.


11. GALLAGHER also admitted to watching child pornography videos in their entirety. When asked whether he had viewed the same child pornography videos repeatedly, he stated that he did not remember. GALLAGHER admitted to using an additional web-based news reader search tool called News Rover in order to search for pornography, and again admitted to knowingly downloading files that had titles clearly indicative of child pornography. GALLAGHER also admitted to knowing that the files that he downloaded, including child pornography, were available for sharing through the P2P program.

12. During the interview, GALLAGHER was shown one of the videos downloaded by the SPPD Detective in January 2013 from GALLAGHER's IP address, as described in paragraph 4.a above, entitled "(pthc) blond samantha 13 years 11 5.avi." GALLAGHER did not admit to downloading or viewing this specific video but acknowledged that he had seen similar videos on his computer and viewed them. When


asked about his definition of child pornography, GALLAGHER stated pornography involving anyone under the age of 18. He admitted that this particular video was child pornography. He also admitted to viewing videos similar to this one in their entirety even though he immediately recognized they were child pornography. He stated that he did so out of curiosity.

CONCLUSION

13. Based upon the above information, probable cause exists to believe that DONALD E. GALLAGHER, JR has committed violations of Title 18, United States Code, Sections 2252(a)(2) and 2252(a)(4), which prohibit, among other things, possession of child pornography that has been shipped or transported using any means or facility of interstate or foreign commerce, and the transmission of child pornography in interstate or foreign commerce. Thus, your Affiant respectfully requests the issuance of a criminal complaint.


NATHAN A. DIX
Task Force Agent
Federal Bureau of Investigation

Sworn to before me this
24th day of July, 2013.


ELIZABETH A. JENKINS
United States Magistrate Judge