

## UNITED STATES DISTRICT COURT

for the

District of New Mexico

JAN 18 2013

mels

**MATTHEW J. DYKMAN**  
CLERK

United States of America

v.

Case No.

13-MJ-151

Frederick Gonzales

Year of Birth: 1970

SSN: XXX-XX-3448

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 01/11/2013 in the county of Bernalillo in the  
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

18 USC 2252(a)(2)

Distribution and receipt of visual depictions of minors engaged in sexually explicit conduct

18 USC 2252(a)(4)(B)

Possession of visual depictions of minors, to include prepubescent children, engaged in  
sexually explicit conduct

This criminal complaint is based on these facts:

See attached affidavit

 Continued on the attached sheet.*Victoria M. Vaughan*  
Complainant's signature*Victoria Vaughan Special Agent, FBI*  
Printed name and title

Sworn to before me and signed in my presence.

Date: JAN 18 2013*Lorenzo F. Garcia*  
Judge's signature**LORENZO F. GARCIA**  
United States Magistrate Judge  
Printed name and titleCity and state: ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA )  
V. )  
FREDERICK GONZALES, )  
SSN: XXX-XX-3448 )  
Year of Birth: 1970 )

**AFFIDAVIT OF VICTORIA M. VAUGHAN**

Your Affiant, Victoria M. Vaughan, having been first duly sworn, does hereby depose and state as follows:

1. Your Affiant is a Special Agent of the Federal Bureau of Investigation (FBI). Your Affiant has been a Special Agent (SA) since August, 2009. Your Affiant is currently assigned to the Albuquerque Field Office, with a primary duty to investigate civil rights and individuals involved in the on-line sexual exploitation of children.
  
2. Your Affiant has participated in investigations of persons suspected of violating federal child pornography and exploitation laws, including Title 18, United States Code, Section 2252. Your Affiant has also participated in training, including the Internet Crimes Against Children Conference in Atlanta, Georgia in 2012, for the investigation and enforcement of federal child pornography and exploitation laws in which computers are used as the means for receiving, transmitting, possessing, and

distributing images depicting minors engaged in sexually explicit conduct (hereafter referred to as "child pornography"). Your Affiant has received training in peer to peer investigations involving computers and child pornography, and viewed numerous images and videos of child pornography in investigations. Your Affiant has received training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, computer evidence identification, computer evidence seizure and processing, and various other criminal laws and procedures. Your Affiant has personally participated in the execution of search warrants involving the search and seizure of computer equipment.

3. This affidavit will show there is probable cause in support of a criminal complaint against Frederick Gonzales (Year of Birth 1970, SSN xxx-xx-3448) for a violation of Title 18, United States Code, Section 2252(a)(2) and (a)(4)(B), which prohibits receipt, distribution, and possession of any visual depiction involving the use of minors, to include prepubescent children, engaged in sexually explicit conduct ("child pornography") that has been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.
  
4. The statements contained in this affidavit are based upon Your Affiant's investigation, training, experience, and information provided by other law enforcement officers Your Affiant believes to be reliable and officers specially trained in the seizure and analysis of computers and electronic media. Because this affidavit is being submitted for the limited purpose of securing a search warrant, Your Affiant has not included each and every fact known to me concerning this investigation. Your Affiant has set forth only the facts that Your Affiant believes are necessary to establish probable cause to support

a criminal complaint against Frederick Gonzales, in violation of Title 18, United States Code, Sections 2252(a)(2) and (a)(4)(B).

### I. RELEVANT STATUTES

5. This investigation concerns alleged violations of 18 USC 2252(a)(2) and (a)(4)(B). According to 18 USC 2252(a)(2), it is a federal crime for a person to "knowingly receive or distribute...any visual depiction [of a minor engaged in sexually explicit conduct] using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported by any means including by computer..."
6. According to 18 USC Section 2252 (a)(4)(B), it is a federal crime for a person to "knowingly possesses, or knowingly access with intent to view...[any] matter which contain any visual depiction [of a minor engaged in sexually explicit conduct] that has been mailed; shipped, or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported by any means including computer..."

### II. DETAILS OF THE INVESTIGATION

7. In September 2012, Special Agent Owen Pena with the New Mexico Attorney General's Office selected the option to attempt to monitor Internet Protocol ("IP") address 174.56.58.227. Special Agent Pena received information through Child Protection System ("CPS") that this IP address may have been involved in the possession and distribution of child pornography. CPS is a database created by law enforcement and utilized by federal and state law enforcement agencies in P2P child

exploitation investigations nationwide. CPS maintains a log of IP addresses that may have been previously involved in the possession and distribution of child pornography. When the IP address was online in the Peer-to-Peer ("P2P") file-sharing network of Ares, Special Agent Pena's computer would automatically begin to download the files available for distribution from the suspect's computer. Between September 3, 2012 and November 10, 2012, SA Pena downloaded five complete files from the suspect IP address of 174.56.58.227.

8. CPS was also able to provide Special Agent Pena with two nicknames associated with the Ares account: "anon\_ae383@Ares" and "orgas@Ares".
9. Special Agent Pena was able to complete a direct download of a file with the SHA-1 value of, "TP4A..." named, "b8 bfb thaiboyz-bibcam, 2009, fucks cum,kdv,rbv boys, ped.avi". The download occurred between 1758 and 1940 on September 3, 2012 from the IP address of 174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "TP4A..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "TP4A..." and confirmed the file is a video containing images of two prepubescent nude males Your Affiant believes to be between the ages of eight and ten years old. The boys are on a bed, and one boy performs oral sex on the other boy. The video then shows one boy anally penetrating the other boy with his penis from multiple angles. The video ends when the boy that is penetrating the other boy pulls his penis out of his anus and masturbates until he ejaculates onto the back of the other boy.
10. Special Agent Pena was able to complete another direct download of a file with the SHA-1 value of, "T2GL..." named, "(pthc) jho gillian 4 cum.avi". The download occurred between 1619 and 1644 on September 11, 2012 from the IP address of

174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "T2GL..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "T2GL..." and confirmed the file contains a video of a prepubescent female Your Affiant believes to be between three and five years of age, sitting in a bathtub. The female is wearing a dress and tights. An individual pulls down the girl's tights, exposing her genitalia. The individual's fingers rub the girl's genitalia, and then pulls her tights back up. The video then changes to a different location with what appears to be the same girl standing in the same dress and tights. An adult male starts to masturbate his exposed penis, and puts the penis into the girl's mouth. The male then ejaculates into the girl's mouth.

11. Special Agent Pena was able to complete another direct download of a file with the SHA-1 value of, "4LGV..." named, "!!new (pthc) sammy and dad with purple vibrator.mpg". The download occurred between 1127 and 1210 on September 13, 2012 from a computer using the IP address of 174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "4LGV..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "4LGV..." and confirmed the file contains a video of images of a prepubescent female Your Affiant believes to be approximately four years of age lying on a bed, nude from the waist down. The female is on her back, with her legs spread, exposing her genitalia. Another individual puts a vibrator against the female's genitals and rubs it up and down. Only the individual's left hand is visible.
  
12. Special Agent Pena was able to complete another direct download of a file with the SHA-1 value of, "EYGO..." named, "9 rusita kimmy.avi". The download occurred

A handwritten signature consisting of stylized initials and a surname, appearing to read "JFMV".

between 2228 on November 9, 2012 and 0000 on November 10, 2012 from a computer using the IP address of 174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "EYGO..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "EYGO..." and confirmed the video file contains images of a nude adult male lying on a bed, with his penis in view. There is a nude female Your Affiant believes to be approximately twelve years of age lying next to him. The female sits up and puts the male's penis in her hands, and then puts the male's penis in her mouth. The male touches his penis, and the female touches his penis the same way. The female plays with the male's penis until he ejaculates into the air.

13. Special Agent Pena was able to complete another direct download of a file with the SHA-1 value of, "HV6N..." named, "pthc - r@y gold - compilation !!new!! 30 min+3 76.avi ". The download occurred between 0346 and 0715 on November 10, 2012 from a computer using the IP address of 174.56.58.227. Special Agent Pena then watched the video file with the SHA-1 value of "HV6N..." and believed it to contain graphic images depicting minors engaged in sexually explicit conduct. Your Affiant also viewed the file with the SHA-1 value of "HV6N..." and confirmed the video file is a compilation of several smaller videos. The video file contains images of a partially nude prepubescent female Your Affiant believes to be approximately seven years of age. A penis is against the girl's mouth and ejaculates into her mouth. Another image is of a clothed prepubescent female Your Affiant believes to be approximately three years of age. An adult assists the female in putting her hands on an adult penis and masturbating it.
14. Special Agent Pena also noted that from the CPS logs on September 3, 2012, a computer utilizing the IP address of 174.56.58.227 was seen with file names, the majority of which were pornographic in nature and many appeared to be directly

referencing underage children. A few of these file names, consistent with what Your Affiant believes to be child pornography, were listed as:

- a. "! new ! (phtc) tara 8 yr – fucking with daddy every day – may.wmv"
  - b. "(((kingpass))) 10y touch pussy webcam 3.avi"
15. Your Affiant can conclude from specialized training and experience that the logged results indicated that a computer utilizing the IP address of 174.56.58.227 on the above listed dates and times was receiving, possessing and distributing visual depictions of minors engaged in sexually explicit conduct.
16. Special Agent Pena determined by using free Internet websites that the IP address of 174.56.58.277 on the dates listed above was owned by Comcast Cable as the Internet Service Provider (ISP).
17. On November 30, 2012, Special Agent Pena completed a Grand Jury Subpoena requesting the identification of the subscriber using the IP address of 174.56.58.277 used on the above-mentioned dates and times.
18. Comcast Cable's response indicated that information for the account accessing the IP address of 174.56.58.227 was not available for 09/03/2012, 09/11/2012, and 09/13/2012. Comcast Cable's response indicated that information for the account accessing the IP address of 174.56.58.227 on 11/09/2012 and 11/10/2012 was available, and as follows:

- Subscriber Name: Fred Gonzales
- Subscriber Address: 705 Burma Drive NE  
Albuquerque, New Mexico 87123
- Home Phone: 505-414-2984

- Start of Service: 05/22/2012
- Email address: freddyjg@comcast.net

19. Special Agent Pena provided the above information, and all downloaded files, to Bernalillo County Sheriff's Office (BCSO) Detective Bradley Streiff. Detective Streiff used different law enforcement data bases to show a Frederick J. Gonzales (aka Fred Gonzales) lives at 705 Burma Dr NE, Albuquerque, New Mexico. This search also showed that a Carey Gonzales also lives at the above address. Streiff obtained a copy of Frederick Gonzales' driver's license, which lists 705 Burma Dr NE, Albuquerque, New Mexico as his current address. Gonzales' driver's license picture is of a Hispanic male with dark hair and a goatee.
20. Detective Streiff also conducted research using Facebook. Detective Streiff located a Facebook page for Fred Gonzales, and compared the pictures on the Facebook page with Gonzales driver's license picture. Detective Streiff believed they appeared to be the same person (Hispanic male with dark hair and a goatee). The Facebook page indicated Mr. Gonzales had lived in Albuquerque for fifteen years with his wife, Carey Gonzales and his two children. Gonzales's Facebook page also indicated he is on the Board of Directors and holds the office of President-Elect for the New Mexico Young America Football League (NMYAFL).
1. On January 11, 2013, a search warrant was executed by BCSO on 705 Burma Drive NE, Albuquerque, New Mexico 87123 to search for evidence and instrumentalities of violations of 18 United States Code 2252, activities relating to material involving sexual exploitation of minors, and New Mexico Statute 30-6A-3, sexual exploitation of children. Numerous computers and computer-related media were seized from this residence pursuant to this search warrant, to include the following: more than 300

DVDs, an Ipad, computers, rolls of undeveloped film, and marijuana. The marijuana was hidden under the bed in the master bedroom.

21. On January 11, 2013, Fred Gonzales (Year of Birth 1970, SSAN XXX-XX-3448) was interviewed by BCSO Detective Brad Streiff in a BCSO vehicle. Gonzales was informed the interview was voluntary, that he didn't have to talk to Detective Streiff, and advised of his Miranda rights. Gonzales voluntarily waived his Miranda rights and agreed to speak to Detective Streiff. Gonzales admitted to Detective Streiff during this recorded interview that he watches child pornography. Gonzales explained to Detective Streiff that by child pornography he means sexual videos involving kids, like kids under the age of 12. Gonzales stated that he has used the ARES file sharing program to look up and download child pornography. Gonzales stated that he has also gone to websites like Motherless.com<sup>1</sup> because they also have videos of young looking girls. Gonzales stated that he has never intentionally shared child pornography over the internet. Gonzales stated that files might have been accidentally shared. Gonzales stated he didn't know to share files using Ares, and then said he shared music using Ares, but wasn't sure how to share other files. Gonzales stated that the last time he downloaded child pornography from ARES was in December 2012. Gonzales told Detective Streiff that he understands how to download and share music on Ares. Gonzales told Detective Streiff that he didn't know any keywords for child pornography, but when he saw a video that he liked, he would cut and paste part of the title to look for more similar videos. Gonzales told Detective Streiff that he is the only one [at his residence] that downloads child pornography on the ARES network. Gonzales told Detective Streiff that his Windows account is password protected and that each person in the house has their own account. Gonzales stated that ARES is installed on his account and that he

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<sup>1</sup> BCSO Detective Streiff advised Your Affiant that Motherless.com is a website on which users can chat and upload videos. Streiff advised the site contains pornography, and appears to have users that are teenagers, as well as individuals who express to have a sexual interest in underage children.

installed it. Gonzales stated he has used the ARES network to download child pornography. Gonzales stated that he then puts the videos onto DVDs that he will later watch with his wife, Carey. Gonzales estimated that he has several hundred DVDs, but stated that not all of his DVDs have child pornography on them. Gonzales estimated that ten percent of his DVDs were of child pornography. Gonzales told Detective Streiff that he worked as President of Youth America Football League (YAFL) in Albuquerque, and he also runs Fat Freddy's Barbeque.

22. On January 11, 2013, Gonzales voluntarily agreed to participate in a polygraph at the Albuquerque FBI. Gonzales was advised of his Miranda rights, and voluntarily waived his rights. After failing a polygraph regarding if he touched his children in a sexual way or for his sexual pleasure, Gonzales then told Special Agent Jennifer Sullivan that he had a high sex drive, and has been watching pornography for years. Gonzales said he encouraged Carey to watch adult pornography with him since their relationship began, and he started looking at child pornography. Gonzales told Special Agent Sullivan once he found child pornography, he became consumed with sorting through downloads of child pornography videos. He stated he would transfer the videos that excited him or Carey to DVDs so they could watch them together in bed. Gonzales stated he had a sex addiction and needed to watch adult pornography before, but now child pornography twice a day. He usually watched it in the morning while his children and Carey were getting ready for school, and at night before dinner. He sometimes would watch it during dinner if the family had an after-dinner activity planned. Gonzales admitted his viewing child pornography was for arousal, masturbation, or orgasm. Gonzales told Special Agent Sullivan that he sometimes put viewing the child pornography ahead of family issues because he wanted to make sure he didn't miss anything new. Gonzales stated his weakness is for adult and teenage women who are masturbating, and admitted to watching videos of girls around eleven years old masturbating. Gonzales admitted he continually finds himself fantasizing

get  
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about women he sees at random places or meets at jobs, and wonders what they'd look like as they masturbate. Gonzales denied ever fantasizing about his eleven year old daughter. Gonzales told Special Agent Sullivan he smokes marijuana every night with Carey in the garage after dinner while his children are usually in the house working on homework or games.

23. On January 11, 2013, Gonzales was taken into custody by BCSO and charged with 5 counts of distribution of child pornography, New Mexico Statute 30-6a-3f, and 1 count of manufacturing child pornography, New Mexico Statute 30-6a-3d. On January 13, 2013, Gonzales was released from Metropolitan Detention Center.
24. On January 14, 2013, BCSO Detective Kyle Hartsock interviewed Jane Doe. Doe contacted BCSO on January 11, 2013, after seeing a press release related to Gonzales. Doe told Hartsock that in 1990, she was staying at Gonzales' mother's house. Doe stated he digitally penetrated her when she was sleeping. Doe was eleven years old at the time.
25. On January 15, 2013, Detective Streiff interviewed William Blair, Executive Director of YAFL. Blair told Detective Streiff that Gonzales had worked with YAFL since 2007, and started as an Assistant Coach. Blair confirmed Gonzales was recently elected as President, and has had contact with children through YAFL since 2007. Your Affiant researched YAFL's website, which details children can participate in YAFL starting at five years of age.
26. BCSO recovered numerous DVDs from the residence, which agents are still reviewing. In the course of reviewing DVDs seized from the residence, the following images were found:

1. Brand: TDK, number SEI005311552H00
  - a. "Prime" handwritten on the DVD
    - i. **Video description:** This DVD contained a video of a prepubescent female Your Affiant believes to be approximately ten years old. The female is nude, sitting on a chair, and wearing a mask. The female inserts what appears to be a pink vibrator or dildo into her vagina. The female then inserts her fingers into her vagina.
    - ii. The same DVD also contained a video of a prepubescent female Your Affiant believes to be approximately seven years old, wearing a blue shirt. The female's genitals are exposed, and she inserts her fingers into her vagina.
2. Brand: TDK, number SEI005305141C23
  - a. "Nasty Boys 2" handwritten on the DVD
    - i. **Video description:** This DVD a video of a prepubescent female Your Affiant believes to be approximately nine years old. The female was nude, but wearing a mask, and lying on top of a nude adult male. The female put the penis in her mouth. The adult male then vaginally penetrated the girl with his penis. Another individual assists the male putting his penis in the girls' vagina. The girl then straddles the adult male and he vaginally penetrates her with his penis, while the other individual anally penetrates the girl with what appears to be a dildo. The adult male then ejaculates on the girl's mouth, while the other individual puts a piece of orange in the girl's mouth.
    - ii. The same DVD contained a video of a prepubescent male Your Affiant believes to be approximately eight years old. The male wears an orange shirt, is nude from the waist down and kneels on a bed with his anus exposed. Another male masturbates his own exposed penis and ejaculates on the back of the eight year old male.
3. Brand: Maxell, number PEP6K3LK29072336
  - a. "Lollis" handwritten on the DVD
    - i. **Video description:** This DVD contained a video of a prepubescent boy Your Affiant believes to be approximately five years of age. The boy is nude and in the shower, performing oral sex on an adult male.
    - ii. The same DVD contained a video of two prepubescent boys Your Affiant believes to be between five and eight years of age. The boys are nude and performing oral sex on an adult male. One boy puts the adult male's testicles in his mouth, and the other boy puts the adult male's penis in his mouth.
    - iii. The same DVD contained a video of a prepubescent boy Your Affiant believes to be approximately six years of age. The boy is nude and performs oral sex on an adult male. The adult male puts his hand on

- iv. the back of the boy's head to put his penis further in the boy's mouth.
- 4. Brand: TDK, number SEI005305132G23
  - a. "Mixed up" handwritten on the DVD
    - i. **Video description:** This DVD contained a video of a girl Your Affiant believes to be approximately fourteen years of age. The girl is nude from the waist down, and wears a pink and white striped shirt. The girl stands and puts one leg up on a chair, exposing her genitals. A white dog then licks the girl's vagina and anus. "Lolitacams.blogspot.com" is displayed at the top of the screen.

### **III. INTERSTATE NEXUS**

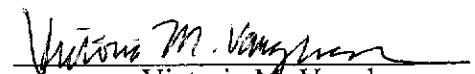
- 34. Peer to peer file sharing programs like Ares must access the Internet so as to receive and distribute files of child pornography. Your Affiant believes use of the Internet constitutes "in or affecting interstate commerce" for purposes of distribution, receipt, and possession of visual depictions of minors, to include prepubescent children, engaged in sexually explicit conduct in violation of 18 USC Section 2252(a)(2).
- 35. The DVDs with the videos mentioned above (seized during the search of 705 Burma NE, Albuquerque, New Mexico) were manufactured by TDK and Maxell. TDK DVDs are manufactured in India. Maxell DVDs are manufactured in Taiwan. Your Affiant believes that because DVDs was manufactured outside the state of New Mexico, the "in or affecting interstate commerce" is satisfied for the purposes of possession of visual depictions of minors, to include prepubescent children, engaged in sexually explicit conduct in violation of 18 USC 2252(a)(4)(B).

**IV. CONCLUSION**

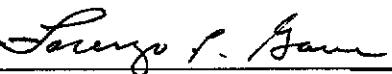
36. Based on the foregoing information contained in this affidavit, Your Affiant has probable cause to believe that during a period ranging from on or about between November 9, 2012 to January 11, 2013, Frederick Gonzales distributed, received, and possessed visual depictions of minors, to include prepubescent children, engaged in sexually explicit conduct in violation of Title 18, USC Section 2252 (a)(2) and (a)(4)(B). Based on the foregoing, Your Affiant respectfully requests the court issue an arrest warrant for Frederick Gonzales (Year of Birth 1970, SSN xxx-xx-3448), for violations of Title 18, USC Sections 2252 (a)(2) and (a)(4)(B), based on the foregoing information.

I swear that this information is true to the best of my knowledge and belief.

Respectfully submitted,

  
Victoria M. Vaughan  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to  
before me this 18 day  
of January 2013.

  
HONORABLE LORENZO F. GARCIA  
UNITED STATES MAGISTRATE JUDGE