

United States District Court

NORTHERN

DISTRICT OF

UNITED STATES OF AMERICA

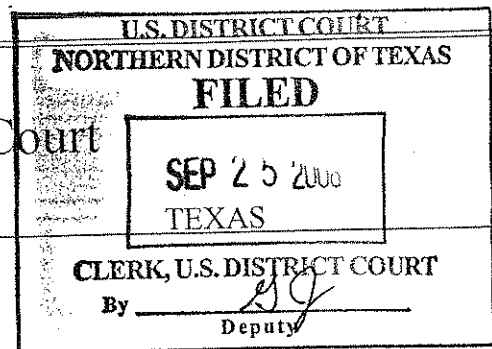
V.

STEVE RICHARDSON

(Name and Address of Defendant)

CRIMINAL COMPLAINT

CASE NUMBER: 3-08-MJ- 366



I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 20, 2007, in the Dallas Division of the Northern District of Texas, defendant(s)

knowingly transported child pornography in interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section(s) 2252A(a)(1).

I further state that I am a(n) Special Agent with the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE) and that this complaint is based on the following facts:

See attached Affidavit of Special Agent U.S. Department of Homeland Security, Robert M. Jester, (ICE) which is incorporated and made a part hereof by reference.

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

ROBERT M. JESTER
Special Agent, ICE

Sworn to before me and subscribed in my presence, on this 25 day of September, 2008, at Dallas, Texas.

PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

I, Robert M. Jester, being duly sworn, depose and state:

1. I am a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE), assigned to the Special Agent in Charge, Dallas, Texas. I have been employed with ICE and its predecessor organization, the Immigration and Naturalization Service, since June 1994. As part of my duties as an ICE agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A.

2. This affidavit is submitted in support of a complaint seeking an arrest warrant for Steve Richardson. Based upon my investigation detailed below, I believe there is probable cause to find that Richardson, knowingly transported in interstate commerce a visual depiction of child pornography in violation of 18 U.S.C. § 2252A(a)(1).

RELEVANT STATUTE

3. This investigation concerns a violation of 18 U.S.C. § 2252A, relating to material involving the sexual exploitation of minors.

4. 18 U.S.C. § 2252A prohibits a person from knowingly transporting, receiving, distributing or possessing in interstate or foreign commerce, by computer or mail, any visual depiction of child pornography.

DEFINITIONS

5. The following definitions apply to this Affidavit and Attachment B to this Affidavit:

- a. "Child Pornography" includes the definition in 18 U.S.C. § 2256(8), any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.
- b. "Visual depictions" include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. See 18 U.S.C. § 2256(5).
- c. "Minor" means any person under the age of eighteen years. See 18 U.S.C. § 2256(1).
- d. "Sexually explicit conduct" means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e)

lascivious exhibition of the genitals or pubic area of any person.

See 18 U.S.C. § 2256(2).

- e. "Internet Service Providers" or "ISPs" are commercial organizations which provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers, including access to the Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment. ISPs can offer various means by which to access the Internet including telephone based dial-up, broadband based access via a digital subscriber line (DSL) or cable television, dedicated circuits, or satellite based subscription. ISPs typically charge a fee based upon the type of connection and volume of data, called bandwidth that the connection supports. Many ISPs assign each subscriber an account name such as a user name or screen name, an e-mail address, and an e-mail mailbox, and the subscriber typically creates a password for the account. By using a computer equipped with a telephone or cable modem, the subscriber can establish communication with an ISP over a telephone line or through a cable system, and can access the Internet by using his or her account name and password.
- f. "Domain Name" refers to the common, easy-to-remember names associated with an Internet Protocol address. For example, a

domain name of "www.usdoj.gov" refers to the Internet Protocol address of 149.101.1.32. Domain names are typically strings of alphanumeric characters, with each level delimited by a period. Each level, read backwards – from right to left – further identifies parts of an organization. Examples of first level, or top-level domains are typically .com for commercial organizations, .gov for the governmental organizations, .org for organizations, and, .edu for educational organizations. Second level names will further identify the organization, for example usdoj.gov further identifies the United States governmental agency to be the Department of Justice. Additional levels may exist as needed until each machine is uniquely identifiable. For example, www.usdoj.gov identifies the world wide web server located at the United States Department of Justice, which is part of the United States government.

- g. "Log Files" are records automatically produced by computer programs to document electronic events that occur on computers. Computer programs can record a wide range of events including remote access, file transfers, logon/logoff times, and system errors. Logs are often named based on the types of information they contain. For example, web logs contain specific information about when a website was accessed by remote computers; access logs list specific information about when a computer was accessed from

a remote location; and file transfer logs list detailed information concerning files that are remotely transferred.

- h. The terms "records," "documents," and "materials," as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade form (including, but not limited to, writings, drawings, painting), photographic form (including, but not limited to, microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, photocopies), mechanical form (including, but not limited to, phonograph records, printing, typing) or electrical, electronic or magnetic form (including, but not limited to, tape recordings, cassettes, compact discs, electronic or magnetic storage devices such as floppy diskettes, hard disks, CD-ROMs, digital video disks (DVDs), Personal Digital Assistants (PDAs), Multi Media Cards (MMCs), memory sticks, optical disks, printer buffers, smart cards, memory calculators, electronic dialers, or electronic notebooks, as well as digital data files and printouts or readouts from any magnetic, electrical or electronic storage device.

GOOGLE "HELLO" PROGRAM

6. Google's "Hello" software program is a new Internet service that enables users to trade images easily, quickly, and securely. The Hello program lets traders connect directly (peer-to-peer) to each other's computers specifically for the purpose of sharing pictures. Movie files may also be shared, but in a limited fashion. Since the

connection is peer-to-peer, there is no limit to the number and size of pictures that may be shared. Once a connection is created, the individuals simply select the pictures they wish to share. This may be an individual picture or a folder containing thousands of pictures. While connected, the individuals may also engage in chat conversations. All pictures and chat are encrypted during the transmission by the software. This overcomes the traditional limitation of peer-to-peer software by facilitating both live chat and exchange of large volumes of files simultaneously.

7. Information contained within the "How it works" section of the Hello website describes the Hello computer program in part as follows:

"Hello is a new program that lets you connect directly with your friends to share your digital pictures. If you've used an instant messenger program before, you've already got the idea. Hello is special because it lets you share pictures along with your messages.

"Hello is designed to let you send high-quality pictures instantly and securely over any speed connection, even dial-up. With Hello, you can send hundreds of high quality pictures to your friends in just seconds - you can't do that with email.

"When you share pictures with Hello, you get feedback from your friends right away. Also, Hello automatically encrypts all your pictures and chat

before sending, so it's safer and more secure than email.

"When you use Hello to share pictures they arrive on your friend's screen immediately, without the hassle of uploading them to public websites.

Your friends can download print quality copies of their favorite pictures to print right at home, which most "picture sharing" websites won't let you do."

8. Information contained within the "Security Information" section of the Hello website, under the header "How this program protects your information," further describes the Hello computer program in part as follows:

"Hello is a peer-to-peer program (p2p). This means that your computer is directly connected with other computers (similar to how popular file trading programs work). However, you will only be connected with the people you approve: you grant authorization to only the users you choose. No one can get your pictures without your permission."

"Like email, any pictures that you have shared in Hello can be saved and forwarded by the people you share them with.

"You connect with our servers during login and during chat sessions.

After you've successfully shared an image with someone, you are directly

connected to that person for the rest of your session together.

"Hello protects you from viruses by automatically confirming that all JPG files are valid pictures before allowing them to be traded."

9. In order to use the Hello program, a user must have access to a computer which communicates through a modem connected to a telephone line or other high-speed telecommunications, with the central computer system operated by Google Incorporated. A user must then download and install the Hello program. During the download and installation process, the user must first set up his account via the "Hello" website. The user is asked to create the following information: User name or "handle," email address, and password. Once established, the user name is unique to the program as no two Google Hello users may have the same user name at the same time. The user is then given access to download the installation file. Google sends a verification email to the email address provided during the registration. The user is instructed to open the email and click on an embedded link to verify the email address. Google stores this information on their servers in Mountain View, California. Each account will also have a unique User Identification number (UID) assigned by the Hello software.

10. Once the software is installed, each user may access the "Options and Preferences" section of the software and review or change any preferences that were selected during installation. Some of these options include: Remember my password,

automatically log in, launch Hello when windows starts, save chat to history, automatically save all received pictures and location (the full file path where Hello automatically saves all received pictures). All the above preferences are automatically selected during install unless the user manually de-selects an individual preference.

11. After a computer user downloads and installs the Hello application on his computer, the Hello program creates a series of directories. These directories and their structure on the computer are used for organizing, recording and maintaining chat records, shared images, "friends lists" and "thumbnails" or reduced versions of the images that were transmitted or received. Each time the user joins a chat with another Hello user, the directory structure grows to accommodate the records of the chats with each new user. On newer computers that utilize the Microsoft Windows 2000 or Windows XP operating systems, these directories by default are found within the computer user's Documents and Settings directory.

BACKGROUND OF INVESTIGATION

12. On August 02, 2007, ICE Special Agents in Seattle executed a federal search warrant related to a child pornography investigation at the residence of M.H. M.H. consented to agents assuming his online presence on Google "Hello". Special Agent Lisa Vlad assumed M.H.'s Google "Hello" identity in order to communicate with individuals involved in the distribution of child pornography.

13. On December 20, 2007, Special Agent Vlad, using the M.H. identity in an undercover capacity, connected to Google Hello using the internet from Seattle, Washington. While in this undercover capacity, Special Agent Vlad communicated with

and received an image of child pornography from Google "Hello" user "cowboysspades". The following chat conversation occurred from approximately 3:35 pm until 4:04 pm PST and was archived using Camtasia Studio screen capture software. Contained within the chat logs were application messages, created by the Hello program, documenting the number of images sent by "cowboysspades" as well as thumbnail images of the larger images sent by "cowboysspades" during the chat conversations. The items in bold are application messages generated by the Hello program.

cowboysspades: hi

Vlad: hey

cowboysspades: how r u

Vlad: bit boredyou?

cowboysspades: same

cowboysspades is sending 6 pictures.

Vlad: that your old woman? Lol

cowboysspades: i wish

Vlad: merry Christmas...ho....ho....ho

Vlad: damn she's fine

Vlad: wish santa would put her in my stocking

Vlad: :)

cowboysspades: that would make a merry Christmas

Vlad: a merry happy hard cristmas

cowboysspades: a smackin good time

cowboysspades: u got some pics

Vlad: wish I did... starting over

Vlad: I guess I must have pissed you off.... I'm sorry, I should have told you ahead of time

cowboysspades: No Problem

Vlad: maybe we can trade when I replenish my collection

Vlad: maybe santa will nice this year

Vlad: I guess your not santa

Vlad: lol

Vlad: later

14. During the chat conversation, a total of six images were received from "cowboysspades". Affiant has reviewed the images; one image, described below, fits the definition of child pornography:

Image: This image depicts a female minor who appears to be around the age of six years. She is sitting on a chair, nude. Her legs are spread apart, revealing her vagina.

15. The other images include a depiction of a female minor, totally nude, kneeling on what appears to be a boat dock and female minors wearing lingerie in various poses. These images would be considered "child erotica".

16. On December 21, 2007, Special Agent Vlad sent a summons to Google

Incorporated for the Hello account "cowboysspades". Google responded to the summons and provided the following account information:

USER ID: 974623
USER NAME: cowboysspades
EMAIL: girlpedolover@hushmail.com
AFFILIATE: Hello
REGISTERED: Friday, January 28, 2005
LAST LOGIN: Monday, December 31, 2007 @ 10:32:38 am PST

Google also provided Internet Protocol (IP) addresses used to access the account between April 18, 2007 and December 31, 2007. The records showed that, "cowboysspades" had been logging onto his account from IP addresses assigned to AT&T Internet Services from April 18, 2007 until September 10, 2007. From September 25, 2007 until December 31, 2007, "cowboysspades" had been logging onto his account from IP addresses assigned to Suddenlink Communications.

17. On January 25, 2008, Special Agent Vlad sent a summons to Suddenlink Communications for subscriber information for some of the IP addresses used by "cowboysspades" to log onto the Google "Hello" program. Suddenlink responded to the summons and provided the following account information:

Status: Active 9-24-07
1st United Methodist Church
305 N Josephine St
Royse City, TX 75189-2900
Home Ph 214 763 xxxx

18. On February 01, 2008, Special Agent Vlad, utilizing the undercover identity, was again contacted by "cowboysspades". The following chat conversation occurred from approximately 1:56 pm until 2:50 pm PST and was archived using Camtasia Studio screen capture software:

cowboysspades: hi

Vlad: hey

Vlad: how's it going?

cowboysspades: how r u

Vlad: good....how you been?

cowboysspades: good and horny

Vlad: yah me too

cowboysspades: what u in mood for

Vlad: at work and I'm having the hardest time concentrating...fantasizing about my daughter

cowboysspades: awesome

cowboysspades: how old is she

Vlad: 4

cowboysspades: even more awesome

Vlad: yeah, such a cute age

cowboysspades: you ever doing anything with her

Vlad: willing to do anything for you.... :)

cowboysspades: you touch and lick her>?

Vlad: maybe.... :)

cowboysspades: :)

cowboysspades: got pics of her

Vlad: not that I share that often

cowboysspades: ahhhh but I would love to see her

Vlad: those are held close, close in..... :)

cowboysspades is sending 5 pictures.

Vlad: mmmm.....like a flower that needs to be picked :)

Vlad: hot.....

Vlad: :)

cowboysspades: no pics?

Vlad: not while I'm at work dude. :(

Vlad: sorry... thought you knew that

Vlad: later dude....boss just came in with a shit load of work..

A total of five images were sent to Vlad from "cowboysspades". The images appeared to be "child erotica".

19. On September 26, 2007, ICE Special Agents executed a search warrant at the residence of R.F. The search warrant resulted in the seizure of computers and the arrest of R.F. for Possession of Child Pornography. On October 04, 2007, R.F. agreed to assist ICE agents with the identification of other Google Hello users involved in the distribution and receipt of child pornography. One of the screen names that R.F. remembered trading with was "cowboysspades". R.F. stated that "cowboysspades" had sent him "homemade" images within the past three months. Special Agent Vlad conducted a search of one of R.F.'s computer hard drives and located a folder named "from cowboysspades". The folder also contained the same user ID number for "cowboysspades" that Google provided to Special Agent Vlad pursuant to her summons

in December, 2007. Within the folder were approximately 30 images of child pornography. The following are descriptions of some of the images:

Image 1

This image depicts a minor female who appears to be around three years of age. She is shown holding an adult penis in both of her hands.

Image 2

This image depicts two minor females who appear to be around four years of age. They are both lying on a bed with their legs lifted in the air, clearly displaying their genitalia.

Image 3

This image depicts a minor female who appears to be around ten years of age. She is grasping an adult penis in both hands with the tip of the penis inserted in her mouth.

20. After receiving this evidence from Special Agent Vlad, Affiant continued the investigation. Because the Suddenlink Communications records indicated that "cowboysspades" was logging on to his account from the First United Methodist Church located at 305 N. Josephine Street, Royse City, Texas 75189, Affiant conducted surveillance at the church on May 08, 2008. Affiant, using a laptop computer in the parking lot of the church, was able to determine that the church utilized a wireless internet router. When Affiant attempted to access the network known as "fumc-rc", Affiant was prompted for a password. Because this password protection suggests that the network is secure from passersby, Affiant believes this indicates that "cowboysspades" is likely a church employee.

21. On May 13, 2008, Affiant sent a summons to AT&T Internet Services for subscriber information for the nine other IP addresses, provided to Special Agent Vlad by Google, Inc., pursuant to her summons in December, 2007. AT&T provided the following information on all nine of the IP addresses:

Customer name:	First United Methodist Church
Account Number:	1629xxxx
Address:	305 N. Josephine Street Royse City, Texas 75189, USA
Service Activation:	08/24/2004 12:00:00 am
Service Deactivation:	02/11/2008 12:00:00 am
Email address:	fumcrc@sbcglobal.net

22. The Google "Hello" records for "cowboysspades" listed the email address "girlpedolover@hushmail.com". Hushmail is a Canadian entity; Affiant is still working to obtain subscriber information associated with this email address. Because persons frequently use the same name for different email providers, Affiant sent a summons to Yahoo, Inc. for records pertaining to the email address "girlpedolover@yahoo.com". Yahoo, Inc. provided the following account information for "girlpedolover@yahoo.com":

Login Name:	girlpedolover
Yahoo Mail Name:	girlpedolover@yahoo.com
Registration IP address:	69.149.67.5
Full Name:	Mr. Steve Richardson
Address:	(no address listed)
City:	Royse City, TX 75189
Account Status:	Active

The IP address 69.149.67.5 was one of the nine AT&T IP addresses used by "cowboysspades" to logon to his Google "Hello" account. On September 02, 2008, Affiant also sent a summons to Yahoo Inc. for any records pertaining to the email

address "cowboysspades@yahoo.com". Yahoo Inc. provided records confirming that the account was created on November 21, 2004 under the name Steve Richardson of Boyd, Texas. The email account was deactivated on May 16, 2006. The Accurint Law Enforcement Information Report on Steve Richardson listed Boyd, Texas as Richardson's city of residence between October, 2002 and October, 2005.

23. Affiant discovered two other cases in which "cowboysspades" had communicated and traded images of child pornography with other Google "Hello" users. ICE Computer Forensics Agents in Dallas were reviewing a computer hard drive seized from H.M. in January, 2008 and found folders with images containing child pornography which were labeled "from cowboysspades". Forensic Agents also found evidence on a computer seized from T.E. in 2007. In addition to finding a "cowboysspades" folder on T.E.'s computer, the same unique user ID for "cowboysspades" appearing in the Google summons to Special Agent Vlad and appearing in the R.F. investigation was also present. The following is a chat conversation between T.E. and "cowboysspades". The items in bold are application messages generated by the Hello program. T.E.'s screenname has been removed and his initials substituted to protect any ongoing investigation(s).

Hello with cowboysspades
10/17/06 09:44:11

cowboysspades: heey breadlover

cowboysspades is sending 17 pictures.

T.E.: hi

cowboysspades: how r u

T.E.: im good I also love tummies

cowboysspades: lol

cowboysspades is sending 33 pictures.

T.E. is sending 23 pictures.

cowboysspades: love this one

cowboysspades is sending 23 pictures.

T.E. is sending 8 pictures.

cowboysspades: what a precious baby

T.E.: i know very sexy

T.E. is sending 16 pictures.

cowboysspades: I bet she would look so sexy with my cock in her mouth and your tongue on her tiny clit

T.E.: yes i love them that age

cowboysspades: little baby whores

cowboysspades is sending 26 pictures.

T.E.: wish i could find more hc baby vid

cowboysspades: there are a good number of them out there

T.E. is sending 1 picture.

T.E.: ive seen a few of them

cowboysspades: i love this girl -daphne

cowboysspades: i am trying to find the video of her

cowboysspades is sending 19 pictures.

T.E.: i get send a few

T.E.: :)

T.E.: I can send a few

147 pictures were in your filmstrip during this session.

During this chat conversation, "cowboysspades" received and distributed dozens of images of child pornography including several images of infants engaged in sexually explicit conduct.

24. On September 24, 2008, affiant executed a search warrant at First United Method Church in Royce City. Affiant spoke with Richardson, who admitted that he used the Google Hello name "cowboysspades." Richardson also admitted that he traded child pornography using his work computer.

CONCLUSION

25. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that Steve Richardson transported an image of child pornography in interstate commerce by computer in violation of 18 U.S.C. § 2252A(a)(1).

Therefore, your Affiant requests a warrant be issued for the arrest of Richardson.


ROBERT M. JESTER
Immigration & Customs Enforcement

SUBSCRIBED and SWORN

before me this 25 of September, 2008


PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE