

AFFIDAVIT

I, Brad Hutchinson, being duly sworn, depose and state the following:

1. I am a Special Agent for Homeland Security Investigations (HSI) within the Department of Homeland Security (DHS). I have been so employed since June of 2010, and I am currently assigned to the Louisville, Kentucky Field Office. My duties include the investigation of various violations of federal criminal laws such as matters involving the sexual exploitation of children, including the online sexual exploitation of children.

2. This affidavit summarizes an investigation indicating that Patrick NEWMAN engaged in online communications with a minor ("John Doe"), a person under the age of 18. During the online communications, NEWMAN persuaded, induced, enticed, or coerced John Doe to engage in sexually explicit conduct for the purpose of producing visual depictions of the conduct and transmitting the visual depictions to NEWMAN using any means or facility of interstate or foreign commerce. This affidavit is submitted in support of an application for a Criminal Complaint and Arrest Warrant for Patrick NEWMAN, for violations of 18 U.S.C. §§ 2251(a), 2252A, and 2422(b).

3. Because this affidavit is being submitted for the limited purpose of securing a Criminal Complaint and Arrest Warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts I believe are necessary to establish probable cause to believe that NEWMAN engaged in conduct constituting violations of 18 U.S.C. §§ 2251(a), 2252A, and 2422(b).

4. The facts set forth in this affidavit are based upon my personal knowledge, knowledge obtained during my participation in this investigation and from other law enforcement officials

involved in the earlier stages of the investigation who have personal knowledge of the events and circumstances described herein. The information set out herein is also based on my training and experience as well as consultation with other law enforcement officials specially trained to work child exploitation investigations.

5. Child pornography, as used in this affidavit, is defined in 18 U.S.C. ' 2256(8)(A).

Other terms within the definition of child pornography are set out in 18 U.S.C. ' 2256.

Probable Cause

6. On January 23, 2015, the National Center for Missing and Exploited Children (NCMEC) received a CyberTip report (#3372117) from Twitter, Inc. regarding the upload of child pornography videos to VINE. VINE, which is owned by Twitter, is a video sharing website, in which users can upload short form videos (approximately 5 to 6 seconds) and share with other users. Twitter reported the upload of 12 videos and 1 image to the following VINE account:

Screen/User Name: young
Additional Info: 13 years old and Bi
Phone: 214-XXX-XXXX
Email Address: XXX@gmail.com
ESP User ID: 1160897734417719296
Profile URL: <http://vine.co>
IP Address: 173.64.207.127 (registration) 12-28-2014 08:03:22 UTC

7 All videos were uploaded from the same IP address between 12-28-2014 and 12-30-2014 (UTC Time) and were made publicly available. According to the report, one video consists of a hand touching an erect penis under grey underwear. One video contained no images (all black). The remaining 10 videos consist of a young male masturbating or performing oral sex on himself.

8. NCMEC geo-located the registration IP address to Texas, and a CyberTip was forwarded to the Dallas Internet Crimes Against Children Task Force. The case was assigned to Dallas PD Detective Lori Rangle, #7361. On January 28, 2015, Detective Rangle sent legal process to Verizon regarding IP address 173.64.207.127. Verizon provided the following information:

VOL Account Number: 0114437660167
Account Creation Date: 8/17/2011
Customer Name: XXXX
Account Address: XXX XXXXX, Denton County, TX 75028
Phone: 215-XXX-XXXX
Email: XXX@gmail.com

9. The case was forwarded to the local police department for the account address. Further investigation John Doe's address and that he attended a local middle school.

10. On March 17, 2015, the detective went to the school to speak with John Doe regarding the online activity reported in the cybertip. John Doe (a 13-year-old male), admitted to Detective Adcock that he had uploaded the videos to VINE and stated his VINE username was "young". John Doe stated he also added "13 years old and Bi" under the comments section of his VINE profile. John Doe stated he initially set the videos to private, but someone (name unknown) informed him to make the videos public. John Doe stated he understood by making them public, anyone could access and view the videos.

11. John Doe stated he had exchanged nude/sexually explicit photographs of himself to an adult male (based on the pictures John Doe received from the male) while using KIK¹ messenger. John Doe did not recall the adult's KIK screenname, but stated he believed the adult

¹ KIK messenger is an instant messaging application for mobile devices. It is an "app" available free of charge. Users can communicate in text messaging, and include videos as well

was from Oklahoma. He stated he had been talking to, and exchanging sexual photographs with, the adult male as recently as March of 2015. John Doe stated the adult male had recently requested him to do something sexual to himself with a plunger and show the adult male. John Doe stated he gave the adult male his true age (13). The detective did not go further into that part of the interview pending a possible child forensic interview. John Doe provided his user name for KIK as well as his password.

12. John Doe stated all the online activity described above took place on his iPhone 5C. John Doe signed a consent to search form and turned over the phone to the detective. John Doe's father also gave verbal consent to search the phone. A preliminary search of John Doe's phone revealed that conversations took place on KIK with an individual whose username was "321havingfun123" and vanity name of "GOOD TIMES". The conversations took place on several dates between February 24, 2015, and March 9, 2015. The conversations were sexual in nature. On March 18, 2015, the phone was turned over the Homeland Security Investigations Cyber Crime Exploitation Group for full forensic processing.

13. On March 23, 2015, John Doe underwent a forensic interview at the Denton County Children's Advocacy Center in Texas. Per standard procedures, the interview was recorded (audio and video). During the interview, John Doe stated he created three separate VINE accounts with usernames "young", "young2", and "young3".² John Doe stated he posted sexually explicit photographs to his "young2" account, which was set to public view, and he was contacted by an adult male. These conversations began in either January or February of 2015,

as pictures.

² All three VINE accounts have were reported to NCMEC and subsequently deleted by VINE for posting child pornography.

according to John Doe, and occurred initially through VINE and then KIK. During the interview, John Doe stated that he told the adult male that he (John Doe) was either 13 or 14 years old and that on at least one occasion John Doe showed his face³ in the video/photo he shared with the adult male.

14. John Doe described several sexually explicit conversations with the adult male in which sexually explicit photographs and videos were traded between them. John Doe stated he thought the adult male's KIK username was "funtimes". He recalled that "funtimes" had a profile picture of an adult male's chest area which he described as "hairy". John Doe stated "funtimes" also sent him a facial picture. John Doe described the man as Caucasian, bald, with a dark beard. According to John Doe, the adult male told him he lived in Oklahoma. John Doe stated the adult male would instruct him to engage in various sexual acts and send videos/photos of the acts to him. John Doe described one request from the adult male that John Doe use a plunger. John Doe described images he received from the adult male, including the background shown in the images. John Doe specifically referenced the adult male's house, including what appeared to be the bathroom of the house (including the tile color) when the adult male was while taking the photos of himself.

15. Several KIK chats between John Doe and the adult male were discovered on John Doe's iPhone5C. The chats were sexually explicit in nature and contained thumbnail photograph stills of either videos or photographs that John Doe and the adult male exchanged with each

³ A screen shot of John Doe's face has been shown to the reviewing Magistrate Judge and will be maintained in a secure manner by Affiant.

other. One conversation, on March 9, 2015, included the following excerpts user

“321havingfun123” sent to John Doe via KIK:⁴

“Make me a long sexy video. Think you could do it on the app not on here?”

“I just want to see as much of you as possible”

“I need that right pink hole bouncing on my hard cock”

“Can you use that plunger? Maybe set up the cameral on the counter and use it?”

“I need to see you cum.”

A thumbnail photograph depicting a yellow rod inserted into an anus is seen later in the chat from a message sent by John Doe to “321havingfun123.

16. Law enforcement officials in Texas sent legal process to KIK for username “321havingfun123”, first/last name: “Good Times”. On March 24, 2015, KIK provided IP address logs and login times regarding “321havingfun123” login activities spanning from February 20, 2015 through March 24, 2015. Many of the logins contain the IP address 108.82.151.52 This IP address is owned by ATT U-Verse and geo-locates to the Louisville, Kentucky, area. Legal process issued to ATT regarding this IP address revealed the following subscriber information assigned to IP address 108.82.151.52:

Subscriber Name: Patrick Newman
Address: XXXX Stanton Blvd., Louisville, KY
Home Phone: 502-XXX-1376
Member ID: p_newman74@att.net
Member Account Number: 124265593

17. On May 19, 2015, Affiant conducted surveillance at the Stanton Blvd., Louisville, Kentucky. During this time, Affiant observed a charcoal/black color Ford F150 (KY# 795-MCM) parked in the driveway on the side of residence. Law enforcement queries reveal this

⁴ A redacted copy of the recovered communication is attached as Exhibit 1. The unredacted communication, including images, has been shown to the reviewing Magistrate Judge and will be maintained in a secure manner by Affiant.

vehicle registered to Patrick NEWMAN, XXXX Stanton Blvd., Louisville, Kentucky. On May 28, 2015, Postal Inspector Kristy Parkerson confirmed that Patrick NEWMAN continues to receive mail at the Stanton Blvd., Louisville, Kentucky, address.

18. Patrick NEWMAN is a 35-year-old male. He works as a teacher and assistant football coach at Trinity High School. According to the school's publicly available website, NEWMAN previously worked as a teacher at two Louisville Catholic elementary schools. The photograph displayed on the school's website shows NEWMAN as a bald, white male, with a dark beard – matching the description previously provided by John Doe.

19. On June 1, 2015, Affiant obtained a federal search warrant for NEWMAN's residence for the purpose of seizing and further analyzing cellular telephones, computers, and other digital devices. On June 2, 2015, law enforcement officials executed the above-referenced search warrant.

20. Upon arrival at the residence, law enforcement officials knocked and announced their presence. NEWMAN's mother answered the door. Law enforcement officials located NEWMAN in the back bedroom where he was sleeping.

21. Law enforcement officials advised NEWMAN of the the search warrant and that it pertained to online activity dealing with child exploitation in which IP address logs were reported to his address. When was asked if he would answer questions regarding the activity, NEWMAN stated he wasn't sure if he wanted to talk. NEWMAN also stated he might want to talk with somebody, but did not mention who he wanted to speak with. NEWMAN was informed that he was not under arrest at this time and did not have to answer any questions. NEWMAN was informed that agents and officers would continue to search and process the

residence. They asked NEWMAN to remain where he was until the other rooms had been searched. When asked if he wanted updates as the search continued, NEWMAN stated he would like updates.

22. A Computer Forensic Agent conducted onsite previews of a laptop computer, tablet, HP Desktop CPU Tower, and a flash drive. No images of child pornography were found on any of these devices. NEWMAN provided agents with the passcode to his cellphone. A preliminary search of internet history on the iPhone revealed a link to a Dropbox account. Additionally, the law enforcement official noticed an image thumbnail of some type of pornography.

23. A law enforcement official advised NEWMAN what he had discovered on the iPhone and explained to NEWMAN that we knew about his online chats with the "John Doe" from Texas. The law enforcement official informed NEWMAN that he was concerned about the safety of the child in Texas and safety of other children NEWMAN may have contacted. NEWMAN stated he understood and stated he would answer questions on a question by question basis. NEWMAN agreed to have the interview audio recorded and also signed a statement of rights waiver.

24. During the interview, NEWMAN admitted to using KIK and VINE to communicate with John Doe while using the screenname "321havingfun123". NEWMAN stated he knew John Doe was a minor and the two did trade sexually explicit photographs with one another. NEWMAN stated he recalled John Doe as wearing glasses. NEWMAN was shown a photograph of John Doe to which he thought it was the same person he chatted with on KIK. NEWMAN also recognized "John Doe's" KIK screen name. NEWMAN was shown portions of the KIK chat logs that were located on John Doe's cell phone. NEWMAN recognized the chat

logs and recalled details of the chat, including enticing John Doe to use a plunger for sexual purposes.

25. NEWMAN gave verbal consent for the law enforcement official to search through his KIK account friends list. NEWMAN stated that he has spoken with other minor boys through KIK and has traded videos and photographs with these minors. NEWMAN also stated some of his KIK friends are adults who have traded child pornography with him. NEWMAN also gave verbal consent to search his Dropbox account. NEWMAN stated he has used two separate Dropbox accounts and provided his usernames and passwords. Videos of child pornography were located in both dropbox accounts.

26. NEWMAN admitted he does have a sexual attraction mainly to minor boys, ages 13 to 17, but denied ever sexually abusing any children in person.

Conclusion

Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that between January 2015 and March 2015, in the Western District of Kentucky, Jefferson County, Kentucky, that Patrick Newman:

- a. Used any facility or means of interstate commerce to knowingly persuade, induce, entice, and coerce an individual who had not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense, in violation of 18 U.S.C. § 2422(b); and
- b. Used, persuaded, induced, enticed, and coerced a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct, knowing or having reason to know that such visual depiction will be transported or

transmitted using any means or facility of interstate commerce, in violation of 18 U.S.C. §§ 2251(a) and (e).

Additionally, I respectfully submit that there is probable cause to believe that on or about June 2, 2015, in the Western District of Kentucky, Jefferson County, Kentucky, that Patrick Newman, knowingly possessed material that contained an image of child pornography, in violation of 18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2).

Brad Hutchinson
Special Agent, Homeland Security Investigations

Sworn to me and subscribed in my presence this _____ day of June, 2015.

DAVE WHALIN
United States Magistrate Judge