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The Honorable Dean Brett

JUL 10 2015

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MJ 15-5113

UNITED STATES OF AMERICA,

NO.

Plaintiff,

COMPLAINT FOR VIOLATION

18 U.S.C. § 2252(a)(4)

v.

JAY MICHAUD,

Defendant.

BEFORE the Honorable Dean Brett, United States Magistrate Judge, U. S. Courthouse,
Seattle, Washington.

COUNT 1
(Possession of Child Pornography)

Beginning at a time unknown and continuing until July 10, 2015, at Vancouver,
within the Western District of Washington, and elsewhere, JAY MICHAUD did
knowingly possess matter that contained visual depictions the production of which
involved the use of minors engaging in sexually explicit conduct, and the visual
depictions were of such conduct, that had been mailed and shipped and transported in and
affecting interstate and foreign commerce by any means, including by computer, and
which had been produced using materials that had been mailed and shipped and
transported in and affecting interstate and foreign commerce by any means, including by

1 computer, and the images of child pornography involved include images of a
2 prepubescent minor and a minor who had not attained 12 years of age.

3 All in violation of Title 18, United State Code, Section 2252(a)(4) and 2252(b)(2).
4

5 And the complainant states that this Complaint is based on the following
6 information:

7 I, Samuel A. Mautz, having been duly sworn, state as follows:
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9 **I. INTRODUCTION**

10 1. I have been employed as a Special Agent of the FBI since 2011, and am
11 currently assigned to the Vancouver, Washington Resident Agency of the Seattle,
12 Washington Division. Previously I was assigned to the Pierre, South Dakota Resident
13 Agency of the Minneapolis, Minnesota Division. While employed by the FBI, I have
14 investigated federal criminal violations related to high technology or cyber crime, child
15 exploitation, and child pornography. I have gained experience through training at the
16 FBI Academy in Quantico, VA as well as training to be a Digital Extraction Technician
17 for the FBI and everyday work relating to conducting these types of investigations.
18 While assigned to the Pierre, South Dakota Resident Agency, I conducted investigations
19 in conjunction with the South Dakota Internet Crimes Against Children Task Force. I
20 have received training in the area of child pornography and child exploitation, and have
21 had the opportunity to observe and review numerous examples of child pornography (as
22 defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover,
23 I am a federal law enforcement officer who is engaged in enforcing the criminal laws,
24 including 18 U.S.C. §§ 2251 and 2252A, and I am authorized by the Attorney General to
25 request a search warrant.

26 2. The facts set forth in this Complaint are based on the following: my own
27 personal knowledge; knowledge obtained from other individuals during my participation
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1 in this investigation, including other law enforcement officers; interviews of witnesses;
2 my review of records related to this investigation; communications with others who have
3 knowledge of the events and circumstances described herein; and information gained
4 through my training and experience. Because this affidavit is submitted for the limited
5 purpose of establishing probable cause in support of a Complaint, it does not set forth
6 each and every fact that I or others have learned during the course of this investigation.

7 II. SUMMMARY OF INVESTIGATION

8 3. "Website A" operated on a network ("the Network") available to Internet
9 users who are aware of its existence. The Network is designed specifically to facilitate
10 anonymous communication over the Internet. In order to access the Network, a user must
11 install computer software that is publicly available, either by downloading software to the
12 user's existing web browser, downloading free software available from the Network's
13 administrators, or downloading a publicly-available third-party application. Using the
14 Network prevents someone attempting to monitor an Internet connection from learning
15 what sites a user visits and prevents the sites the user visits from learning the user's
16 physical location. Because of the way the Network routes communication through other
17 computers, traditional IP identification techniques are not viable.

18 4. Websites that are accessible only to users within the Network can be set up
19 within the Network and "Website A" was one such website. Accordingly, "Website A"
20 could not generally be accessed through the traditional Internet. Only a user who had
21 installed the appropriate software on the user's computer could access "Website A."
22 Even after connecting to the Network, however, a user had to know the exact web
23 address of "Website A" in order to access it. Websites on the Network are not indexed in
24 the same way as websites on the traditional Internet. Accordingly, unlike on the
25 traditional Internet, a user could not simply perform a Google search for the name of
26 "Website A," obtain the web address for "Website A," and click on a link to navigate to
27 "Website A." Rather, a user had to have obtained the web address for "Website A"

1 directly from another source, such as other users of “Website A,” or from online postings
2 describing both the sort of content available on “Website A” and its location. Accessing
3 “Website A” therefore required numerous affirmative steps by the user, making it
4 extremely unlikely that any user could have simply stumbled upon “Website A” without
5 first understanding its content and knowing that its primary purpose was to advertise and
6 distribute child pornography.

7 5. The Network’s software protects users’ privacy online by bouncing their
8 communications around a distributed network of relay computers run by volunteers all
9 around the world, thereby masking the user’s actual IP address which could otherwise be
10 used to identify a user.

11 6. The Network also makes it possible for users to hide their locations while
12 offering various kinds of services, such as web publishing, forum/website hosting, or an
13 instant messaging server. Within the Network itself, entire websites can be set up which
14 operate the same as regular public websites with one critical exception - the IP address
15 for the web server is hidden and instead is replaced with a Network-based web address.
16 A user can only reach such sites if the user is using the Network client and operating in
17 the Network. Because neither a user nor law enforcement can identify the actual IP
18 address of the web server, it is not possible to determine through public lookups where
19 the computer that hosts the website is located. Accordingly, it is not possible to obtain
20 data detailing the activities of the users from the website server through public lookups.

21 7. According to data obtained from logs on “Website A,” a user with the user
22 name Pewter engaged in the following activity on “Website A.” The profile page of user
23 Pewter indicated this user originally registered an account on “Website A” on October
24 31, 2014. Profile information on “Website A” may include contact information and other
25 information that is supplied by the user. It also contains information about that user’s
26 participation on the site, including statistical information about the user’s posts to the site
27 and a categorization of those posts. According to the user Pewter’s profile, this user was
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1 a “Newbie Member” of “Website A.” Further, according to the Statistics section of this
2 user’s profile, the user Pewter had been actively logged into the website for a total of 99
3 hours between the dates of October 31, 2014, and March 2, 2015. Pewter viewed 187
4 different threads on “Website A” including threads with the titles, “10yo teen with anal
5 front with his father”, “2012, Lolita Cat Goddess 4, alicia 10 yo little girl loves adult sex
6 (cum in mouth)”, “7yo APRIL hj bj finger pencil in ass vib cum” and “Lauri ~8yo 3
7 videos, tasting cum”. Most of the threads viewed by Pewter included links to view files
8 and comments regarding child pornography. Pewter was observed accessing “Website
9 A” on seven of the ten days during the period of February 21, 2015 through March 2,
10 2015.

11 8. According to data obtained from logs on “Website A,” on February 28,
12 2015, the user Pewter engaged in the following activity on “Website A” which further
13 law enforcement investigation determined was from IP address 73.164.163.63. During
14 the session described below, this user browsed “Website A” after logging into “Website
15 A” with a username and a password.

16 9. On February 28, 2015, the user Pewter accessed the post entitled “Girl
17 12ish eats other girls/dirty talk” in the section “Pre-teen Videos >> Girls HC”. Among
18 other things, this post contained a download link to a .html file with the password
19 provided to conduct the download.

20 10. During the following additional sessions, the user Pewter also browsed
21 “Website A” after logging into “Website A” with a username and password. During
22 these sessions, the user’s IP address information was not collected.

23 11. On March 2, 2015, the user Pewter accessed a post that contained a link to
24 an image that depicted a prepubescent female being anally penetrated by the erect penis
25 of an adult male. On March 2, 2015, the user Pewter accessed a post that contained a link
26 to the same aforementioned image, which depicted a prepubescent female being anally
27 penetrated by the erect penis of an adult male.

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1 12. I have reviewed the images that were accessed by Pewter on March 2,
2 2015. The images depict a prepubescent female's nude crotch. The female's legs are
3 spread apart and her vagina is exposed. An adult male's erect penis is penetrating the
4 female's anus.

5 13. Using publicly available websites, FBI Special Agents were able to
6 determine that the IP Address associated with this activity was operated by the Internet
7 Service Provider ("ISP") Comcast. In March 2015, an administrative subpoena/summons
8 was served to Comcast requesting information related to the user who was assigned to the
9 above IP address. According to the information received from Comcast, JAY
10 MICHAUD was receiving Internet service at 2201 NE 112th Ave., Unit D39, Vancouver,
11 WA 98684, with the same address being listed as the billing address. Internet service
12 was initiated at the aforementioned premises on October 1, 2014 and was current as of
13 March 9, 2015. The information received from Comcast also listed account number
14 877810104138548 and telephone number 360-977-8555.

15 14. A search of the LexisNexis Accurint information database (a public records
16 database that provides names, dates of birth, addresses, associates, telephone numbers,
17 email addresses, etc.) and other public databases was conducted for JAY MICHAUD,
18 2201 NE 112th Ave., Apartment D39, Vancouver, WA 98684. These public records
19 indicated that Jay Michaud's current address is 5264 121st Ave. NE, Apartment 150,
20 Vancouver, WA 98682. The reported date of that address for Michaud was May 8, 2015.
21 These public records also indicated that a previous address for Jay Michaud was 2201 NE
22 112th Ave., Apartment D39, Vancouver, WA 98684. The latest report date for that
23 address was March 11, 2015.

24 15. Another search of the LexisNexis Accurint information database was done
25 for 5264 121st Ave. NE, Apartment 150, Vancouver, WA and 2201 NE 112th Ave.,
26 Apartment D39, Vancouver, WA. That search indicated that during the times that those
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1 addresses were occupied by JAY MICHAUD, there were no other listed occupants at
2 those addresses.

3 16. In June of 2015, another administrative subpoena was served to Comcast
4 requesting information related to the account of Jay Michaud with account number
5 8778101014138548. According to the information received from Comcast, that account
6 had been disconnected as of May 8, 2015. The information received from Comcast
7 indicated that account number 8778101014138548 associated with JAY MICHAUD had
8 been transferred to a new account with subscriber name Jay Michaud with subscriber
9 address 5264 NE 121st Ave., Apartment 150, Vancouver, WA 98682.

10 17. In June of 2015, a third administrative subpoena was served to Comcast
11 requesting information related to the account of Jay Michaud at 5264 NE 121st Ave.,
12 Apartment 150, Vancouver, WA 98682. According to the information received from
13 Comcast, JAY MICHAUD was receiving Internet service at 5264 NE 121st Ave.,
14 Apartment 150, Vancouver, WA 98682. Internet service was initiated at the
15 aforementioned premises on May 8, 2015, and was current as of June 23, 2015. The
16 information received from Comcast also listed telephone number 360-977-8555.

17 18. I have reviewed Washington State Employment records showing that from
18 the 4th Quarter of 2013 through the 1st Quarter of 2015, JAY MICHAUD was employed
19 with the Vancouver School District 37.

20 19. On July 9, 2015, I obtained a federal search warrant for the residence
21 located at 5264 NE 121st Ave, Apartment 150, Vancouver, WA. That search warrant
22 was executed by federal agents on July 10, 2015. During the execution of that search a
23 thumb drive was located in the USB port of a TV located in the residence. The thumb
24 drive is a SanDisk Ultra USB 3.0 32 Gigabyte thumb drive. The thumb drive is labeled
25 as being made in China.

26 20. The thumb drive was reviewed by forensic examiner Eric Thomas of the
27 Vancouver Police Department Digital Evidence and Crimes Unit (DECU). During his
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1 review Thomas was able to locate and identify multiple images that are child
2 pornography.

3 21. I have reviewed three of the images that were previously identified by
4 DECU Forensic Examiner Eric Thomas. All three of the images were located in a folder
5 located on the thumb drive with the folder title "Downloads/Nude". The images I
6 reviewed are described as follows:

7 The first image depicts a female child's anus and vagina. The child appears
8 to be an infant based on her relative size and lack of body or pubic hair.
9 There is an adult hand on the infant's right buttock and there is an adult
erect penis penetrating the infant's anus.

10 The second image appears to have been made using night vision and
11 depicts a nude male child lying on his back. The child appears to be of
12 infant or toddler age based on his relative size, lack of body hair and
undeveloped penis. There is an adult penis penetrating the child's anus.

13 The third image depicts a female child lying flat on her back. The child
14 appears to be prepubescent based on her relative size and total lack of body
15 or pubic hair. The child is not wearing pants and her shirt is pulled up to
16 her chest, covering her breasts. There is an adult penis penetrating the
child's vagina.

17 **CONCLUSION**

18 22. Based on the above facts, I respectfully submit that there is probable cause
19 to believe that JAY MICHAUD did knowingly and unlawfully

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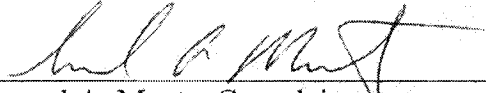
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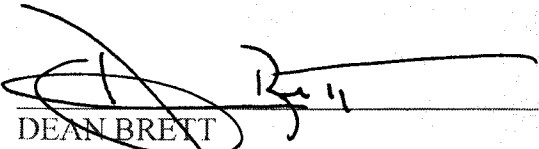
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1 possess child pornography, in violation of Title 18, United States Code, Sections
2 2252(a)(4) and (b)(2).

3
4 
5 Samuel A. Mautz, Complainant
6 Special Agent, FBI

7 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
8 presence, the Court hereby finds that there is probable cause to believe the Defendant
9 committed the offense set forth in the Complaint.

10
11 Dated this 10 day of July, 2015.

12
13 
14
15 DEAN BRETT
16 United States Magistrate Judge