

STATE OF WISCONSIN

Plaintiff,

DA Case No.: 2010DD000038

Assigned DA/ADA: William F Bedker

Agency Case No.: WI-DOJ-09-3929

-vs-

Brandon J. Alexander
212 W. Maple Avenue - Apt A
Beaver Dam, WI 53916
DOB: 09/09/1982
Sex/Race: M/W
Eye Color: Brown
Hair Color: Brown
Height: 6 ft 2 in
Weight: 215 lbs

Court Case No.:

ATN:

Defendant,

CRIMINAL COMPLAINT

The undersigned, being first duly sworn, states that:

Count 1: POSSESSION OF CHILD PORNOGRAPHY

The above-named defendant on or about Tuesday, December 15, 2009, in the City of Beaver Dam, Dodge County, Wisconsin, did, having attained the age of 18, knowingly possess motion picture video of a child engaging in sexually explicit conduct, to wit: the specific video file identified at ¶17(c) of this complaint [D:\Users\owner\Video 1\(\Pthc) Scissor & Rock - 10yo Wins A Good Fuck - 20m43s.mpg], and the defendant reasonably should have known that the child depicted in this video was under the age of 18, contrary to sec. 948.12(1m) and (3)(a), 939.50(3)(d) Wis. Stats., a Class D Felony, and upon conviction may be fined not more than One Hundred Thousand Dollars (\$100,000), or imprisoned not more than twenty five (25) years, or both.

And furthermore, invoking the provisions of Wisconsin Statute Section 939.617, upon conviction the Court shall impose a bifurcated sentence including a term of initial confinement for at least three years. The Court may impose a sentence less than three years or place the person on probation upon a finding on the record that the Court finds the lesser sentence is in the best interests of the community and the public will not be harmed.

And furthermore, invoking the provisions of Wisconsin Statute 973.042(2), upon conviction for a crime under 948.05 or 948.12 and the defendant is at least 18 years of age at the time of the commission of the crime, the Court shall impose a surcharge of \$500.00 for each image or each copy of an image, as defined in 973.042(1), associated with the crime. The court shall determine the number of images or copies of images associated with the crime by a preponderance of the evidence and without a jury.

PROBABLE CAUSE:

1. In making this complaint, the undersigned has reviewed and relies upon the following sources of information:

- the reports of and/or statements made by Wisconsin Division of Criminal Investigation Special Agents David Matthews and James Engels, which reflect their own firsthand observations and investigations concerning the incident described below, and which your complainant

1/20/2010

believes to be reliable insofar as they were created by law enforcement officers who were acting in an official capacity and with lawful authority; and

- the statements and/or reports of Criminal Analyst Tobias Carlson, whom your complainant believes to be truthful and reliable insofar as he is a computer forensic analyst professional reporting what he knows or has directly observed of the events described herein; and
- statements made by Stan Kirschbaum, which your complainant believes to be reliable insofar as this individual's statements reflect his own firsthand knowledge concerning events or circumstances that are relevant to the incident described below; and,
- statements made by Brandon J. Alexander, DOB 9-9-1982, which your complainant believes to be reliable to the extent that they are contrary to the penal interests of Mr. Alexander

2. Special Agent David Matthews reportedly is a Special Agent with the Wisconsin Division of Criminal Investigation ("WI DCI" or "DCI") and has received extensive training in the forensic examination of computer media and has conducted forensic examinations on hundreds of computers. Further, the Director of the Computer Crimes Unit of the WI DCI has reportedly assigned Agent Matthews to operate in an undercover capacity on the Internet by for the purpose of identifying and investigating persons attempting to exploit or solicit sexual acts with children. Further, Agent Matthews reportedly knows from training and experience that peer to peer networks, like those using a system called *Gnutella*, are frequently used to trade child pornography on the internet.
3. While examining the Gnutella peer to peer file sharing network Agent Matthews learned that computers on the Gnutella network have software installed on them that facilitates the trading of images or other types of files such as videos. The software, when installed, reportedly allows the user to search for pictures, movies and other digital files by entering text as search terms. Agent Matthews also knows from reportedly testing the software that the search results presented to the user allow the user to select a file and then receive that file from other users around the world. Often these users receive the selected movie or image from numerous sources at once. The software can balance the network load and recover from network failures by accepting pieces of files from different users and then reassembling the movie or image file on the local computer.
4. Agent Matthews reportedly knows that the Gnutella network can only succeed in reassembling the movie or image file from different parts if the parts all come from the exact same movie or image. Agent Matthews knows that multiple persons sharing one file can deliver different pieces of that movie or image to the local software and the local software can insure that a complete and exact copy can be made from the parts. Agent Matthews has been able to confirm from use of the software that

different copies of the same movie can be named differently. Agent Matthews reportedly knows that computer software has different methods to insure that two files with differing names are exactly the same. Agent Matthews knows from training and experience that the method used by the Gnutella network involves a file encryption method called Secure Hash Algorithm Version 1 or SHA1. Agent Matthews has researched the SHA1 method and has learned that it is the Secure Hash Algorithm (SHA1), developed by the National Institute of Standards and Technology (NIST), along with the National Security Agency (NSA), for use with the Digital Signature Standard (DSS) as specified within the Secure Hash Standard (SHS). The United States of America has adopted the SHA-1 hash algorithm described herein as a Federal Information Processing Standard. Agent Matthews knows that digital files can be processed by this SHA1 process resulting in a digital signature. By comparing these signatures Agent Matthews can conclude that two files are identical with a precision that greatly exceeds 99.9 percent certainty.

5. Agent Matthews reportedly has learned from using the Gnutella software that the system uses the SHA1 digital signature to verify the unique identity of individual files regardless of the name the file was given. Agent Matthews was able to demonstrate that users attempting to trade files on the Gnutella file sharing network could choose to place files from their local computer in a shared file directory. If that same user then starts the Gnutella software that local computer would then calculate the SHA1 signature for each shared file and provide that information to other users wishing to trade files. In this way users of the Gnutella network who are downloading files from the shared folders of other users could be certain of the content of a listed file regardless of the name the file had been given.
6. Agent Matthews also reportedly learned that entering search terms in the Gnutella software could result in a list of SHA1 digital signatures that Agent Matthews could choose from. By using this type of search, Agent Matthews could compare the offered SHA1 signatures with SHA1 signatures of images or videos that Agent Matthews has personally viewed in the past and knows the SHA1 to belong to movies or images of known child pornography. Once digital signatures are identified that match the SHA1 signatures known by Agent Matthews to be child pornography, Agent Matthews can use publicly available software to request a list of internet network computers that are reported to have the same images for trade or are participating in the trade of known images. These internet networked computers are each identified in a list for review that includes a unique number called an Internet Protocol address ("I.P. address"). This feature allows Agent Matthews to conduct undercover operations that involve known images or movies which are sexually explicit depictions of children.
7. Agent Matthews also reportedly knows from training and experience that Internet computers identify each other by an IP address. Agent Matthews knows that these IP addresses can be used to assist law enforcement in locating a particular computer that is or has been on the internet because IP addresses are assigned to particular internet service providers ("ISP"). Therefore, these IP addresses can typically lead the law enforcement officer to a particular ISP and that company can typically identify

the subscriber account that was assigned that IP address at any particular time for use in accessing the internet. The ISP typically can, and will, provide account information (including the identity of the account holder and the billing address, among other things) upon service of a subpoena requesting the same.

8. Agent Matthews, as a member of the Wisconsin Internet Crimes against Children taskforce ("ICAC"), reportedly received computer software that was written to facilitate this type of investigation by law enforcement into peer-to-peer file sharing of child pornography by allowing investigators to identify and locate computers which were offering to share known or suspected child pornography content through file sharing networks. The software was reportedly reviewed by the National ICAC Board of Directors and was provided to ICAC Task Force personnel around the country and is in regular use by such investigators.
9. Agent Matthews reportedly has learned that by examining a list of IP addresses generated by the Peer to Peer software pursuant to a search term, or based on a list of IP's maintained in shared law enforcement records, Agent Matthews can locate computers that are reported to be in Wisconsin. By comparison of the SHA1 digital signatures, Agent Matthews can conclude that a computer, originating from an IP address known to be in Wisconsin, has Gnutella or compatible software installed on it and contains specific and previously observed images of child pornography.
10. On the date and time identified below, Agent Matthews used the aforementioned software to locate computers in the State of Wisconsin offering to participate in the distribution of apparent or known recordings of child pornography. The following IP address was identified as having available for sharing files with SHA1 values known to law enforcement to represent child pornography:

75.129.144.79

5/22/2009 at 4:22:55 PM Central Daylight Time

11. Following his receipt of information that the above computer was listed in the Gnutella network as having files available for sharing for which the SHA1 values matched those previously identified as representing child pornography, Agent Matthews reportedly chose the option available in the software to browse the list of files available for sharing from the computer at the above IP address (75.129.144.79) on May 22, 2009, at 4:22:55 PM Central Daylight time, and found sixty files with SHA1 values indicative of known child pornography.
12. Agent Matthews reportedly concluded from his training and experience that his investigation concerning the computer identified at the above IP address 75.129.144.79 indicated that the computer was possessing and contributing or offering to contribute to the distribution of child pornography on May 22, 2009, at 4:22:55 PM Central Daylight Time.
13. On July 30 2009, Agent Matthews reportedly provided the foregoing information to Dane County Circuit Court Judge Markson, who issued a subpoena to Charter

Communications for subscriber information related to the assignment of the IP address 75.129.144.79. That same date Agent Matthews served the subpoena to Charter Communications via FAX.

14. On September 28, 2009, Agent Matthews reportedly received a response from Charter Communications in which they identified the subscriber to whom they assigned IP 75.129.144.79 on 5/22/2009 at 4:22:55 PM Central Daylight Time. That information is as follows:

Name: Annette Desjarlais
Account Number: Old account 3001762995093110
New Account 3001761220083110
Service Address: 212 W. Maple Ave, Apt B, Beaver Dam, WI 53916-1665
New Account: 212 W. Maple Ave, Apt A, Beaver Dam, WI 53916-1665
Telephone: 920-318-6680
Email: adesjarlais6267@charter.ent

15. On December 1, 2009, DCI Special Agent James Engels reportedly spoke with Stan Kirschbaum, the owner of the building at 212 W. Maple Avenue, Beaver Dam, Dodge County, Wisconsin. Agent Engels learned that Apartment A is rented by Annette Desjarlais who lives there with her son Brandon and her daughter. Desjarlais' husband may have recently moved into the apartment. Kirschbaum also explained that Desjarlais formerly lived in Apartment B on the 2nd level of the building, but Desjarlais and her children have since moved into Apartment A.
16. On December 3, 2009, Agent Engels reportedly consulted Wisconsin Department of Transportation (DOT) and Wisconsin Crime Information Bureau (CIB) records concerning Desjarlais' son, Brandon J. Alexander, DOB 9/9/1982. Agent Engels reportedly learned that Brandon Alexander holds a suspended Wisconsin driver's license showing an address of 212 W. Maple Ave, #B, Beaver Dam, Wisconsin. Engels also learned that Alexander is on Probation / Parole Supervision through the Wisconsin Department of Corrections for a conviction for Issue of Worthless Checks, < \$2,500, from Ashland County Case #09CM27.
17. On December 15, 2009, Agent Engels reportedly executed a search warrant on the Desjarlais residence located at 212 W. Maple Avenue, Beaver Dam, Dodge County, Wisconsin, and seized from the bedroom of Brandon J. Alexander, DOB 9/9/1982, one (1) Western Digital 250 GB HDD, Model WD2500BEV, S/N WXE807A2122, that was contained within a Gateway laptop computer. On Monday, January 4, 2010, Agent Engels reportedly reviewed videos retrieved by Criminal Analyst Tobias Carlson from this Western Digital 250 GB HDD, Model WD2500BEV, S/N WXE807A2122, that was contained within Alexander's Gateway laptop computer. The following is only a sample selection of the total videos reportedly previewed by Agent Engels:
 - a. The video begins with a young female child, approximately seven (7) years old walking outside. The next scene depicts an adult male watching the child from behind a fence. The next scene shows a prepubescent girl as the girl spreads her labia with her fingers.

The girl's pubic area is devoid of pubic hair with the stature of a girl approximately seven (7) to nine (9) years old. The girl has no breast development. Next an adult male masturbates in front of the girl's vagina and ejaculates into the girl's vagina. The adult male continues to masturbate and manipulate the girl's labia. Later the adult male places his mouth on the girl's vagina. The video is three (3) minutes and twelve (12) seconds in length. The file was created on 3/5/08 at 01:18:47AM and was last accessed on 3/5/08 at 12:31:35AM. The file is titled "!!! NEW Pthc - 0607!!! kelly - 7yo backyard fuck & pedo kittycum.mpg". The full path name is D:\Memeo\RecycleBin\Program Files\Windows Media Player\!!! NEW Pthc - 0607!!! kelly - 7yo backyard fuck & pedo kittycum.mpg

- b. The video begins with a prepubescent female child lying naked on a bed. The girl's pubic area is devoid of pubic hair and has limited breast development with the stature of a girl approximately ten (10) to twelve (12) years old. An adult male inserts a finger into the child's vagina for approximately one minute. The adult then manipulates the girl's labia. During the final portion of the video, the adult male masturbates as he manipulates the girl's labia. The video is eight (8) minutes and four (4) seconds in length. The file was created on 3/5/08 at 01:55:19AM and was last accessed on 3/5/08 at 01:44:12AM. The name of the file is "(Pthc) Neighborhood Kids - Tara Newtown.mpg". The full path name is D:\Memeo\RecycleBin\Program Files\Windows Media Player\ (Pthc) Neighborhood Kids - Tara Newtown.mpg.
- c. The video begins with an adult female and a female child sitting on a couch. The video shows the adult female and female child play a game of "rock-paper-scissors". Next the female child stands on the couch and takes her clothes off. The next scene shows the female child lying on a bed with a shirt and underwear on. The female child is given a device which the child places in her vaginal area. An adult hand is later shown placing the device on the child's vaginal area outside of the underwear. Later, the female child is given a blind fold and places it over her eyes. An adult male then manipulates the device on the female child's vaginal area and exposes the female child's breasts. The female child has limited breast development and the stature of a girl approximately ten (10) years old. Then, the adult male removes the female child's underwear. The female child's vagina is devoid of pubic hair. The adult male manipulates the child's vagina with the device. In the final portion of the video depicts the female child lying on her back while the adult male inserts his penis into the child's vagina. The video is twenty (20) minutes and forty-five (45) seconds in length. The file was created on 11/23/09 at 04:58:37AM and was last accessed on 11/23/09 at 04:58:37AM. The name of the file is "(Pthc) Scissor & Rock - 10yo Wins A Good Fuck - 20m43s.mpg". The full path name is D:\Users\owner\Video 1\ (Pthc) Scissor & Rock - 10yo Wins A Good Fuck - 20m43s.mpg.
- d. The video begins with a female child approximately ten (10) years old sitting on a bed fully clothed. An adult male provides the female child with magazines that appear to be pornography. The video then depicts the child getting undressed in the bedroom. The video then shows the female child seated on the side of the bed. A naked adult male then sits on the bed and holds the naked female child in his arms. The naked adult male and the naked female child then sit on the side of the bed and review a magazine. The video then shows the adult male insert his penis into the female child's anus. The female child has limited breast development and the stature of a girl approximately ten (10) years old. The prepubescent¹ female child's vagina is devoid of pubic hair. The video then

¹ In the file descriptions Agent Engels may use the terms "prepubescent" and "pubescent". Agent Engels reportedly has no formal medical training in the use of those terms but in applying them he relies on his experience as an investigator in child exploitation investigations and his common experience. Agent Engels uses the term "pubescent" to mean a child

depicts a naked female child rubbing an adult male's penis with her hand. The next several minutes depict the approximately ten (10) year old female child placing the adult male's penis in her mouth. The video then shows a clothed girl on a bed with a naked adult male. The adult male masturbates and the female child later rubs the adult male's penis with her hand. The video then depicts a female child sitting naked on a bed. The female child has limited breast development and the stature of a girl approximately ten (10) years old. The female child's vagina is devoid of pubic hair. The final portion of the video shows an adult male manipulate the labia of a naked female child who is sitting on a bed. The female child has limited breast development and the stature of a girl approximately ten (10) years old. The female child's vagina is devoid of pubic hair. The video is twenty-three (23) minutes and thirty-three (33) seconds in length. The video was created on 11/23/09 at 05:02:53AM and was last accessed on 11/23/09 at 05:02:53AM. The name of the file is "preteen pedo (pthc) vicky_9yo_ early works (rare) beautiful 24min.mpg". The full path of the file is D:\Users\owner\Video 1\preteen pedo (pthc) vicky_9yo_ early works (rare) beautiful 24min.mpg

- e. The video begins with a prepubescent female child kneeling on a bed wearing a t-shirt. The female child has limited breast development and the stature of a girl approximately ten (10) years old. The prepubescent female child's vagina is devoid of pubic hair. The female child rubs her vaginal area and is then joined by a naked adult male who places his penis in the female child's mouth. The adult video then manipulates the female child's labia. The video then shows the girl seated on the bed, again wearing just a t-shirt. The female child rubs her vaginal area and the adult male again joins the child and places his penis in the child's mouth. The adult male then manipulates the child's labia with his penis and later places his penis in the child's mouth. The video is five (5) minutes and seventeen (17) seconds in length. The file was created on 11/23/09 at 05:03:02AM and was last accessed on 11/23/09 at 05:03:02AM. The file is titled "! New ! (Pthc) (Kinderkutje) 8-10Yo Nata-Cd-1-3.mpg". The full path name is D:\Users\owner\Video 1!\New ! (Pthc) (Kinderkutje) 8-10Yo Nata-Cd-1-3.mpg.
- f. The video begins with a prepubescent female child getting undressed while standing next to a bed. The camera views the child naked. The female child has limited breast development and the stature of a girl approximately ten (10) years old. The prepubescent female child's vagina is devoid of pubic hair. The video then depicts the child kneeling on the floor wearing a mask and the child has ropes attached to her wrists and ankles. An adult male then places his penis in the child's mouth for several minutes. The video then shows the female child on the bed. The adult male again places his penis in the child's mouth. The video then depicts an adult male on a bed with the female child next to him. The adult male rubs his penis and then places his penis in the female child's mouth. Later, the adult male is lying on the bed with the female child on top of the male with the adult male's head in the vaginal area of the female child. The female child rubs the male's penis and places the penis in her mouth. The video later shows the female child

who has begun to develop and display mature body shape and genital organs and/or secondary sexual characteristics such as, but not limited to, the development of breasts in females and the appearance of pubic hair and underarm hair, typically seen in children between 11-16 years of age. The term "pubescent" indicates the opinion of Agent Engels that the person depicted is a child, but evidences some physical and sexual maturation consistent generally with a young teenager or teenager. Agent Engels uses the term "prepubescent" to describe a child who does not exhibit any, or only very limited, physical-sexual development such as those indicators mentioned above, such that the child appears to be well under the age of 18 years and likely under the age of 13 years in the case of both males or females. The terms "infant" and "toddler" or "very young child" should be given their common meanings and are used to communicate that the child depicted is clearly prepubescent and does not appear to be even nearing pubescence.

place the adult male's penis in her mouth. The video then shows the female child rub her labia while lying next to the naked adult male. The video then depicts a website address and shows an adult male penis being placed into a prepubescent female vagina. The video then returns to the adult male and female child on a bed. The adult later places his finger and penis into the female child's anus while the child places a device into her vagina. The video is fourteen (14) minutes and fifty-eight (58) seconds in length. The file was created on 2/19/08 at 04:51:39PM and was last accessed on 2/19/08 at 04:51:39PM. The file is titled "Pedo - Vicky Compilation (Pthc) 10yo Kiddy Reality Child Get's What She Wants - All Kinds Of Fuck Fu.mpg". The full path of the file is D:\Windows\Media\Pedo - Vicky Compilation (Pthc) 10yo Kiddy Reality Child Get's What She Wants - All Kinds Of Fuck Fu.mpg.

- g. The video begins with a naked female child sitting on a bed. The child has limited breast development with the stature of a thirteen (13) to fourteen (14) year old female. A naked adult male joins the female child and the child places the male's penis in her mouth and rubs the penis. This continues for the length of the video. The video is four (4) minutes and twenty-six (26) seconds in length. The video was created on 2/20/08 at 12:21:03AM and was last accessed on 2/20/08 at 12:21:03AM. The file is titled "(pthc lolifuck) Kimmy - 14 y.o_NEW.mpg". The full path of the file is D:\Windows\Media\pthc lolifuck) Kimmy - 14 y.o_NEW.mpg.
18. On December 15, 2009, Agent Engels and Dodge County Detective Dan Stiemsma went to the Wisconsin Department of Corrections Probation & Parole Office in Beaver Dam to speak with Brandon J. Alexander, DOB 9/9/1982, regarding the search warrant that Engels had served at 212 W. Maple Avenue, Beaver Dam, Wisconsin, and the contents of the Western Digital 250 GB HDD, Model WD2500BEV, S/N WXE807A2122, that was contained within the Gateway laptop computer that Engels had reportedly seized from Alexander's bedroom within the premises at 212 W. Maple Avenue.
19. During questioning Brandon J. Alexander, DOB 9/9/1982, reportedly confirmed that he lives at 212 W. Maple Avenue, Apartment A, Beaver Dam, Wisconsin with his mother Annette Desjarlais (herein after "Annette") and his step-father Walter Desjarlais (herein after "Walter"), and the internet service provider at this residence is Charter Communications. Alexander believed his mother Annette was the subscriber for this internet service. Alexander also stated that he has lived at 212 W. Maple for approximately the past 2½ years. Alexander also stated he is a part-time employee of Benvenuto's Restaurant and a full-time student at Madison College (formerly MATC) studying drafting. Alexander also confirmed that he is currently on Probation & Parole supervision for a conviction for Issuing Worthless Checks in Ashland County, Wisconsin.
20. Alexander identified two computers within the residence that he uses: a Dell desk top computer that is approximately 4 years old, and a Gateway laptop computer that he uses for drafting programs for school. Alexander initially told Engels that Alexander "pretty much" just uses his parent's desk top computer.

21. Alexander indicated that he purchased the Gateway laptop computer in February of 2007 at Best Buy in Madison. Alexander initially told Engels that the laptop was only for school drafting purposes and was not used with the internet service.
22. Alexander advised Engels that Alexander's laptop computer was kept in Alexander's bedroom at 212 W. Maple Avenue, and this computer is password protected. Alexander said there was also a "guest account," but Alexander removed the guest account within the last week because Alexander learned that Walter was sneaking into Alexander's room and using Alexander's laptop computer. Alexander reportedly declined to provide his account password to Engels, stating that he does not even give his password information to his mother or sister.
23. Alexander said that he had suspicions that Walter was using Alexander's computer for "porn and other stuff." Alexander said he found a list of adult porn sites that Alexander has not personally gone to, and some of the information described "something about 18." Alexander said he also found these sites on the living room computer. Concerning what he meant by the term "other stuff," Alexander said he was not supposed to know, but that Walter may "not exactly be straight." Alexander said he saw some of the descriptions "Young 18" and "Dirty" and decided that he didn't want to know and did not want to deal with it. Alexander noted that Annette and Walter were separated about two years ago because of Annette's disapproval with Walter's "porn." Alexander said that he did not know how long Walter had been using Alexander's computer.
24. Alexander advised Engels that Alexander knew computers well enough to know how to login, how to use the internet and how to search for things online. Alexander denied that he had anything hooked up to his computer and said he only had little flash drives that he could put in and out.
25. After Alexander provided the above information, Agent Engels reportedly told Alexander that Alexander had not been entirely truthful with Engels. Agent Engels reportedly explained to Alexander that an internet investigation had led investigators to Alexander's computer, which contains some viewed pornography that depicts people who are less than 18 years old.
26. Alexander then reportedly admitted that he has viewed pornography from his laptop computer. Alexander indicated that he does not use internet websites to view pornography, but instead he uses "whatever floats around Frost Wire." Alexander explained that a person can enter searches and "whatever pops up, pops up." Alexander stated that he has used search terms such as "amateur next door," then he would click on the results and see who else had files like this and the other people may share these files. Alexander indicated that these files are videos, and some of the file names that pop up include *Nicole*, *Mallory Marx*, *Venus*, and *Samantha*.
27. Alexander said he knew that what Frost Wire is and he has had Frost Wire since approximately 2006. Alexander described Frost Wire as a network, and Alexander

knew that to share information via the Frost Wire Network, one had to have the Frost Wire program installed on one's computer.

28. Alexander confirmed that when he wanted to view a video from the Frost Wire network, he would click on the file and it would download to his computer; sometimes the downloading took minutes and sometimes it took hours. Alexander saved these videos in a "videos file" on Alexander's computer. Alexander indicated that he could view these downloaded videos with Frost Wire's program, or from his computer file. Alexander indicated that a video like *Venus* contained "just sex," which were homemade videos of adult men and women.
29. Agent Engels asked Alexander whether Alexander ever inadvertently came across videos that contained people that were younger than age 18, and Alexander said that this happened "less than half of the time, like in approximately thirty to forty percent of the times." Alexander explained that some of the names of videos can be misleading and when Alexander actually played the video it sometimes turned out not to be what Alexander thought it would be. Alexander said he was not sure what these videos contained, but he just knew that they depicted people who were not 18, and some of these videos were "disturbing".
30. Alexander explained that "disturbing" is when "it looks like they're 10." When asked what happens in these videos, Alexander indicated it was the "same thing" and Alexander noted that he does not like to keep these videos. Alexander said that when he found these videos, he deleted them. There were some "corrupt ones" and some others that he deleted within the last couple of weeks. Alexander estimated that he had deleted more than twenty or thirty of these videos over that last couple of years that he has used Frost Wire. Alexander said he deletes those out of his computer folder and then also deletes those from the recycling bin of his computer.
31. Alexander said he assumed that other people were able to go into his Frost Wire videos and download videos that Alexander had. Alexander said he did not believe that there was a sharing option on Frost Wire and that everything that is downloaded is able to be shared. Alexander said he has also downloaded photos and music using Frost Wire. Alexander indicated he went to frostwire.com and downloaded the free software available after his younger cousin showed Alexander the Frost Wire site. Alexander said he has some music and a "reasonable amount of videos" on his Frost Wire program, and he uses Internet Explorer to access Frost Wire.
32. When asked whether the videos in his Frost Wire account had actually been downloaded personally by him, Alexander replied that he thought so, but he was not sure. Alexander estimated that he has forty or fifty videos in his Frost Wire account. Alexander confirmed that sometimes he is able to tell the contents of the video based upon its title.
33. Agent Engels then explained to Alexander that within Alexander's Frost Wire account were numerous videos that contained people under the age of 18 engaged in sexually explicit activity. Agent Engels explained to Alexander that Engels had a list

of video titles that had come from Alexander's Frost Wire account (and that it was a just a sample of the total compilation of videos from Alexander's Frost Wire account). Agent Engels further explained to Alexander that Engels wanted Alexander to review titles of some of these videos with Engels, and Engels then showed Alexander titles of these videos as noted below.

34. Alexander recalled videos with the titles "back room facials – backroom facials - christie" and "Latin Cum Queens CD1 (Analyssa, Havana Ginger, Jenaveve Joli, Shy Love, Tiffany Taylor, Victoria Sweet." Alexander also pointed out the video entitled "Creampiesthais – M (Asian Thai Creampie Thais Creampies Cream Pie Pies Internal Cumshot Babymaker)" and admitted that he had seen this video, but he did not care for it. Concerning the video entitled "Pedofilia – pjk 12 years old boy fucks 12 years old girl kiddie pedo boy lolita raygold underage", Alexander admitted that he has seen this video "pop up." Alexander believed this video will pop up even under searches like the "Creampiesthais" video. Alexander said that he would not click on videos like the "Pedofilia" video because of the "12 years" being in the title.
35. When asked whether he had seen the video entitled "2_PTHC 12yo sister rides 18yo brother HARD!" video, Alexander said that he was thinking that "it was there", referring to his computer.
36. Alexander noted that he had seen the name "Kacey" before -- as described in the title "(Mafiasex)(Hussyfan)(pthc)(r@ygold)(babyshvid)(Lolitaguy) Kacey". Alexander noted that the name "Kacey" has also come up with the "Creampiesthais" video. Alexander also identified the following entitled videos as being familiar to him:
 - "back room facials"
 - "Latin Cum Queens"
 - "Cytherea, teagan presley – Squirters 101"
37. Alexander also indicated that he was familiar to with the name "Vicky," as displayed in the video "(pthc) R@ygold Style – 12 yo Vicky Defloration". Alexander said that did not recall the contents of the video itself though, just the name "Vicky".
38. Alexander recalled the "COHF-Luna lane Cum Shots" video and recalled using the name "Luna lane" when typing in search terms on Frost Wire. Alexander said that he did not use the search word "Vicky" but he has seen the name "Vicky" in a lot of video titles. When asked what types of videos Alexander found to be associated with the name "Vicky", Alexander said that when downloaded, "she almost looks like my sister's age, 13 or 14". In these videos with the Vicky, Alexander noted there is a video where she does a striptease with her clothes on and Alexander has seen one where she has her hands tied up. Alexander believed that she was in a bedroom in the video. When asked if there was sexual intercourse with an adult male, Alexander said he was not sure but that there was a striptease and her tied up and maybe one with a "blow job".

39. Alexander was also familiar with the name "Gauge" in the video titled "Gauge Extreme!!! Gangbang Girl 32-Double anal!, anal creampie with another girl licking the cum out of her asshole-nast as".
40. Alexander identified the name "Riley" in the video title "freaks of cock – riley shy". Alexander noted that the name "Riley" shows up a lot in videos that Alexander searches for.
41. Again, Alexander understood that the list he was reviewing with Engels was only a partial list that was taken directly from Alexander's Frost Wire account and that he had downloaded these videos. Alexander advised Engels that not all of these videos on the list are still in Alexander's account, and as an example, Alexander pointed to the video entitled "Pedofilia Missy 9yr gives dad blowjob and swallows cum child Lolita pedo facial porn kiddy swallow(1)".
42. Alexander admitted to Engels that these videos did not end up in Alexander's Frost Wire account by accident. Alexander admitted that he had to click on them and download them. When asked how many of the videos on the list were still in the file on his laptop computer, Alexander said not all of them, but a majority of them were still there. Alexander noted that he has not had any recent downloads in a while. When asked if any of these downloaded videos came from anybody other than Alexander, Alexander replied that he was "going to bet no".
43. Agent Engels advised Alexander that law enforcement officers had been to Alexander's apartment under a search warrant, and Engels himself had been in Alexander's bedroom and saw Alexander's laptop sitting on the bed with the external hard drive hooked up to it. Alexander then confirmed that he had purchased this hard drive to back up his laptop and that it was purchased on "Black Friday," less than a month ago. (Engels reportedly believed "Black Friday," to be the day after Thanksgiving, i.e., November 27, 2009). Alexander noted that this hard drive contains documents that belong to Alexander.
44. Agent Engels also reportedly explained to Alexander that a computer specialist had gone through Alexander's laptop computer and done a preview of the contents of the computer. Agent Engels explained to Alexander that Agent Engels was shown several videos from Alexander's laptop that involved a 12 or 13 or 14 year old girl who having sexual intercourse or performing oral sex ("giving a blow job"). Agent Engels told Alexander that these videos had been in Alexander's "My Videos" file. When asked whether some of these videos seemed more familiar to Alexander now, Alexander confirmed that some of them do. When asked specifically about the video titled "12 Guys Make Two Young Girls Pregnant (Creampie Gangbang)", Alexander admitted that he thought this video was familiar to him.
45. Alexander said that it was possible that there were some videos in his "My Videos" folder corresponding to his Frost Wire account that he had not actually seen. When asked how this was possible, Alexander explained that some of the videos have repeated names or changed names and end up being the same thing. Alexander

also explained that it was possible that there were duplicate videos and that it was possible that a video was inadvertently clicked on during a download and that Alexander had just not seen the video yet.

46. When asked if Alexander had viewed some of the videos depicting a 12 or 13 year old child [having sexual intercourse or performing oral sex] on more than one occasion, Alexander replied that "it's possible".
47. Alexander reportedly indicated to Engels that Alexander's desire to view pornography comes and goes. When asked what interested him about a younger person in the 12 or 13 year old range, Alexander explained that it began with the "falsified names" or when the titles did not reflect what was in the video. Agent Engels then pointed out to Alexander the video entitled "2_PTCH 12 yo sister rides 18yo brother HARD!" from the list. Alexander admitted that he believed the term "yo" stood for "year old". When asked what he thought this video would depict, Alexander admitted, "probably a 12 year old and an 18 year old," but Alexander noted, "they don't always do that". Alexander said this title was not accurate because the sister was someone that should be over 18 and was the reason that video was kept around. Alexander noted that he did not change the name of videos when he stored them on his computer. Alexander also noted that there are some videos that say there is a 10 year old even though there is not.
48. Alexander admitted that the title "pedofilia – pjk 12 years old boy fucks 12 years old girl kiddie pedo boy Lolita raygold underage" from the list "pretty much" tells a person what is contained within the video. When asked whether he started to search for certain key terms after he saw a video like this, Alexander said that he may have taken parts out of this title [to use for future searches]. Alexander noted that he may have also used the term "Raygold" to search for videos and that the types of videos this search term would produce were similar to the "pedofilia" video noted above. When asked whether he would view these videos, Alexander said that for the most part he would not view them.
49. Alexander noted that there was a market out there to get younger looking girls. Alexander estimated the girls would be 18 years old and confirmed that sometimes the girls would be less the 18 years old. Alexander confirmed some of the videos he possessed clearly had children in them and confirmed that he should not have had these videos. Alexander indicated that he kept these videos mainly because they kept showing up. Alexander said he previously deleted some of these videos, but they came back around under different titles. Alexander also noted that if they are left in the Frost Wire file list, Frost Wire will not allow the video to be downloaded again.
50. Alexander was not sure whether Walter has ever used Alexander's computer to download these types of videos, but if Walter had been on Alexander's computer, Alexander speculated that Walter may have found the videos. Alexander said he was aware from the Internet Explorer that Walter has used the internet to search for pornography under terms like "perversions", "dirty", "men" and "young". However,

Alexander admitted that neither Walter nor Alexander's sister nor any of her friends used Alexander's Frost Wire account in the past two years.

51. Alexander stated that he did not know how long ago he began viewing videos with children in them. Alexander indicated that he learned the term "Raygold" was associated with children videos within the first few results. Alexander said he used the search term "Raygold" once or twice and confirmed that a lot of titles will signify that the video involves a child under the age of 18. Alexander confirmed that some of these videos with the word "Raygold" in the title contained children involved with sexual activities.
52. When asked what Alexander thought should happen to people who have videos that contain children involved in sexual activities, Alexander replied, "There isn't a good answer for that." Alexander stated that he does not have a "significant other," and he has not had a boyfriend or girlfriend in the past. Alexander declined to discuss his prior sexual activities with adults. Alexander said that he has never had sexual activities with someone who was not an adult.
53. Agent Engels asked Alexander whether he knew that possessing child pornography was illegal, and Alexander reportedly replied "yeah."

Based on the foregoing, the complainant believes this complaint to be true and correct.

Subscribed and sworn to before me,
and approved for filing on:

This 21 day of January, 2010

William Bedke
Assistant District Attorney

State Bar No. 1026982

James Engels
Complainant
JAMES ENGELS
PRINT NAME