

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED

FEB 27 2015

United States of America
v.
KEITH MONROE WALLACE

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 1:15-mj-70245 NJV

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 26, 2015 in the county of Humboldt in the Northern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. Section 2252(a)(4)(B)	Possession of Child Pornography.

This criminal complaint is based on these facts:

Please see the attached AFFIDAVIT OF HSI SPECIAL AGENT BRIAN GINN

Approved as to form  AUSA CLAUDIA QUIROZ

Continued on the attached sheet.


 Complainant's signature
 Brian Ginn, Special Agent
 Printed name and title

Sworn to before me and signed in my presence.

Date: 2/27/15


 Judge's signature

City and state: Eureka, California

Hon. Nandor J. Vadas, Magistrate Judge
 Printed name and title

AFFIDAVIT OF BRIAN GINN IN SUPPORT OF CRIMINAL COMPLAINT

I, Brian L. Ginn, a Special Agent with U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) in San Francisco, California, being duly sworn, depose and state as follows:

I. INTRODUCTION

1. I make this affidavit in support of a criminal Complaint against KEITH MONROE WALLACE for violations of Title 18, United States Code, Section 2252(a)(4)(B) – Possession of Child Pornography.

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

II. AGENT BACKGROUND

3. I am a Special Agent (SA) with ICE/HSI and have been so employed since August 2004. I am presently assigned to the office of the Special Agent in Charge, San Francisco (SAC/SF), California, Cyber Crimes Group. Prior to my employment with ICE/HSI, I was employed as a United States Border Patrol Agent from 2001 to 2004. During my law enforcement career, I have conducted and participated in federal criminal investigations involving, but not limited to, child pornography and child exploitation, human trafficking, criminal street gangs, narcotics trafficking, human smuggling, federal immigration violations and illegal exports. As part of these investigations, I have participated in the service of federal and state search warrants and drafted hundreds of reports of investigation. As part of investigations

of criminal violations relating to violations of 18 U.S.C. § 2252, I have prepared and sworn to federal search warrants, interviewed offenders, reviewed numerous chats and electronic communications related to the sexual exploitation of children, and observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256). I have received training in the investigation of the sharing of child pornography via the Internet and training in undercover online chatting and investigations involving child pornography and child exploitation offenses. I have participated in the investigation and arrests of numerous individuals suspected of committing crimes against children in federal cases.

III. APPLICABLE CRIMINAL STATUTES

4. Information that I have collected over the course of this investigation establishes probable cause to believe that WALLACE has violated the following federal law: Title 18, United States Code, Section 2252(a)(4)(B) – Possession of Child Pornography.

5. 18 U.S.C. § 2252(a)(4)(B) prohibits the possession of one or more matters that contain visual depictions of minors engaged in sexually explicit conduct, and that have been mailed, shipped, or transported in interstate or foreign commerce, or if they contain materials that have been so mailed, shipped, or transported, by any means, including by computer.

IV. DEFINITIONS

6. The following definitions apply to this Affidavit:

a. “Child Pornography,” as defined in 18 U.S.C. §2256(8), includes “any visual depiction . . . of sexually explicit conduct, where (A) the production of the visual depiction involves 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 engaging in sexually explicit conduct; or (C) such the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.”

b. A "Computer," as defined in 18 U.S.C. §1030(e)(1), refers to "an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device"

c. A "Minor," as defined in 18 U.S.C. §2256(1), means "any person under the age of eighteen years."

d. "Sexually explicit conduct," within the meaning of 18 U.S.C. §2256(2)(A), means actual or simulated (i) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (ii) bestiality; (iii) masturbation; (iv) sadistic or masochistic abuse; or (v) lascivious exhibition of the genitals or pubic areas of any person."

e. "Visual depictions," within the meaning of 18 U.S.C. §2256(5), include "undeveloped film and videotape, [and] data stored on computer disk or by electronic means which is capable of conversion into a visual image"

f. The terms "records," "documents," and "materials" 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, smart phones, iPods and iPads and the like, as well as digital data files and printouts or readouts from any magnetic, electrical or electronic storage device).

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V. FACTS SUPPORTING PROBABLE CAUSE

7. As part of my assignment to the HSI San Francisco Cyber Crimes Group, I have conducted an investigation of an individual for child pornography and child exploitation offenses. Pursuant to this investigation, that individual was indicted in the Northern District of California for violations of 18 U.S.C. § 2252(a)(4)(B) and 18 U.S.C. § 2252(a)(2). My investigation of that individual (hereinafter referred to as "CDI") has now expanded into investigations of individuals with whom he traded child pornography and discussed the sexual exploitation of minors via the Internet. Pursuant to a proffer agreement with the United States Attorney's Office, Northern District of California, CDI is currently providing information to assist me in these investigations. CDI is providing this information in exchange for potential sentencing consideration.

8. On February 5, 2015, I was conducting an evidentiary review of data extracted from a Samsung Galaxy cell-phone seized from CDI pursuant to a California State Search Warrant. During the evidentiary review of the data extracted from CDI's Samsung cell-phone, I observed an e-mail exchange of investigative interest involving an e-mail account utilized by CDI and the e-mail account, k_dawg@suddenlink.net.

9. On February 18, 2015, I participated in a proffer interview with CDI. During the interview, I showed CDI the e-mail exchange and asked him who the user of k_dawg@suddenlink.net was. CDI identified the user of the account as KEITH WALLACE of Eureka, CA. CDI believed that was his name because he saw a work ID for him when he went to WALLACE's house in Eureka. CDI was not sure if WALLACE ever actually told him his name. CDI explained that he had met with WALLACE at his house where they viewed child pornography together on WALLACE's desktop computer. When asked to describe what kind of child pornography WALLACE had, CDI stated that WALLACE had all kinds of different child pornography. CDI estimated that the age range of the child pornography he saw on WALLACE's computer was from eight (8) years old and up. Some of the child pornography

CDI saw on WALLACE's computer depicted graphic sexual acts. During an additional proffer interview with CDI on February 25, 2014, CDI stated that he recalled that the child pornography he viewed at WALLACE's house consisted mainly of videos depicting ten (10) to twelve (12) year olds involved in sexual acts.

10. CDI stated that he went to WALLACE's house where he viewed child pornography with WALLACE on WALLACE's computer approximately six (6) times. CDI believed the last time he went to WALLACE's house was in August 2014. CDI advised that he viewed child pornography on WALLACE's computer with WALLACE at that time.

11. CDI explained that the computer on which they would view the child pornography was located in a downstairs office in WALLACE's house. CDI was asked about the location of the child pornography on WALLACE's computer. CDI stated that the child pornography was on the computer in a bunch of folders. CDI explained that at some point over the course of his meetings with WALLACE, WALLACE told him that his computer had crashed and he had to get a new one. Because WALLACE still had his child pornography collection at that point on the new computer, CDI believed that the child pornography may have been on a separate drive from the computer.

12. CDI explained that most of the child pornography files he viewed on WALLACE's computer were video files. When asked to estimate how much child pornography WALLACE may have had on his computer, CDI stated that the icons (thumbnails) would fill up the page when WALLACE brought it up. CDI stated that WALLACE had quite a few different ones (files).

13. CDI described WALLACE as being in his mid-fifties.

14. CDI initially stated that WALLACE's house in Eureka, CA was located on 18th Street but that he did not remember the specific address. CDI described WALLACE's house as a two story residence that was on the corner of 18th Street in Eureka. CDI initially could not recall the cross street. CDI stated that the main entrance was on 18th Street. CDI stated that he

would enter the residence through an entrance on the side street. CD1 believed that the house had an apartment above the garage. Later in the interview, CD1 explained that he believed the cross street for WALLACE's residence was "S" Street. CD1 was shown a Google Maps overview of the area around 18th Street and "S" Street. CD1 made a correction to the main street he believed WALLACE's house was on, stating that he believed it was 17th Street and not 18th Street.

15. As the proffer interview was occurring, Special Agent Christine Brital, who was participating with me in the interview, conducted a Consolidated Lead Evaluation and Reporting (CLEAR)¹ Database Check on the name KEITH WALLACE in Eureka, CA. The search returned two (2) results for KEITH WALLACE in Eureka, CA: WALLACE, KEITH J, SSN: XXX-XX-XXXX, PO BOX XXXX, EUREKA, CA XXXXX and WALLACE, KEITH M, SSN: XXX-XX-XXXX, DOB: XX/XX/XXXX, AGE: 53, XXXXXXXX EUREKA, CA XXXXX ("WALLACE's Residence"). Although WALLACE's street address as found on CLEAR was different than what CD1 stated, WALLACE's Residence was determined via Google Maps to be located in Eureka, CA near the area of the intersections of both 18th Street and S Street (0.3 miles away) and 17th Street and S Street (0.3 miles away). Using a smartphone, CD1 was shown a street view image of WALLACE's listed address from Google Maps. The image was of the side view of a residence. From the image, CD1 identified the house as WALLACE's residence. CD1 identified the image as being the side of the house and explained that he would enter the house through a door on that side. CD1 explained that the door through which he would enter was obscured in the image by bushes/trees and that there was a mailbox by the door (in the image what appeared to be part of a door-frame was visible through the bushes/trees and part of a possible mailbox was also visible. A walk from the sidewalk was observed leading up to

¹ CLEAR is a report generated by Thomson Reuters, a company that consolidates public records, including addresses, driver licenses, property deed transfers, and corporate information, as well as some proprietary business records.

where the possible door was). CDI stated that the first window to the right of the possible door in the image was for the TV room into which he would enter when he came to the house. CDI explained that the next set of windows belonged to the office where the computer with child pornography was located.

16. CDI was asked to draw a diagram of the layout of WALLACE's home from what he had observed. CDI did so and signed and dated the diagram. CDI explained that when he walked into WALLACE's residence, he would enter what he described as the TV room. CDI explained that there was a TV on the wall. Off to the right of this room was the office where WALLACE's computer was. Straight ahead was a stairway and bathroom off to the right. CDI recalled that there were bookshelves all the way around the office and work-out equipment in the office.

17. On February 19, 2015, HSI San Francisco Intelligence Research Specialist (IRS) Vivian Nishimatsu received information from the California Employment Development Department (EDD) that WALLACE's most recent employer was the County of Humboldt.

18. On February 19, 2015, I conducted a California Department of Motor Vehicles (DMV) query for KEITH WALLACE, DOB: XX/XX/XXXX and found CA Driver's License # XXXXXXXXX for KEITH MONROE WALLACE aka KEITH MONROE WALLACE JR, DOB: XX/XX/XXXX. WALLACE's home address was covered in the DMV database and was listed as "HUMBOLDT CO PROBATION." I contacted Chief Investigator Wayne Cox from the Humboldt County District Attorney's Office and advised him that WALLACE appeared to be employed by the Humboldt County Probation Department. I requested the assistance of Chief Investigator Cox in determining what WALLACE's position was within the Humboldt County Probation Department.

19. On February 20, 2015, IRS Nishimatsu conducted a query in a U.S. Department of State Database and obtained a copy of a 2008 United States Passport Application for KEITH MONROE WALLACE, DOB: XX/XX/XXXX, SSN XXX-XX-XXXX. WALLACE listed his

home address on the application, which was the same address listed on CLEAR and the address of the house in the Google Maps Street View image identified by CD1. WALLACE listed his e-mail address on the application as K_DAWG@SUDDENLINK.NET.

20. On February 23, 2015, Humboldt County DA Investigator Marvin Kirkpatrick conducted surveillance at WALLACE's Residence. DA Investigator Kirkpatrick provided me with photographs he took of WALLACE's Residence and I observed that it was the same residence that CD1 had identified as WALLACE's house from the Google Maps Street View image. WALLACE's house is a two-story, blue in color, residential home. There appears to be an additional living area above the garage, consistent with CD1's statement that he believed that there was an apartment above the garage. There is an entrance door on the side of the residence consistent with where CD1 stated that he would enter the residence.

21. While conducting surveillance at WALLACE's Residence on the evening of February 23, 2015, Investigator Kirkpatrick observed a vehicle registered to KEITH MONROE WALLACE parked in the driveway of the house.

22. On February 24, 2015, Investigator Kirkpatrick and other Humboldt County DA Investigators conducted surveillance at WALLACE's Residence beginning at approximately 6:00 AM. The vehicle registered to WALLACE was still parked in the driveway of WALLACE's Residence at that time. An individual that was recognized as WALLACE by one of the Investigators exited the residence at approximately 6:45 AM and was subsequently followed in his vehicle to the Humboldt County Probation Department.

23. During the further proffer interview with CD1 on February 25, 2015, CD1 identified KEITH WALLACE in a photograph lineup of six different individuals. The photograph that CD1 identified as KEITH WALLACE is the photograph that WALLACE submitted in his 2008 passport application. CD1 also identified WALLACE in three different photographs taken from WALLACE's Facebook profile page. One of the pictures depicts WALLACE's face with a bookshelf in the background. CD1 believed that this photograph may

have possibly been taken in the office in WALLACE's home.

24. CD1 was also shown surveillance photographs of WALLACE's Residence that were taken by the Humboldt County DA Investigator Kirkpatrick on February 23, 2015. CD1 identified the house in the photographs as WALLACE's residence. Although CD1 stated that he does not remember the house being blue in color, he stated that the house in the photograph was WALLACE's house "for sure." Further, he stated that the door on the side of the house was the door through which he would enter.

25. On February 25, 2015, Honorable Magistrate Judge Nandor Vadas issued a Search and Seizure Warrant authorizing the search of WALLACE's Residence and the seizure of evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Section 2252 (certain activities relating to material involving the sexual exploitation of minors).

26. On February 26, 2015, HSI Agents and Humboldt County DA Investigators executed the search warrant at WALLACE's Residence.

27. During the execution of the search warrant, various digital media was discovered in WALLACE's Residence to include a laptop computer in the identified bedroom of WALLACE. The laptop was found to contain an SD card, which is a form of digital media storage capable of storing images, videos, and other digital files.

28. Computer Forensics Agent (CFA) Jeffrey Rea and I conducted an on-scene forensic preview of the contents of the SD card. Pursuant to that review, images that appeared to constitute child pornography and child erotica were observed. I recognized one of the images as being from a known series of child pornography where the female child victim had been previously identified by law enforcement. The image file was titled "*suck a thk one.jpg*." The image I observed depicted this child victim performing oral sex on an adult male penis. I have previously spoken with Immigration and Customs Enforcement (ICE) Agents who were involved in the investigation that identified this victim and I know that visual depictions of the sexual abuse of this child victim were produced outside of the State of California when the child victim

was between the ages of ten (10) and eleven (11). On the SD card I also observed images that I recognized as being of WALLACE, to include an image of WALLACE's face that is publically available on his Facebook profile page. I also observed a non-pornographic image of a teenage female that I recognized as an image that k_dawg@suddenlink.net sent to CDI's e-mail account.

29. During the execution of the search warrant, I observed an additional image depicting what I recognized as the same known child victim as discussed above on a CD found in the identified downstairs office of WALLACE. This image file also depicted the known child victim performing oral sex on an adult male.

30. CFA Rea and I conducted an on-scene forensic preview of an external hard-drive that was attached to the desktop computer in WALLACE's downstairs office. During the on-scene forensic preview, I observed a video file titled, *((Kingpass)) Cameraman shoots girl 10yo & cums on her PTHC-G-Amber Cute Little Moscow Girl.mpg*. I reviewed this video and observed that it showed an approximately nine (9) to eleven (11) year-old girl. During the video, the camera showed up-close shots of her vagina, the girl touching her vagina, what appeared to be the thumb of an adult male hand rubbing the girl's vagina, and what appeared to be an adult male penis ejaculating on the girl's vagina. Based on information contained on the outside of the external hard-drive on which this video was contained, the hard-drive was manufactured in Malaysia or Thailand and assembled in Thailand.

31. CFA Rea and I conducted an on-scene forensic preview of a hard-drive contained in the desktop computer in WALLACE's downstairs office. During the preview, I observed a video titled "*Pedo - Vicky Compilation (Pthc) 10yo Kiddy 2) Pedo - Vicky Compilation (Pthc) 10yo Kiddy Reality Child Get's What She Wants - All Kinds Of Fuck Fun With No Delusions)(14m58s).mpg*." This video depicted the same known child victim previously discussed in this Affidavit. The video depicted the child victim in bondage and also involved in oral sex on an adult male. I also observed a video titled "*4yo girl sucks and eats cum pedo r@ygold hussyfan lolitaguy lsm pthc babyshivid.mpg*." This video depicted an

approximately three (3) to five (5) year-old girl performing oral sex on an adult male.


Additionally, I observed an image titled, "9yojennys.jpg." I recognized this image as depicting a known female child victim performing oral sex on a dog. Special Agent M. Daniel Ben-Meir, who is currently assigned to HSI San Francisco, was the case agent for the investigation that identified and rescued this victim. I have spoken with Special Agent Ben-Meir and know that visual depictions of the sexual abuse of this child victim were produced in the State of Michigan when the child was between the ages of eight (8) and nine (9) years old.

XI. CONCLUSION

32. Based on the evidence set forth herein, there is probable cause to believe that on or about February 26, 2015, KEITH WALLACE violated 2252(a)(4)(B) – Possession of Child Pornography.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.

Respectfully submitted,


Special Agent Brian L. Ginn
Homeland Security Investigations

Sworn and subscribed before me this 27th day of February, 2015.


HON. NANDOR J. VADAS
U.S. MAGISTRATE JUDGE