

UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia



United States of America
v.
Justin Coleman

Case No. 1:11-MJ-282

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 March 18, 2010 and April 6, 2011 in the county of Fairfax in the Eastern District of Virginia, the defendant(s) violated:

Code Section
18 USC 2252A(a)(2)
18 USC 2252A(a)(5)

Offense Description
Receipt and possession of child pornography shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means.

This criminal complaint is based on these facts:
See attached Affidavit.

Continued on the attached sheet.

Complainant's signature

ICE Special Agent Kimberly Kroemeke

Printed name and title

/s/

Theresa Carroll Buchanan
United States Magistrate Judge

Judge's signature

Theresa Carroll Buchanan, U.S. Magistrate Judge

Printed name and title

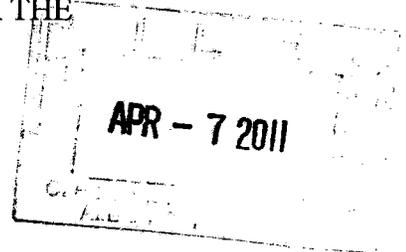
Sworn to before me and signed in my presence.

Date: April 7, 2011

City and state: Alexandria, Virginia

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)
)
 v.)
)
 JUSTIN COLEMAN)
)
 Defendant)

CRIMINAL NO. 1:11MJ 272

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kim Kroemeke, being duly sworn, depose and state:

1. Your Affiant is a Special Agent with U.S. Immigration and Customs Enforcement (“ICE”), currently assigned to the Office of the Special Agent in Charge, Washington, D.C. (SAC/DC). Special Agent (“SA”) Kroemeke has been an ICE agent since 2007 and has investigated crimes relating to the sexual exploitation of children since approximately May 2009. SA Kroemeke has basic and on-the-job training in this investigative area. SA Kroemeke has participated in federal, multi-jurisdictional, and international investigations and has participated in the execution of several search warrants. Moreover, SA Kroemeke is a graduate of the Federal Law Enforcement Training Center’s Criminal Investigator Training Program and the ICE Special Agent Training program. Your affiant is responsible for enforcing federal criminal statutes involving the sexual exploitation of children pursuant to Title 18 United States Code, Sections 2251, 2252, and 2252A.

2. This affidavit is being made in support of a criminal complaint and arrest of Justin COLEMAN, a resident of Falls Church, Virginia, which is in the Eastern District of Virginia.

Because this affidavit is being made for the limited purpose of supporting a criminal complaint and arrest, I have not included each and every fact known to Your Affiant.

PERTINENT FEDERAL CRIMINAL STATUTES

3. Title 18, United States Code, Section 2252A, entitled “Certain activities relating to material constituting or containing child pornography,” provides, in pertinent part:

(a) Any person who –

(1) knowingly mails, or transports or ships using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, any child pornography;

(2) knowingly receives or distributes –

(A) any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; or

(B) any material that contains child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer;

(3) knowingly - (A) reproduces any child pornography for distribution through the mails, or using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer;

....

(5)(B) knowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer,

shall be punished as provided in subsection (b).

4. Title 18, United States Code, Section 2256(1) defines the term “minor” as any person under the age of eighteen years.

5. Title 18, United States Code, Section 2256(8) defines “Child Pornography” as “any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; (B) such 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 visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.”

6. Title 18, United States Code, Section 2256(2) defines “sexually explicit conduct” as 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 area of any person.

7. Title 18, United States Code, Section 2256(5) defines "visual depiction" as including undeveloped film and videotape, and data stored on computer disk or by electronic means that is capable of conversion into a visual image.

BACKGROUND OF THE INVESTIGATION

8. On or about March 19, 2010, the Child Exploitation Section of the ICE Cyber Crimes Center (ICE/C3/CES) received information that identified a website offering access to child pornographic images and/or video files.

9. On March 19, 2010 an ICE agent stationed at ICE/C3/CES, located in Fairfax, Virginia, accessed the website and found hyperlinks indicative of pornography.

10. Two of the hyperlinks provided the ICE agent access to child pornography.

11. For example, one hyperlink redirected the agent to a webpage containing nine images of what appear to be minor females, nude or near nude, and in some of the photos the minor children were naked with their genitals exposed. Another image on the page appeared to be a prepubescent male being anally penetrated by another male.

12. The second hyperlink redirected the ICE agent to a second web page within the website. This page contained twelve images. The majority of the images depicted children involved in sexually explicit conduct.

IDENTIFICATION OF THOSE WHO ACCESSED THE WEBSITE

13. On the same date that the website was accessed by the ICE agent, an ICE agent accessed a publicly available service on the Internet, which was used to determine the registrant/owner of the domain name of the website. This service is a free database service capable of identifying, among other things, the owner of a particular domain name and the IP address where the website is located. This database search indicated that the IP address associated with the domain name was associated with a particular business.

14. On or about April 20, 2010, an ICE agent obtained and executed a federal search warrant for the website. As a result of the search warrant, ICE C3/CES was able to identify IP

addresses used to access specific image files on the site. One specific IP address relevant to this investigation was 70.179.102.216.

15. The web access logs from this website indicate when a user accessed the website and the specific files the user accessed and received, or attempted to receive. A review of the web access logs for the IP address 70.179.102.216 revealed that the user accessed the website and obtained numerous visual depictions of minors engaged in sexually explicit conduct including enlarged (full size) images of child pornography. Enlarged (full size) images of child pornography are obtained from the website by a user clicking on the thumbnail image. The thumbnail images, as displayed, were of sufficient size for a user to identify the nature and content of the images.

16. The following provide three examples of files that the user assigned IP address 70.179.102.216 accessed and received or attempted to receive:

(1) 70.179.102.216

[18/Mar/2010:21:14:52]

A nude female minor standing with her face, breasts, and buttocks exposed. A white rope is tied around the female's left calf.

(2) 70.179.102.216

[18/Mar/2010:21:14:46]

A prepubescent female, wearing only a shirt, is positioned on her knees that are spread apart with her elbows on the ground. The prepubescent female's genitalia is being exposed in a lascivious manner. The prepubescent female's hand is on her vagina with two fingers used to spread her labia thus fully exposing her vagina.

(3) 70.179.102.216

[18/Mar/2010:21:14:46]

A nude female minor is straddling an adult male while engaging in sexually explicit conduct. The pubescent female is being vaginally penetrated by the adult male's erect penis.

17. On or about August 6, 2010, ICE C3/CES issued an administrative subpoena to Cox Communications, for IP address 70.179.102.216 from the date and time contained in the access logs. On or about February 15, 2011, Cox Communications provided records indicating that IP address 70.179.102.216 was assigned to Justin COLEMAN c / Falls Church, VA 22042 from March 18, 2010 at 08:57:39 hrs through March 19, 2010 at 20:57:42 hours.

18. Several investigative techniques were used to determine who lived at / Falls Church, VA 22042. For example, a check with the Division of Motor Vehicles on or about March 21, 2011 revealed that an individual named Justin COLEMAN with a date of birth of / , 1975 resides at / , Falls Church, VA 22042 (the SUBJECT PREMISES). Additionally, an individual named Sean FLAHERTY with a date of birth of / , 1975 resides at the SUBJECT PREMISES. Results from a check with the U.S. Postal Inspection Service on or about March 31, 2011 also indicated that Justin COLEMAN resided at / , Falls Church, VA 22042.

19. A check with the Virginia Employment Commission on or about March 23, 2011, revealed Justin COLEMAN is currently employed by Alexandria City Public Schools.

20. On or about March 24, 2011, queries of open source databases revealed Justin COLEMAN is currently listed as a fourth grade Dual Language Teacher at John Adams Elementary School.

EXECUTION OF A SEARCH WARRANT

21. On April 6, 2011, Fairfax County Detective John Spata and other law enforcement agents from ICE executed a state search warrant at the residence of Justin COLEMAN at _____, Falls Church, Virginia. The state search warrant was issued by the Fairfax County Circuit Court for violations of Virginia Code 18.2-374.1: Possession, reproduction, distribution, and facilitation of Child Pornography.

22. SAC DC agents conducted a non-custodial interview of COLEMAN while executing a search warrant at his residence. Prior to questioning, COLEMAN was provided a copy of the search warrant to read.

23. Prior to the interview, agents explained to COLEMAN that he was under no obligation to speak with law enforcement and that he was not under arrest. SA Kimberly Kroemeke and SA Tarrah Green of ICE were both present in the room.

24. During the course of this non-custodial interview, COLEMAN stated that he has been viewing and downloading pornography from the Internet for a long time.

25. He ultimately informed agents that he "downloads what interests him" and that he prefers "5-12 year old girls." He further stated that he liked, among other things, videos depicting incest, oral sex, and adult male penetration.

26. During part of the interview, COLEMAN was dressed up in a Scottish kilt for a theme day at school. He also had on a sporran, which is a pouch worn with kilts. After admitting that he had child pornography, he took out an external hard drive that he had hidden in the sporran/pouch and provided it to agents.

27. COLEMAN also indicated that child pornography will be found on other computer devices.

28. COLEMAN also informed agents of a MP3 player, which had fallen behind his bed.

29. While agents moved the bed to obtain the MP3 player, they found several small pairs of panties. Based on my training and experience, I believe these panties were manufactured for young girls based on the cotton material, small size, pastel colors, and patterns which included hearts.

30. COLEMAN stated that he bought the panties from Target and would masturbate into the panties.

31. COLEMAN also admitted that he had spied on a young female (who is now nine years old) changing her clothes.

32. COLEMAN further informed agents that there was a "Justin at home and a Justin at work." He further stated that he was afraid "they will mesh together."

33. After seizing the evidence from COLEMAN's residence, agents previewed the external hard drive that they found in his sporran/pouch. The external hard drive contained numerous folders, including the names "masturbator," "viddies," and "Cinesyfotos."

34. Agents observed numerous videos and images containing child pornography in the external hard drive. For example, in the Cinesyfotos folder, agents observed a video containing a prepubescent female who first appears in the video fully clothed. As the video progresses, an adult male is fondling her genitalia. Her underwear is eventually removed, exposing her vagina and anus. The adult male fondles her vagina and digitally penetrates her anus.

35. The prepubescent female described in the video above has been identified through the National Center of Missing and Exploited Children's identification database and she is a known victim to law enforcement. According to NCMEC's database, the video is part of the Hitradio series and was produced in Germany.

36. Agents further observed in a folder on the external hard drive images of children fully clothed who appear to be in the age range of elementary school. In addition to the images of children fully clothed, agents observed additional child pornography in that same folder.

37. During the evening of April 6, 2011, agents observed COLEMAN driving in his car. He was pulled over and arrested by agents. During the search incident to arrest, agents found a pair of panties in his pocket.

38. Based on my training and experience, I believe the panties were manufactured for a young girl/minor based on the size, cotton material, pink coloring with a little bow in front, and the design containing blue and pink stars and hearts.

39. Agents read Defendant his MIRANDA rights after he was arrested. Defendant waived his rights. During an interview, he stated that he videotaped a three year child touching his penis.

40. He further stated that he did not really buy the panties found behind his bed from Target. He stated that he got the panties after finding a backpack at school that contained jeans and panties. He stole the backpack and saved the panties.

41. He also stated that he obtained the pair of panties found in his pocket at the time of his arrest from an eleven year-old Russian female that he met through an international program.

42. He also stated that he had bathing suit bottoms from a female's bathing suit he found drying outdoors while in Key West, Florida.

43. He indicated that he used all the clothing for masturbation.

44. He also changed his initial statement regarding the female age range he preferred. He stated that he preferred girls ages 7-11 years old.

