

STATE OF SOUTH DAKOTA ) IN CIRCUIT COURT  
 )SS  
COUNTY OF LINCOLN ) SECOND JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA  
Plaintiff, )  
 )  
 )  
-vs- )  
 )  
Rocky Mark Hayes )  
DOB: [REDACTED] )  
Defendant, )

CR123-67  
PROBABLE  
CAUSE  
AFFIDAVIT

I, Daniel Miller, Special Agent (SA) with the South Dakota Division of Criminal Investigation, being duly sworn upon oath. I have worked in Law Enforcement for the past two years.

On 10-21-22, I was assigned a CyberTip from the National Center for Missing and Exploited Children (NCMEC). The CyberTip was in reference to a video file suspected of depicting child pornography being located in a Dropbox account. The CyberTip information was provided to NCMEC by Dropbox.

The incident time provided by the CyberTip was 09-25-2022 at 00:00:49 UTC (7:00PM CDT). A live person working for the electronic service provider (Dropbox) had viewed the file believed to be child sexual assault material. The Dropbox user had the screen name Rocky Hayes. The Dropbox user was using email address rocky@[REDACTED].com. The email address was verified on 03-05-2014.

The file that generated the CyberTip was enclosed in the CyberTip. A description of that file is below:

File Name: cock too big for pussy.mpeg

Description: This is an approximately 16-second-long video of what appears to be an adult male vaginally raping a child with his erect penis. The child appears 9-12 years old. This video appears to be in violation of SDCL 22-24A-3 Possession, Manufacture, Distribution of Child Pornography.



The last IP address used by the suspect when the Cybertip was generated was listed as 2001:48f8:2d:c30:8df0:bd4e:1756:9233. This IP address was used to login to Dropbox on 09-17-2022. An IP address with the same four segments, that is to say "2001:48f8:2d:c30" was observed since 01-01-2022 as logging into the Dropbox account. I know from my training and experience that Midco assigns IPv6 addresses with the same four segments to the same customer, and that the segments that follow the first four segments can change but the IP address will still point to the customer assigned the first four segments. An IP address with the first four segments "2001:48f8:2d:c30" had been used to login to Dropbox by this account at least as early as 1-1-2022. An additional login event from a different IP address did not occur prior to the Cybertip being generated.

I conducted an open-source search for Rocky Hayes and the first result was for "Didactic Productions (formerly Rocky Hayes Design)". In the featured search result, the following information was visible:

Address: [REDACTED] Quiet Oak Circle, Sioux Falls, SD 57108  
Hours: Open, Closes 5PM  
Phone: [REDACTED]  
Appointments: rockyhayes.com

Clicking on the appointments link, which when hovered over shows as "https://rockyhayes.com/schedule/" took me to the Didactic Productions schedule webpage at "https://didacticproductions.com/schedule/".

On the website of Didactic Productions itself, under the contact section, the address [REDACTED] S Bur Oak Place, Suite [REDACTED] Sioux Falls, SD 57108, which is in Lincoln County, was observed. Six other persons were observed to work for the business.

I did run a driver query for Rocky Hayes, and a subsequent search based on SD OLN, and did find the following:

ROCKY MARK HAYES, DOB: [REDACTED]  
[REDACTED] Quiet Oak Cir, Sioux Falls SD 57108.  
This is a residential home that is in Sioux Falls, Lincoln County, SD.

On 11/3/2022 I applied for and received a search warrant for the contents of the Dropbox account from the Honorable Judge Camela Theeler of the Second Judicial Circuit. I executed the warrant on the same date.

On the same day I requested a subpoena for ISP subscriber information regarding the Midco IP addresses seen in the cybertip.

Midco did respond with the following information:

IP v6 addresses starting with 2001:48F8:2D:C30, which were seen in the cyber tip, resolved to subscriber Rocky Hayes, of [REDACTED] Quiet Oak Circle, Sioux Falls 57108.

IP v4 address 184.83.153.240, which was seen in the cyber tip, resolved to subscriber Rocky Hayes, of [REDACTED] Quiet Oak Circle, Sioux Falls 57108

During the subsequent search of the Dropbox account contents, I discovered the original file that Dropbox had reported, which began this investigation, as well as additional CSAM media in the Dropbox account that has been assessed to be in violation of SDCL 22-24A-3. A description of some files found in the Dropbox account follows:

The location of the file named "cock too big for pussy.mpeg", which began the investigation, was located at the following file path:

dropbox-folder-part-1\774659\Dropbox Folder\RHD PAST and NON CLIENTS\Documents BACK UP\My Documents\Music and Pix\My Music\Music and Videos\Downloaded Smut Vids\Disturbing cock too big for pussy.mpeg

The following two videos were each found in the following file path:

File name: dropbox-folder-part-1\774659\Dropbox Folder\RHD PAST and NON CLIENTS\Documents BACK UP\My Documents\Music and Pix\My Music\Music and Videos\Downloaded Smut Vids\Disturbing

Filename: small tits playing.MPG

A 9-second-long video that depicts a juvenile female of approximately 13 years of age performing a sex act.

Filename: R@ygold Style - Vicky Compilation 14m58s.asf

Description: An approximately 15-minute-long video that depicts the same approximately 8-10 year old juvenile female being orally, vaginally, and anally raped by an adult male.

On the morning of 1/19/2023, I executed a search warrant at the residence and business of Rocky Hayes. Rocky Hayes was not found at either location.

At approximately 11:00 AM on 1/20/2023, while conducting a forensic examination of a WD MyBook External Hard Drive from Rocky Haye's home office desk that was seized during the residential search warrant, agents did discover the files described above, "cock too big for pussy.mpeg" and "small tits playing.MPG"

Based on the information detailed above, I believe that there is probable cause to believe that Rocky Hayes committed the offense possessing, manufacturing or distributing child pornography, SDCL 22-24A-3 (3 counts).

Dated this 20th day of January, 2023 at Sioux Falls, South Dakota.

*Daniel Miller*

Special Agent Daniel Miller  
South Dakota DCI

Subscribed and sworn to before me this 20th day of January, 2023 at Sioux Falls, South Dakota.

*Shirrel Moore*  
Notary Public

My Commission expires:  
(SEAL)

