

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of Arkansas
Texarkana Division

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED
NOV 21 2018
By DOUGLAS F. YOUNG, Clerk
Deputy Clerk

United States of America)

v.)

Aaron Lloyd Mitchell)

Case No. 4:18-MJ-4011

Defendant)

CRIMINAL COMPLAINT

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

COUNT ONE

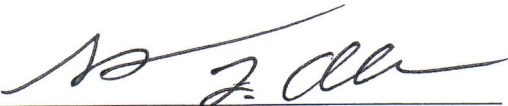
Between on or about September 1, 2018, through and including in or about November 15, 2018, in the County of Little River, in the Western District of Arkansas, Texarkana Division, the Defendant, **Aaron Lloyd Mitchell**, used, persuaded, induced, enticed, and coerced a minor, namely, "Jane Doe," with the intent that Jane Doe engage in sexually explicit conduct as that term is defined in Title 18 United States Code, Section 2256, for the purpose of producing a visual depiction of such conduct, namely a photograph of an adult male manipulating the exposed vagina of Jane Doe, a five-year-old, wearing "Hello Kitty" panties and that visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, all in violation of Title 18 United States Code, Sections 2251(a).

COUNT TWO

Between on or about September 1, 2018, through and including in or about November 15, 2018, in the County of Little River, in the Western District of Arkansas, Texarkana Division, the Defendant, **Aaron Lloyd Mitchell**, used, persuaded, induced, enticed, and coerced a minor, namely, "Jane Doe," with the intent that Jane Doe engage in sexually explicit conduct as that term is defined in Title 18 United States Code, Section 2256, for the purpose of producing a visual depiction of such conduct, namely a photograph of an adult male manipulating the exposed vagina of Jane Doe, a five-year-old, wearing "doughnut panties" and that visual depiction was produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, all in violation of Title 18 United States Code, Sections 2251(a).

This Criminal Complaint is based on these facts:

- Continued on the attached sheet.


Complainant's Signature

Robert F. Allen, FBI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: November 21, 2018


Judge's signature



City and State: Fort Smith, Arkansas

Mark E. Ford, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert F. Allen, of the Federal Bureau of Investigation (FBI) being duly sworn do hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the FBI currently assigned to the Fort Smith Resident Agency of the Little Rock Division. I have been employed as a Special Agent with the FBI for over eleven years. During my employment with the FBI, I have received training concerning and have been involved in the investigation of federal criminal offenses enumerated in Title 18 of the United States Code. Prior to the FBI, I was employed as a Certified Police Officer within the State of Arkansas for ten years. During my employment as a police officer, I received training concerning and was involved in the investigation of criminal offenses against minors. Specifically, I have received training and have been involved in the investigations of child exploitation cases, to include production of child pornography and the distribution, receipt and possession of child pornography. My training and experience in such investigations has involved significant use of the internet and cell phones and obtaining evidence from social media websites.

2. I make this Affidavit in support of a two-count Complaint charging Aaron Lloyd Mitchell with violations of Title 18, United States Code, Section 2251(a), using a minor with intent that such minor engage in sexually explicit conduct for the purpose of producing a visual image of such conduct with materials that have moved in interstate and

foreign commerce, in Foreman, Arkansas, which is within the Western District of Arkansas, Texarkana Division.

3. I have probable cause to believe that Aaron Lloyd Mitchell used Jane Doe, born in March 2013, a minor with whom he resided in Foreman, Arkansas, to violate 18 U.S.C. § 2251(a), in the manner and means that is set forth with specificity in this Affidavit.

4. The information contained in this Affidavit is based on that which I have received, directly or indirectly, from other law enforcement agents; information gathered from physical surveillance conducted by law enforcement agents; statements made by Aaron Lloyd Mitchell to law enforcement after he was advised of his *Miranda* warning on November 21, 2018; and my experience, training and background as a Special Agent with the FBI.

5. Because this Affidavit is being submitted for the limited purpose of securing authorization for the issuance of a Criminal Complaint and an arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause to believe that Aaron Lloyd Mitchell has violated 18 U.S.C. § 2251(a) in the Western District of Arkansas, Texarkana Division.

STATUTORY AUTHORITY

6. This Affidavit references violations of Title 18, United States Code, Section 2251(a), relating to the production of images depicting the sexual exploitation of a minor. "Minor" has been defined in Title 18, United States Code, Section 2256, as an individual under the age of 18 years.

7. Pursuant to Title 18, United States Code, Section 2251(a), it is a violation of federal law to use a minor with intent that such minor engage in sexually explicit conduct to produce any visual depictions of such conduct with materials that have moved in interstate and foreign commerce. Pursuant to Title 18, United States “sexually explicit conduct” has been defined in Title 18, United States Code, Section 2256 to mean 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.

BACKGROUND OF THE INVESTIGATION AND PROBABLE CAUSE

8. On November 3, 2018, the National Center for Missing and Exploited Children (NCMEC) received an electronic submission through its “CyberTipline” (CyberTipline Report 42666163), which reported that apparent child pornography was found at the following URLs on the Tumblr website:

URL: <https://cuminmybabygirl.tumblr.com/post/179713114501>
URL: <https://cuminmybabygirl.tumblr.com/post/178879309361>
URL: <https://cuminmybabygirl.tumblr.com/post/178240972656>
URL: <https://cuminmybabygirl.tumblr.com/post/178240726666>
URL: <https://cuminmybabygirl.tumblr.com/post/175646660571>
URL: <https://cuminmybabygirl.tumblr.com/post/175106857776>

Additional information provided to NCMEC indicated: “may be currently molesting 5-year-old and 13-year-old and posting pics.”

9. NCMEC submitted this complaint to the FBI’s Violent Crimes Against Children (VCAC) Intelligence Unit in Washington, D.C., where FBI personnel accessed

the URLs and determined through looking at the depictions that the images contained what appeared to be a white adult male and a prepubescent white female, with the prepubescent female engaged in sexually explicit conduct. However, the images did not contain any EXIF data which could be used to determine a location for the user of the URLs.

10. FBI personnel served a subpoena to Tumblr that requested additional information, including identifying information regarding the user of the URLs, but to date, the FBI has not received a response to the subpoena.

11. On November 5, 2018, NCMEC received an electronic submission through its "CyberTipline" from a representative of Tumblr, which reported the presence of child pornography found at the following URL on the Tumblr website: atomicbageltrashshark.tumblr.com.

12. NCMEC again provided the information to the FBI VCAC Intelligence Unit, where FBI personnel accessed the URL and confirmed the presence of apparent child pornography. FBI personnel further observed some of the images displayed at this URL were the same photos posted at the URLs described in Paragraph 8 of this Affidavit.

13. On November 19, 2018, a NCMEC Child Victim Identification Program (CVIP) Image Analysis Report regarding the identical photos was received by the FBI VCAC Intelligence Unit. This report identified embedded EXIF metadata within four of the images. The EXIF information embedded within one of the files contained the following:

CreateDate: 2018:11:03 03:02:01
DateTimeOriginal: 2018:11:03 03:02:01---
Make: Apple

Model: iPhone 7 Plus
ModifyDate: 2018:11:03 03:02:01
GPSLatitude: 33 deg 46' 24.77" N
GPSLongitude: 94 deg 23' 35.45" W
GPSAltitude: 122.3 m Above Sea Level
GPSTime:2018:11:03 08:01:59Z

The other three images contained similar GPS coordinates which geolocated at or near the same location.

14. Based on GPS information located within the EXIF metadata in the files, it appeared to law enforcement that the images may have been produced on or about November 3, 2018, at or near a residence located at XXX N Highway 41, Foreman, Arkansas, 71836, using an iPhone 7 Plus. I know that Foreman, Arkansas, is within the Western District of Arkansas, Texarkana Division. A representation of the geolocation is as follows:



15. On November 20, 2018, Special Agents at the FBI Little Rock, Texarkana Resident Agency (TXRA) were contacted by NCMEC and the FBI VCAC Intelligence Unit and advised of the above-described information, including the possibility that child pornography had recently been produced within the TXRA's area of responsibility within the Western District of Arkansas. FBI personnel from the Little Rock division performed multiple public database checks, and determined XXX N Highway 41 in Foreman, Arkansas, was located on a rural property on which additional residences were located.

16. On November 21, 2018, Special Agents at the TXRA received a media storage device via FedEx from the FBI VCAC Intelligence Unit, which contained images of apparent child pornography, including four images that specifically depict the following:

- a. Image 1 shows the vaginal area of a prepubescent white female child. The fingers of a white adult are pulling the child's green, pink, and purple Hello Kitty panties are pulled to the side, while at the same time spreading the child's vaginal lips.
- b. Image 2 shows the vaginal area and anus of a prepubescent white female child. The fingers of a white adult are pulling the child's white, pink, and yellow sprinkled doughnut panties to the side, while at the same time spreading the child's vaginal lips.
- c. Image 3 shows the erect penis of an adult white male inside the buttocks area of the above described Hello Kitty panties, while the panties are being worn by the prepubescent white female child.
- d. Image 4 shows the erect penis of an adult white male touching the buttocks of the prepubescent white female child wearing the above described sprinkled doughnut panties.

17. Based on my experience and training, I know that images 1 and 2 are depictions of a minor engaged in sexually explicit conduct. Images 1 and 2 are the specific images alleged in Counts 1 and 2 of the Criminal Complaint.

18. I know that Tumblr is an online social network which allows users to post photos, videos and short commentaries. It is often described as a 'microblog' as users often post short snippets of text and photos as opposed to longer diary style entries found in traditional blog sites. According to open source information reviewed in relation to this investigation, your Affiant knows Tumblr is a known internet site where child pornography is trafficked and downloaded by users.


19. Based on my experiences as a cellphone user, and open source research as well as my training in law enforcement investigating child exploitation cases involving the use of cameras contained in cellular telephones, I know that iPhones are assembled mostly in China and are not manufactured in the State of Arkansas. Therefore, I know that an iPhone 7 Plus that was used in the Western District of Arkansas to take sexually explicit photographs of Jane Doe traveled in interstate commerce to Foreman, Arkansas.

20. The FBI interviewed Aaron Lloyd Mitchell on November 21, 2018, after giving him his *Miranda* warning. Aaron Lloyd Mitchell admitted to investigators that he took the images described in Paragraph 16 and later, posted them to a Tumblr account. Aaron Lloyd Mitchell identified the female in the images as the 5-year-old daughter (referred to as Jane Doe in this Criminal Complaint) of his girlfriend, and all the pictures were taken inside a residence in Foreman, Arkansas, within the past two months. Aaron Lloyd Mitchell stated that he took the "Hello Kitty" panties pictures first, and "doughnut panties" pictures were taken "a short time later." Aaron Lloyd Mitchell admitted that he took the images of Jane Doe with his cell phone, an iPhone 7 Plus. Aaron Lloyd Mitchell told investigators that he took the images while Jane Doe was asleep in the Foreman, Arkansas residence, and he explained in which specific room the images were taken. Aaron Lloyd Mitchell admitted that he also took pictures of a 13-year-old female while she was sleeping and that the production of images of Jane Doe and the 13-year-old were taken on different nights, on multiple occasions over the past couple of months. Aaron Lloyd Mitchell admitted that he posted the images of Jane Doe and the other minor female on

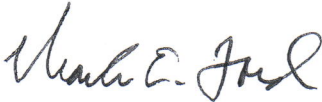
Tumblr. I know these images of Jane Doe were posted to Tumblr were produced with materials that had traveled interstate commerce.

CONCLUSION

21. Based on the above information, there is probable cause to believe that Aaron Lloyd Mitchell violated 18 U.S.C. § 2251(a) between in or about September 2018 through and including in or about November 15, 2018, in the Western District of Arkansas, Texarkana Division. Accordingly, I respectfully request that the Court authorize the issuance of a two-count Criminal Complaint and an arrest warrant for Aaron Lloyd Mitchell.


Robert F. Allen
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on November 21, 2018.


HONORABLE MARK E. FORD
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF ARKANSAS

