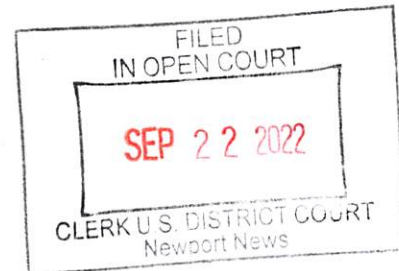


IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 4:22CR48

MICHAEL NICHOLAS COVEY

**STATEMENT OF FACTS**

If the United States were to try this case, the evidence that would be proved beyond a reasonable doubt would be:

On February 22, 2022, the Hocking County Sheriff's Office (HCSO) in Hocking, Ohio received a CyberTip from the National Center for Missing and Exploited Children (NCMEC). The social media platform Kik filed a complaint with NCMEC that seven images of pubescent females depicting child pornography were disseminated by screen name: xxxbigdxxx (later identified as convicted sex offender R.G.). On February 23, 2022, HCSO called R.G. and requested to meet with him the following day.

On February 24, 2022, deputies with the HCSO met with R.G. and advised him of his *Miranda* rights. R.G. confirmed his Kik screen name and email address. R.G. made a couple of admissions and was placed under arrest. On or about the same date, HCSO requested the assistance of FBI Cincinnati to forensically examine electronic evidence seized from a residence and vehicle driven by R.G.

Between February 25, 2022, and March 10, 2022, pursuant to state search warrants signed in Hocking County, FBI Special Agent (SA) Josh Saltar imaged electronic items

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belonging to R.G. On April 14, 2022, pursuant to a federal search warrant, SA Saltar imaged additional electronic devices belonging to R.G. After reviewing the extractions from the imaged items, SA Saltar observed images and video files depicting child pornography and sent the image and video files to NCMEC for possible identification. SA Saltar determined that the image and video files found on R.G.'s phone was in a folder entitled "Fun". There was no other identifiable information provided about how the images were received or from where they originated.

On June 1, 2022, during the processing of SA Saltar's submission, NCMEC identified two image files and three video files of apparent child exploitation of a prepubescent juvenile female, later identified as Jane Doe 1, age 10. Through image analysis, NCMEC determined there were possible investigative clues that may lead to the identification of the child or the individual who produced the images and videos. NCMEC determined the images and/or videos may have been produced and the depicted child may reside in Newport News, VA based on EXIF metadata associated with the files. NCMEC forwarded the image and video file data to the Southern Virginia Internet Crimes Against Children Task Force (SOVA ICAC) in Bedford County, Virginia.

On June 7, 2022, a deputy with SOVA contacted FBI Norfolk for assistance with identifying the juvenile female from Newport News depicted in several images and videos. The EXIF data from the video files resolved to a specific address on Edmond Drive in Newport News. Based on the EXIF data, it was believed the videos were produced between December 2021 and January 2022. EXIF data is short for Exchangeable Image File, a format that is standard for storing interchange information in digital photography image files using JPEG compression. Almost all new digital cameras use the EXIF annotation, storing information on the image such as shutter speed, exposure compensation, F number, what metering system was used, if a flash

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was used, ISO number, date and time the image was taken, white balance, auxiliary lenses that were used and resolution. Some images may even store GPS information so one can see where the images were taken. The three video files contained EXIF data embedded in the files with geographical coordinates which resolved to certain specific coordinates (later determined to be the home of the defendant). Lt. Steven Anders with Bedford County Sheriff's Office queried Google Maps with the coordinates. The query returned a result for what appeared to be a single-family residence located at a specific address on Edmond Drive in Newport News. The EXIF data also showed the camera used to create the video files was an Apple iPhone XR with creation dates of December 30, 2021, and January 2, 2022.

FBI Special Agent Stacey Sullivan reviewed the image and video files and they represented the same prepubescent female, Jane Doe 1. The image and video files are described as follows:

- a. *264.jpg*: This image depicts a prepubescent female wearing a green shirt asleep in a bed with purple sheets and a white blanket pulled over her.
- b. *268.jpg*: This image depicts a prepubescent female wearing a green shirt and pink shorts appearing to be asleep. Her arms are above her head and the covers are pulled down exposing her thighs.
- c. *0F4F869ED5AD7A52BD882A3746AD9DEA.mov*: This video file is two to three seconds in length and depicts a male masturbating himself towards the face of the prepubescent female who is sleeping. She is wearing a green shirt and laying on purple sheets. The female opens her eyes at the end of the video.
- d. *24B1FF78BD351E8866866245E827496A.mov*: This video file is six seconds in length and depicts a male masturbating himself on a child's pink pair of

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underwear displayed on a green pillow. There is a prepubescent female asleep on the next pillow facing away from the camera, fully clothed. The male ejaculates on the underwear.

e. *EBBF73FF7D90E9EA1488116757E34353.mov*: This video file is three seconds in length and depicts a male masturbating himself standing beside a bed where a pre-pubescent female is sleeping. The male appears to be wearing blue pants and a black shirt. The female is sleeping on the far side of the bed with her back facing the camera. She is fully clothed. The bed she is laying on has green sheets and a white comforter.

On June 7, 2022, an FBI Task Force Office emailed a Newport News Police Department School Resource Officer (SRO) and queried the specific address on Edmond Drive for any school aged children residing at the residence. The SRO provided two juvenile student profile sheets, which included photographs of a juvenile male and a juvenile female who resided at the specific address on Edmond Drive. The parents of the children were listed as R.C. with cellular telephone number (757) 871-XXXX, and the defendant MICHAEL NICHOLAS COVEY with cellular telephone number (757) 871-XXXX. On June 8, 2022, the TFO and Agent Sullivan reviewed the school photograph of the juvenile female and determined it appeared to be, Jane Doe 1, the same female depicted in the image and video files received from BCSO.

On June 8, 2022, Agent Sullivan served an administrative subpoena to Verizon Wireless for cellular telephone number (757) 871-XXXX. On the same date, Verizon identified the device associated with (757) 871-XXXX as a white Apple iPhone XR 256GB, IMEI: 357347098842499. The subscriber was listed as R.C. and the contact's name was that of the defendant, a sergeant with the Newport News Police Department.

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On June 8, 2022, a member of the FBI conducted open-source database checks and found telephone number (757) 871-XXXX was associated with Telegram account user @Kglora, Full Name: K9 Zora, and Snapchat account user: anobodyf21, Display Name; A\_Nobody\_From\_Nowhere. On the same date, SA Sullivan contacted SA Saltar and requested he review R.G.'s devices for a username similar to that of Telegram and/or Snapchat. SA Saltar identified a Wickr contact on R.G.'s phone: anobodyfnowhere. There were no chats located on R.G.'s device with that user.

On June 10, 2022, the defendant was arrested on a federal criminal complaint and held in custody for the sexual exploitation of children based upon the images possessed by R.G. and produced in Newport News, Virginia.

On June 10, 2022, federal agents executed a federal search warrant at the home of the defendant located at a specific residence on Edmond Drive in the City of Newport News. An Apple MacBook, Apple Laptop, model A1278, Serial Number C1MKF4TPDTY4 with Seagate hard drive, Model 1000LM014, Serial Number W770FMSZ, was found and seized during the search, along with other devices. This device had access to the Internet, which is an interconnected network of computers with which one communicates when on-line, and that network crosses state and national borders. A number of items seized during the search execution at the defendants home matched the items that can be seen from images sent to NCMEC from SA Saltar. Such as items of clothing to wit:

- One gray and red 'Redhead' brand shirt
- Red holiday pants 'Wondershop' brand
- Pink 'So' size 10 shorts
- Green 'Minecraft' T-Shirt



- Pink/teal tie dye pajama set

On July 2, 2022, the defendant, while in custody, called an officer with the Newport News Police Department asking him to retrieve some personal items from his (the defendant's) office and work vehicle. Specifically, the defendant asked the officer to locate and retrieve a blue and white bucket labeled "Scrubs" from the rear of his work vehicle. The officer found the bucket and thought it was odd that the defendant wanted cleaning wipes used at work. The officer opened the "Scrubs" bucket and saw a cellular telephone inside the bucket along with the cleaning wipes. The officer closed the bucket and called his superior, a lieutenant in the Newport News Police Department. The lieutenant took possession of the items and contacted a Newport News Sergeant in Internal Affairs. The Sergeant maintained custody and control of the items until turning them over to a TFO with the FBI. The telephone found inside the "Scrubs" bucket was identified as Apple iPhone, model XR, 128GB, Serial Number G0NXN70TKXKY, IMEI: 357347098842499 belonged to the defendant.

A forensic examination was conducted on the aforementioned Apple iPhone and the MacBook by United States Attorney's Office Computer Forensic Examiner (CFE) James Bass. The devices had access to the Internet, which is an interconnected network of computers with which one communicates when on-line, and that network crosses state and national borders. Over 5,000 images and videos of child pornography, as defined in 18 U.S.C. § 2256 (8), were found on the devices. Also found on the devices were images of the sexual exploitation of Jane Doe 1 and John Doe 1. CFE Bass also examined R.G.'s phone that was submitted by SA Saltar. Notably, images of the sexual exploitation of Jane Doe 1 were found along with other photos of Jane Doe 1 on R.G.'s phone.

The defendant admits that on or about December 30, 2021, that he did knowingly and



attempted to employ, use, persuade, induce, entice, and coerce a minor, Jane Doe 1, age 10, who had not attained the age of 18 years to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), specifically, actual and simulated masturbation and lascivious display of the, anus, genitals or pubic area of any person, for the purpose of producing a visual depiction of such conduct, knowing and having reason to know that such visual depiction would be transmitted using any means and facility of interstate and foreign commerce and was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

The defendant admits that on or about December 30, 2021, did knowingly and attempted to employ, use, persuade, induce, entice, and coerce a minor, John Doe 1, age 14, who had not attained the age of 18 years to engage in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2)(A), specifically, actual and simulated masturbation and lascivious display of the anus, genitals or pubic area of any person, for the purpose of producing a visual depiction of such conduct knowing and using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer.

The defendant admits that the Apple iPhone used for the production of the images of Jane Doe 1 and John Doe 1 was manufactured in China. The defendant admits that the production of the images of Jane Doe 1 and John Doe 1 involved the use of minors, Jane Doe 1, age 10, and John Doe 1, age 14 at the time of the offenses. The defendant admits that he sent images of the sexual exploitation of Jane Doe 1 to R.G. in or about December 2021 and January 2022.

The defendant admits that on or about December 30, 2021, that he knowingly received material containing an image of child pornography, as defined by 18 U.S.C. § 2256(8), to wit: an image entitled “IMG\_0590.JPG/5005.JPG, 5005\_4.JPG,” depicting a prepubescent female



child engaging in sexually explicit conduct, specifically, actual and simulated genital-anal sexual intercourse by an adult male with a prepubescent female child, that had been mailed and using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

These events occurred in the Eastern District of Virginia and elsewhere.

Respectfully submitted,

Jessica D. Aber  
United States Attorney

By:




\_\_\_\_\_  
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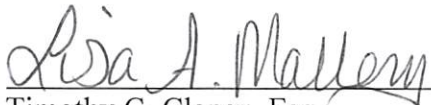


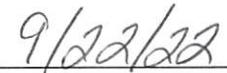
After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, and the United States, I hereby stipulate that the above Statement of Facts is a partial summary of the evidence which is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

  
\_\_\_\_\_  
MICHAEL NICHOLAS COVEY

  
\_\_\_\_\_  
Date

I am MICHAEL NICHOLAS COVEY's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

  
\_\_\_\_\_  
Timothy G. Clancy, Esq.  
Counsel for defendant  
MICHAEL NICHOLAS COVEY

  
\_\_\_\_\_  
Date

