

UNITED STATES DISTRICT COURT  
for the  
District of Minnesota

UNITED STATES OF AMERICA

Case No. 15-MJ-838 JJK

v.

UNDER SEAL

DANIEL JAMES HEINRICH

**CRIMINAL COMPLAINT**


I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. Between August 13, 2009 and August 28, 2015, in Wright County, in the State and District of Minnesota, defendant:

**SEE ATTACHMENT A**

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

**SEE ATTACHED AFFIDAVIT**

Continued on the attached sheet and made a part hereof:  Yes  No


  
Complainant's signature

Shane Ball, Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/27/15

City and State: St. Paul, MN

  
Judge's Signature  
Jeffrey J. Keyes, U.S. Magistrate Judge  
Printed Name and Title



**ATTACHMENT A**

**COUNT 1**

**(Possession of Child Pornography)**

On or about July 28, 2015, in the State and District of Minnesota, the defendant,

**DANIEL JAMES HEINRICH,**

did knowingly possess and access with intent to view any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that involved a prepubescent minor who had not attained 12 years of age that has been mailed and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit: Image 1 as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

**COUNT 2**

**(Possession of Child Pornography)**

On or about July 28, 2015, in the State and District of Minnesota, the defendant,

**DANIEL JAMES HEINRICH,**

did knowingly possess and access 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 and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit: Image 2, Image 3, Image 4, Image 5, Image 6, as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

**COUNT 3**

**(Possession of Child Pornography – Morphed Image)**

did knowingly possess and access 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 and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit: Image 7, as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2) and 2256(8)(C).

**DANIEL JAMES HEINRICH,**

**COUNT 4**

(Receipt of Child Pornography)

On or about from August 13 through August 16, 2009, in the State and District of Minnesota, the defendant,

**DANIEL JAMES HEINRICH,**

did knowingly receive any child pornography that has been shipped and transported in interstate and foreign commerce by any means, including by computer, to wit: Image 8, Image 9 and Image 10, as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

**COUNT 5**

(Possession of Child Pornography)

On or about July 28, 2015, in the State and District of Minnesota, the defendant,

**DANIEL JAMES HEINRICH,**

did knowingly possess and access 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 and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, to wit: Image 8, 9 and 10, as described in the Complaint Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

15-MJ-838 JJK

UNDER SEAL

STATE OF MINNESOTA )  
 )  
COUNTY OF RAMSEY )

ss. AFFIDAVIT OF Shane A. Ball

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") and have been so employed for over 20 years. I am currently assigned to St. Cloud Resident Agency with the Minneapolis, Minnesota, Division of the FBI. I have received FBI training in criminal investigation involving the sexual exploitation of children. As a FBI Special Agent, my responsibilities include the investigation of criminal offenses involving the sexual exploitation of children using computers, computer networks, and the Internet. While employed by the FBI, I have participated in numerous investigations in which I have collected evidence in electronic form.

2. As a federal agent, I am authorized to investigate, and make arrests for, violations of United States laws and to execute warrants issued under the authority of the United States.

3. This affidavit is submitted in support of a criminal complaint charging Daniel "Danny" James Heinrich, DOB 3/21/1963, ("defendant") with violations of 18 U.S.C.§2252 and 18 U.S.C.§2252A, possession and receipt of child pornography.

4. The statements in this Affidavit are based in part on information provided by other FBI Special Agents and law enforcement officers and on my investigation of this matter. Since this Affidavit is being submitted for the limited purpose of establishing probable cause for a criminal complaint, I have not included each and every fact known

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to me concerning this investigation, but rather only those I believe are necessary to establish probable cause to believe that the defendant has violated the above-referenced statutes.

#### I. Summary of Investigation

5. On July 28, 2015, law enforcement officers executed a search warrant at 55 Myrtle Avenue South, Annandale, Wright County, Minnesota, the residence of defendant, seeking evidence related to the January 13, 1989 kidnapping and sexual assault of a Cold Spring, Minnesota juvenile male ("Victim A") and the October 22, 1989 abduction of a St. Joseph Township, Stearns County, Minnesota juvenile male ("Victim B").<sup>1</sup> During the execution of the warrant, officers recovered numerous images of suspected child pornography from the residence. These images were maintained in multiple 3-ring binders in various locations throughout the residence and found in the hard drive of a desktop computer.

6. Various items located in the residence demonstrate the defendant's sexual interest in children and support probable cause to believe the defendant was in knowing possession of the child pornography recovered as well as defendant's motive to receive and maintain possession of these materials. These items include: hours of video footage apparently surreptitiously recorded by the defendant of children delivering newspapers, riding bicycles, playing in public playgrounds and participating in sporting activities; recordings of news reports concerning the abduction of Victim B, and other missing children; and several bins of boys' sized clothing.

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<sup>1</sup> Defendant has not been charged with any crimes related to either Victim A or Victim B.

7. As explained in greater detail in this affidavit, the defendant's past conduct further demonstrates his motive to knowingly possess and receive the child pornography seized at his residence during the execution of the search warrant. The defendant had previously been found to be in possession of suggestive images of children. Further, a recently-tested article of clothing worn by Victim A during the 1989 Cold Spring abduction and sexual assault was found to contain the defendant's DNA.

## II. Investigation of Daniel James Heinrich

### A. Paynesville Assault Cluster

8. Between 1986 and 1988, there were multiple incidents during which juvenile males were physically and/or sexually assaulted in various locations in the town of Paynesville, Minnesota. The perpetrator of these assaults was described by the various victims as a white male in his 30's, 5'6" to 5'9" tall, with a heavy set or pudgy build. The defendant's general physical description at the time of these assaults matched this general description. The defendant is a white male and according to records, his physical description in the late 1980's was 5'5", 160 pounds, with brown hair and brown eyes. Each of the Paynesville assaults took place less than a mile from the defendant's residence, the Plaza Hotel, located at 121 Washburne Avenue in Paynesville.

9. These Paynesville assaults involved eight different incidents of seven victims ("Victims C through I") and involved a very similar pattern. In addition to the common location and the similar description of the assailant described above, the attacks typically involved the assailant approaching boys approximately 12 years old in a public place, such as while the boys were walking or biking home, or otherwise outside. The assailant

would attack the children, for example knocking them off their bikes, and usually grope or attempt to grope the area of their genitals, either over or under clothing. A few times the assailant would ask the boys their age or grade and/or the suspect would threaten to kill the child as part of the assault. For example, after one assault on November 30, 1986, the assailant told the Victim E to "keep laying down for five minutes or I'll blow your head off." The attacker usually wore something like a mask to obscure his identity.

10. One victim, Victim F, was victimized twice. First, on February 14, 1987, Victim F was with a juvenile friend when he was attacked in the stairwell of an apartment building located at 122 West James Street. The perpetrator was described as a heavy set male, approximately 5'6" tall and wearing a mask. The male threw Victim F down onto the stairs. When Victim F screamed, his attacker told him to keep quiet or he would be killed. The attacker asked Victim F what grade he was in and groped his testicles and penis over and under his clothing. The attacker took Victim F's wallet and left the area on foot.

11. On May 17, 1987, Victim F was in the area of Main and Maple Street when he was attacked again. Victim F described the attacker as being pudgy and about the same height as the person who committed the previous attack. The suspect knocked Victim F off of his bicycle and groped Victim F's testicles. Victim F screamed and told the attacker that he had already got him. The attacker fled the area on foot and left behind a baseball cap. The cap was turned over to the police and was subsequently tested by the Minnesota Bureau of Criminal Apprehension crime lab. The cap was found to contain a mixture of DNA from three or more individuals. The defendant could not be



excluded from being a contributor. The laboratory report noted that an estimated 80.5% of the general population could be excluded.

#### B. Cold Spring Kidnapping and Sexual Assault

12. On January 13, 1989, Victim A, a 12 year old juvenile male, was kidnapped and sexually assaulted in Cold Spring, Minnesota. Victim A reported that at approximately 9:45 pm, he was walking home from the Side Café in Cold Spring when he was approached by an adult white male driving an automobile. The driver stopped the vehicle and asked Victim A "whether he knew where [John Doe] lived." As Victim A began to respond, the driver got out of the car, grabbed Victim A and told him to get into the car. The suspect forced Victim A into the back seat, re-entered the car and began to drive for approximately 15 minutes. During the drive, Victim A noticed a handheld "walkie talkie" radio on the passenger seat. The driver told Victim A that he had a gun and wasn't afraid to use it. The driver stopped the car on a gravel road.

13. The driver got into the backseat of the car with Victim A and instructed him to remove his snowmobile suit and to pull down his pants and underwear. Victim A complied due to fear. The driver lowered his own pants to his ankles. The driver touched Victim A's penis with his hand. He ordered Victim A to touch the driver's genital area. Victim A complied. The driver placed Victim A's penis in his mouth and forced Victim A to place his mouth on the driver's penis. Victim A complied. The driver ordered Victim A to kneel on his hands and knees and spread his legs. Victim A complied and the driver unsuccessfully attempted to insert his penis into Victim A's rectum.

14. The driver returned to the driver's seat through the center counsel. He gave Victim A his snowmobile suit back, but kept Victim A's pants and underwear. The driver told Victim A that he was lucky to be alive and if the police got a "lead" on the driver he would "get him after school and shoot him." The driver drove back near Cold Spring and released Victim A, telling him not to look back or he would be shot.

15. The suspect was described as being in his 30's, between approximately 5'6" to 5'7" tall, an estimated 170 pounds, with dark brown mid-length hair, brown eyes, fat ears that stuck out, a fat nose, bushy eyebrows, a pudgy "beer belly" and crooked bottom teeth. This general physical description fit the defendant. Victim A participated in the creation of a composite sketch of the suspect. The sketch resembles the defendant's physical appearance at the time of the incident. Victim A was shown photographs of the defendant and 5 other individuals with similar builds and characteristics. Victim A believed that a photo of the defendant and one other person resembled his attacker. The suspect was wearing a brown baseball cap, a dark vest, camouflage fatigues, black army boots and a military style watch. The defendant was known to wear military fatigues during this period of time and was a member of the Minnesota National Guard. Victim A described the automobile as a dark blue, four-door automatic transmission with a blue cloth interior and front bucket seats. This general description matched the defendant's vehicle at the time, a 1987 blue Mercury Topaz, 4-door with a light blue interior.

16. The sweatshirt worn by Victim A was taken into evidence after the assault in 1989. It was resubmitted to the Minnesota Bureau of Criminal Apprehension for testing in 2015. A mixture of DNA contributed by two or more individuals was found to be

present on the right wrist of Victim A's sweatshirt. According to the laboratory report, the predominant male DNA profile matches a known sample of the defendant. The predominant profile match to defendant's DNA would not be expected to occur more than once among unrelated individuals in the world population.

### C. The Abduction of Victim B

17. On October 22, 1989, Victim B, age 11, was abducted by a masked male in St. Joseph Township, Stearns County, Minnesota. Victim B and two other juvenile males, ("Witness 1") and ("Victim J") were in the area of 29748 91<sup>st</sup> Avenue when the masked man approached on foot and displayed a handgun. The masked man grabbed Victim J's penis over his clothing. The masked man asked the boys how old they were and the boys told him their ages. He ordered Witness 1 and Victim J to run and not to look back or he would shoot them. Victim B was led away by the masked man and never seen again. The masked man was described as an adult male, between 5'9" and 5'10" tall, approximately 180 pounds. He was wearing a mask, dark coat, dark pants and dark shoes.

18. Law enforcement discovered in a gravel driveway next to the abduction site shoe prints and tire tracks and took cast impressions of these prints and tracks. One set of the two shoe impressions appeared similar to the shoes worn by Victim B at the time of his abduction. On January 12, 1990, the defendant voluntarily provided his shoes to officers investigating the abduction. On January 15, 1990, the defendant allowed investigators to remove the rear tires from the 1982 Ford EXP he owned at the time of the abduction. An FBI examiner conducted a comparison examination between the tracks

from the abduction site and the defendant's tires and found that the defendant's tires were consistent in size and tire tread to the cast impressions. The examiner also found that the defendant's right shoe corresponded in size and design to an impression taken from the abduction site. Based on my experience and training, I am aware that an opinion of an "exact match" of such impressions would have to be based upon unique characteristics of the tire or shoe, such as a scuff, wear mark or divot, in the item itself. No such unique markings were present on the tire or the shoe. However, the non-unique "class characteristics" of size, shoe pattern and tread pattern of each appear to be the same.

#### D. Search Warrant – 16021 County Road 124, Paynesville - 1990

19. On January 24, 1990, investigators executed a search warrant at 16021 County Road 124, Paynesville, Minnesota, the residence of defendant's father, where the defendant was living at the time. Investigators seized two scanners, various scanner equipment and operating manuals, black lace-up boots, camouflage clothing and a brown cap. Investigators located a photograph of a male child dressed in underwear and a male child coming out of the shower wrapped in a towel.

#### III. Search Warrant – 55 Myrtle Avenue South, Annandale - 2015

20. On July 28, 2015, investigators executed a search warrant at the defendant's residence located at 55 Myrtle Avenue South, Annandale, Minnesota, a small, one-bedroom home with a detached garage located in a residential neighborhood near a school. This warrant authorized the search and seizure of evidence related to the abduction of Victim B in St. Joseph Township and the kidnapping and sexual assault of Victim A in Cold Spring.

### A. Binders Containing Child Pornography

21. During the search, investigators located 19 three-ring binders, each of which contained photographs of images of children. In the majority of the binders, there were multiple images of what appears to me to be images of nude photographs of pre-pubescent children that would fit the definition of child pornography. Several of the pornographic photographs appear to be printed material obtained from the internet. For example, some pages containing suspected child pornography also displayed what appear to be advertisements in the margins of the pages and "URL" or Universal Resource Locator, information on the bottom of the page. Based on my experience and training, this information typically displays the particular web page where the image was located on the World Wide Web. Based on this information, I believe these images were acquired on the internet using a computer and then printed and maintained in the binders as a collection. Law enforcement reviewed each binder and gave each binder an "SD" property evidence number. Law enforcement took a photograph of each page in each binder to create a computer disc containing the images from the defendant's binders. Where this affidavit references a page number to identify an image from the binders, it is referencing the page number as seen on the disc.

22. One of the binders, labeled for reference as SD 29770-2, contains a fully nude image (page 11/151) ("Image 1") of a prepubescent boy, laying back on a bed, with an erect penis who appears to be under the age of 12. The image contains the title "Young Blonde Haired Boys" and is purported to have been "posted by" an individual with the moniker "Jackin Boy" on December 19, 2000. Printed at the bottom of the page is the

URL [http://content/communities/msn.com/isipi/fetch.dll?action=show\\_photo&ID\\_Community=Y...](http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=Y...); and bears a print date of January 4, 2001. The page contains the phrase "Welcome Danny (visitor)".

23. Binder SD 29770-2 also contains a fully nude image (page 9/151) ("Image 2") of a fully naked prepubescent boy sitting on the arm of a couch displaying his genitalia. The image also contains the title "Young Blonde Haired Boys" and is purported to have been "posted by" "Jackin Boy" on December 19, 2000. Printed at the bottom of the page is the URL [http://content/communities/msn.com/isipi/fetch.dll?action=show\\_photo&ID\\_Community=Y...](http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=Y...); and bears a print date of January 4, 2001. The page also bears the phrase "Welcome Danny (visitor)."

24. Binder SD 29770-2 also contains a fully nude image (page 12/151) ("Image 3") of a fully naked prepubescent boy, standing nearly in profile towards the camera, with an erect penis. The image contains the title "Young Blonde Haired Boys" and is purported to have been "posted by" an individual with the moniker "Cobra" on December 27, 2000. Printed at the bottom of the page is the URL [http://content/communities/msn.com/isipi/fetch.dll?action=show\\_photo&ID\\_Community=Y...](http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=Y...); and has a print date of January 4, 2001. The page contains the phrase "Welcome Danny (visitor)."

25. Binder SD 29770-2 also contains a picture of a boy naked from the waist down, sitting in a recliner-type chair, holding his erect penis (page 45/151) ("Image 4"). The image contains the title "gay teens having fun" and is purported to have been "posted by" "gayboy" on November 23, 2000. Printed at the bottom of the page is the URL

[http://content/communities/msn.com/isipi/fetch.dll?action=show\\_photo&ID\\_Community=g...](http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=g...); and has a print date of January 9, 2001. The page bears the phrase "Welcome Danny (visitor)". Image 4 has preliminarily been identified as being that of a known child of sexual exploitation using a national database of victims of sexual abuse.

26. A preliminary review – of only a small portion of the binders – using this national database of known victims of sexual abuse, identified additional images as containing a depiction of a known child of sexual exploitation. Although there were several of these identified images, two examples are found in Binder SD29784-1. One image depicts a fully naked prepubescent boy holding his penis while he looks at the camera (page 72/115) ("Image 5"). The image contains the title "The Titan's (Teens)" and is purported to have been "posted by" "Adorable\_Titan" on December 5, 2000. Printed at the bottom of the page is the URL [http://content/communities/msn.com/isipi/fetch.dll?action=show\\_photo&ID\\_Community=T...](http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=T...); and bears a print date of January 3, 2001. The page also contains the phrase "Welcome Danny (visitor)."

27. Another image found in Binder SD29784-1, of identified children, is a picture of two fully naked young boys with one naked boy on top of the other naked boy, the boy on top is facing the camera while he is being anally penetrated by the boy on the bottom (page 109/115) ("Image 6"). The image contains the title "Gay teen chat (14-19)2" and is purported to have been "posted by" "devon1234" on January 1, 2001. Printed at the bottom of the page is the URL

[http://content/communities/msn.com/isipi/fetch.dll?action=show\\_photo&ID\\_Community=G...](http://content/communities/msn.com/isipi/fetch.dll?action=show_photo&ID_Community=G...); and bears a print date of January 13, 2001. The page also contains the phrase "Welcome Danny (visitor)."

B. "Morphed" Images of Child Pornography

28. I am familiar with a practice known as "morphing" by which individuals use computers and software such as Photoshop to convert images of children into child pornography. An example of this practice is taking the image of the head of a child of sexual interest from a non-pornographic picture and digitally inserting the child's head onto the image of a nude body. The result is an image that portrays the child in a sexually explicit manner, thereby creating and constituting child pornography.

29. Items seized from the defendant's residence contain what appear to be "morphed" images of child pornography. These morphed images appear both on defendant's computer and in the printed materials contained in the binders. Typically the morphed images are comprised of a boy's head taken from a non-pornographic image (like a yearbook photograph or an advertisement), and that child's head is placed on a naked body. The naked bodies are of different genders and ages; for example, some images include a boy's head morphed onto the body of a naked adult woman, while several of the images involve a child's head morphed onto a child's naked body. One morphing scheme done by defendant appears to have involved using the yearbook photographs of boys from Paynesville High School in the late 1970s.

30. An example of this is in Binder SD29784-8 which contains multiple images of the same boy whose head has been placed on many different bodies. Investigators were



able to identify this male individual ("Victim K"). Victim K was born in the early 1960s and would have been a juvenile during the 1970s. An image of the head of Victim K appears to have been taken from an old yearbook photo from the late 1970's and superimposed onto various images of nude bodies using a computer, printed and placed into the binder. For example, one particular image (page 66/124) ("Image 7") depicts two prepubescent males standing in what appears to be a shower exposing their genitalia. One of the nude images was created placing Victim K's head from his yearbook photo onto the naked body. Yet another (page 68/124) depicts a young male wearing a sleeveless t-shirt with his left leg up exposing his naked genitalia through an opening in his underwear. This image was similarly altered so that Victim K's face appears on the original nude image. In addition to the printed morphed images, I have reviewed some images recovered from the hard drive of the defendant's computer. The face/head of Victim K appears in several of these images. A forensic examination of the defendant's computer reveals evidence of internet searches for Victim K.

31. There are other examples of images of "morphed" pornography in the defendant's binders or on his computer using the heads of other children in addition to Victim K. Law enforcement has reviewed these heads and have been able to identify by name at least three of these individuals whose images were used to create child pornography. The faces/heads used to create these images have been superimposed on the nude bodies of various combinations of male, female, adult and child bodies.

32. The defendant had the means by which to create and print morphed child pornography. A forensic examination showed that a software program named Adobe

Photoshop Elements ("Photoshop") was installed on defendant's computer. Photoshop, a common commercially available software program that is manufactured outside the state of Minnesota, is capable of creating morphed images. Packaging material for Photoshop was located at defendant's residence during the execution of the warrant. Investigators also recovered a CD-ROM containing a link to Adobe Photoshop Home Edition. Investigators located a Kodak color printer/scanner, also manufactured outside the state of Minnesota, during the execution of the warrant. The preliminary examination of the hard drive revealed files containing images of Victim K that appear identical to the head/face yearbook picture used in the above-described morphed images. According to the examiner, one such file, created on August 12, 2012, was saved in ".png" format, which is a format commonly associated with scanners. Another file of Victim K's head, created on August 25, 2012, was saved in ".psd" format, which indicates a Photoshop project file. Based on this information, I believe it likely that the defendant scanned a photograph of Victim K using the Kodak printer/scanner, saved it to his computer, and utilized Photoshop to create some of the printed images of Victim K discovered in the binders.

#### D. Computer Containing Digital Images of Child Pornography

33. As previously indicated, investigators have examined the computer seized from defendant's residence. The computer is a Gateway brand Model 510XL, which was manufactured in 2004. The computer has a 180 gigabyte hard-drive, capable of storing digital images. The computer has the ability to be connected to the internet. Indeed,

evidence collected from the computer demonstrates the defendant's use of the computer to access the Internet.

34. A forensic examination of the computer revealed evidence of sexual interest in children. For example, the examination revealed the following internet search terms were entered by the user of the computer: "Justboys.com," "Teenpornpictures.com," "Gay teen photos," "Nude teen girl photos," "My naked teens," "Boys boners," and "Nude young boys." The search history also is indicative of seeking materials that could be used to create morphed child pornography. These terms include: "1976 7th grade class photos," "2013 7th grade class photos," "Kids Christmas photos 1978," "2013 7th grade wrestling photos," "Boys in Toughskins jeans photos," "Boys in undies photos," "1977 summer camp photos," "13 year old boy," "Pre teen boy models," "Paynesville Minnesota school photos" and "Paynesville Minnesota kids photos."

35. The hard drive of defendant's computer was also examined for digital images. This examination revealed images that had been previously saved on the hard drive, including subsequently deleted files, that contained sexually explicit images of children. At least 11 of these images ("Image 8 though Image 18" ) depict children that have preliminarily been identified as being known child victims using a national database of known victims of sexual abuse. These images were recovered as "thumbnail" images, which is a lower-quality image generated by the computer to assist the operating system when accessing the original images. The thumbnail images were found as having been in the "My Documents\My Pictures" folder of the computer, which had a Windows-based operating system. The corresponding pictures of these 11 thumbnail images were not

recovered from the hard drive. Based on my experience, training and consultation with investigators having expertise in computers, the presence of the thumbnail images in this particular location demonstrates that the original image was intentionally saved by the user in the "My Documents\My Pictures" folder of the hard drive and subsequently deleted. The remaining thumbnail file serves as a sort of "digital footprint," showing the past existence of the original file.

36. I conducted a visual analysis to compare the thumbnail images of the 11 known victims with images contained within the various binders seized from the defendant's residence. In the course of my preliminary review, I located numerous images in the binders that appear to match computer thumbnail Images 8 through 18. For example, Binder SD29784-5 (Page 48/63) shows a naked blond-haired juvenile male, legs spread, exposing his genitalia, facing the camera. This printed image in the binder appears to be the same as the thumbnail photo identified as thumbnail Image 8 (Raw115.jpg). According to a preliminary forensic examination of the hard drive, the file Raw115.jpg was created on the computer on August 13, 2009 at 11:52 am. The examination revealed that this file was subsequently opened using Internet Explorer.

37. With respect to thumbnail Image 9 (126.jpg), according to the forensic examination, the file 126.jpg was created on the computer on August 13, 2009 at 12:09 pm and was also later opened using Internet Explorer. An image in binder SD29784-10 (Page 5/95) depicts a naked brown-haired juvenile male sitting with his back on a pillow, legs spread, exposing his genitalia. This image appears to be the same picture identified as Image 9 (126.jpg).

38. With respect to thumbnail Image 10 (Cas56.jpg), the forensic examination showed that file Cas56.jpg was created on the computer on August 16, 2009 at 9:07 am and was also later opened using Internet Explorer. An image in Binder SD29784-13 (Page 58/72) depicts a naked blond-haired juvenile male lying on his back on multi-colored cushions exposing his genitalia. This picture appears to be the same picture as previously identified Image 10 (Cas56.jpg).

39. In addition, I located over 100 images throughout the various binders that appear to depict pornographic images of these known victims. Based on the existence of the thumbnail files on the computer, the indications that the files were opened after being created, the corresponding printed images in the binders, and the defendant's admissions below, I believe that the defendant received these images on or about the dates the thumbnails were created by downloading them from the internet.

#### F. Defendant's statement

40. The defendant spoke with investigators during the execution of the search warrant. The defendant acknowledged that he had "child porn" in his home, stating that some of the things law enforcement would find are "pretty damning..." The defendant discussed the binders containing the images of the young boys, stating that he "...might have got some of this shit off the internet..." when he had internet access "...years ago." The defendant admitted that he downloaded the images and explained that he printed the images to save memory on his computer. The defendant described himself as being "addicted" when he had internet access and that he was a "dirty old man." The defendant was asked by investigators if he produced or made any of the images himself. The

defendant hesitated, then asked, "What do you mean 'made.?" Based on the context of this investigation, I believe that the defendant was referring to the morphed images previously described. The defendant denied distributing or sharing child pornography with others, stating that the material was for his own personal use.

#### G. Additional Items Found during Execution of Search Warrant

41. Investigators recovered additional evidence demonstrating the defendant's knowing possession and his motive to receive and retain the child pornography recovered from his residence. These include numerous videotapes of what appear to be surreptitiously recorded footage of neighborhood children delivering newspapers, riding bicycles, playing in public playgrounds and participating in sporting activities. The children appearing in these ordinary activities are sexualized in a variety of ways. For example, the videos focus and zoom in on the buttocks and genital regions of the children. Several videos show footage of juvenile males delivering newspapers in a multi-dwelling apartment building. The videos are shot from a hidden camera pointed toward a set of stairs. On numerous occasions the defendant can be seen stepping in front of the camera and dropping what appears to be a coin on one of the stairs and then exiting the view of the camera. After a period of time, newspaper delivery boys enter the building, stop on the stairway and bend over to retrieve the coin. The video camera is set up in a manner to capture the image of the boys bending over with their buttocks oriented toward the camera.

42. Further evidence of the defendant's sexualization of the surreptitiously recorded children was found in the defendant's collection of binders. Some of the video

images of the children appear to have been converted into still photographs and those photos then had sexually themed "meme" style messages imposed upon them. One such photo, found in Binder 29784-6, shows a still photo depicting two juvenile boys with the message "SUCK MY SKINNY DICK TUBS!" imposed on the front. Another photo in the same binder displays the image of what appears to be an elementary age girl on playground equipment. The words "MY TIGHT LITTLE PUSSY" appear in pink lettering across the photo. A third example from this binder is the image of a juvenile boy with the message "my BIG DICK is yours!" displayed across the picture. Based on my experience and training, I am aware that the Photoshop software found on defendant's computer is capable of placing messages like these on photos.

43. Investigators located a VHS video camera, a Hi-8 video camera, various Hi-8 video cassettes, a tripod and two Ambico super telephoto lenses in defendant's residence. A keyboard, mouse, LCD monitor and Kodak printer manual were located near the Gateway computer tower.

44. Investigators found various knives in different locations in the residence. A pair of silver handcuffs was found next to a roll of duct tape in a desk drawer located in the kitchen. A set of military-style camouflage pants and shirt as well as four clear "tote" style bins filled with boys' sized athletic wear were found in the defendant's basement, although your affiant has reason to believe no children live in the defendant's home. Although no firearms were recovered, one of the videos located in the residence included a recording of the defendant giving a "video tour" of his residence. In the recording, the

defendant can be seen opening the door of a safe and focusing on what appears to be a loaded pistol.

#### IV. Federal Statutes

45. 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.

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

47. 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. In the case of digital, computer or computer generated image that is indistinguishable from that of a minor engaging in sexually explicit conduct, “sexually explicit conduct” means (i) graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether



between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited; graphic or lascivious simulated; (I) bestiality; (II) masturbation; or (III) sadistic or masochistic abuse; or (iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person.

48. Title 18 United States Code Section 2256(5) defines a “visual depiction” to include undeveloped film and videotape, data stored on computer disk or by electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

49. Title 18 United States Code Section 2256(9) defines an “identifiable minor” as (A) a person (i) (I) who was a minor at the time the visual depiction was created, adapted, or modified; or (II) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and (ii) who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and (B) shall not be construed to require proof of the actual identity of the identifiable minor.

50. Title 18 United States Code Section 2256(10) defines “graphic” to mean that a viewer can observe any part of the genitals or pubic area of any depicted person or animal during any part of the time that the sexually explicit conduct is being depicted.

51. Title 18 United States Code Section 2256(11) defines “indistinguishable” used with respect to a depiction, to mean virtually indistinguishable, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is

of an actual minor engaged in sexually explicit conduct. This definition does not apply to depictions that are drawings, cartoons, sculptures, or paintings depicting minors or adults.

52. Pursuant to Title 18 United States Code Sections 2256A(a)(5)(B) and 2256A(b)(2), any person who 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, or attempts or conspires to do, so shall be fined and/or imprisoned not more than 10 years, but, if any image of child pornography involved in the offense involved a prepubescent minor or a minor who had not attained 12 years of age, such person shall be fined and/or imprisoned for not more than 20 years.

53. Pursuant to Title 18 United States Code Sections 2252A(a)(2) and 2252A(b)(1), any person who 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; or attempts or conspires to do, so shall be fined and/or imprisoned not less than 5 years and not more than 20 years.

#### V. Conclusions

54. There is probable cause to believe that the defendant, Daniel "Danny" James Heinrich, did knowingly possess and access with intent to view books, a computer disk, and other material that contain an image of child pornography that had been mailed and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer and that was produced using materials that have been mailed and shipped and transported in and affecting interstate and foreign commerce by any means including by computer, specifically, Images 1 through 10 as described in this Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).

55. There is probable cause to believe that the defendant, Daniel "Danny" James Heinrich, did knowingly receive any child pornography that had been shipped and transported in interstate and foreign commerce by any means, including by computer, specifically, Images 8 through 10 as described in this Affidavit, all in violation of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1).

Further your Affiant sayeth not.

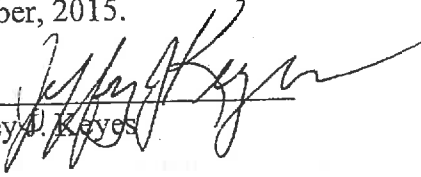


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Shane A. Ball, Special Agent  
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me

this \_\_\_ day of October, 2015.

  
\_\_\_\_\_  
The Honorable Jeffrey D. Keyes