

UNITED STATES DISTRICT COURT
for the
Eastern District of Virginia

AUG - 6 2015
CLERK OF COURT
AUSTIN A. VICK

United States of America
v.

Case No. 1:15-mj-416

DAVID ALEXANDER BATTLE II

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 June 7, 2015 in the county of Prince William in the
Eastern District of Virginia, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code § 2251(a) Production of Visual Depictions of Sexually Explicit Conduct involving a Minor

This criminal complaint is based on these facts:

Please see attached affidavit.

Continued on the attached sheet.

Reviewed by AUSA/SAUSA:

AUSA Jay V. Prabhu; Chief, Cybercrime Unit, EDVA

Complainant's signature

David E. Abbott, Special Deputy, USSS

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/6/15

/s/

Theresa Carroll Buchanan
United States Magistrate Judge

Judge's signature

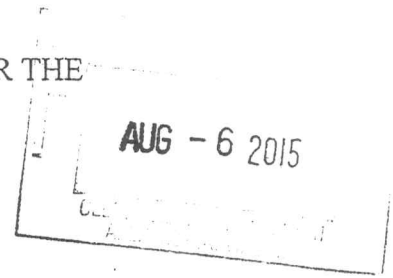
City and state: _____

Hon. Theresa C. Buchanan, U.S. Magistrate Judge

Printed name and title

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

Alexandria Division



UNITED STATES OF AMERICA)
)
v.)
)
DAVID ALEXANDER BATTLE II,)
)
Defendant.)

CASE NO. 1:15-mj-416

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, David E. Abbott, of the Northern Virginia/Washington DC Internet Crimes Against Children Taskforce (“ICAC”), being first duly sworn, hereby depose and state as follows:

1. I am a sworn law enforcement officer, currently assigned to the Northern Virginia/Washington DC ICAC. I am a Detective with the Manassas City Police Department. I am also a Special Deputy with the United States Secret Service Electronic Crimes Taskforce and in that capacity have received training and equipment in the collection, preservation, and forensic examination of computer and electronic evidence. I have also received training in child pornography investigations, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A, with the Northern Virginia/Washington DC ICAC. I have participated in many state, federal, and multi-jurisdictional investigations.
2. The statements contained in this Affidavit are based on my experience and background as a special agent working in the area of child exploitation and on

information provided by other law enforcement agents. I have not set forth every fact resulting from the investigation; rather I have set forth a summary of the investigation to date to establish probable cause to charge David Alexander Battle II (“BATTLE”), of Manassas, Virginia with violating Title 18, United States Code, Section 2251(a), which makes it a federal crime to employ, use, persuade, induce, entice, or coerce any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

3. For the reasons set forth below, your Affiant contends that this affidavit contains ample probable cause to believe that BATTLE has violated 18 USC § 2251(a).

DETAILS OF INVESTIGATION AND PROBABLE CAUSE

4. On June 5, 2015, your Affiant received a cybertip from the National Center for Missing and Exploited Children (“NCMEC”) , that was reported to them by Omegle.com LLC.

5. Omegle.com is a chat website that allows for the live transfer of video or webcam data back and forth between users. Omegle periodically and of its own accord, monitors snapshots that have been taken from users webcam video streams in order to help combat child exploitation and other terms of service violations.

6. The tip from June 5, 2015 was regarding a person distributing apparent child pornography by means of a live webcam (using a player called “Manycam”) through Omegle.com on April 11, 2015. In particular, the snapshots taken by Omegle.com appeared to show an adult male penetrating a prepubescent female vaginally. It was not clear if this visual depiction was actually a live feed or being sent through a virtualized camera. The source Internet Protocol address for the visual depiction was 73.132.51.187, which was determined, through open source checks, to be registered to Comcast.

7. An administrative subpoena was sent to Comcast asking for subscriber information for the Internet Protocol address associated with the visual depiction. On June 6, 2015, a response was received from Comcast stating that the Internet Protocol address was assigned to subscriber “David Battle” at a particular address on Buckner Road in Manassas, Virginia, which is in the Eastern District of Virginia, and with a particular phone number (703) 991-XXXX.

8. On June 15, 2015, your Affiant sought a search warrant for the premises identified through the administrative subpoena. The search warrant was obtained from the Prince William County Circuit Court. The search warrant was executed by your Affiant and fellow members of the ICAC Task Force at approximately 5:30 a.m. on June 16, 2015.

9. During the execution of the search warrant on June 16, 2015, your Affiant engaged in a consensual interview with BATTLE. Before talking with BATTLE, your Affiant informed him that he was not under arrest and that he was free to leave at any time. Your Affiant then read him his Miranda rights and BATTLE stated that he understood them.

10. BATTLE gave his biographical information and then I asked him if he had any electronics to which he replied a laptop and a cell phone and later a Xbox One. BATTLE stated that nobody else used his laptop and it was just his.

11. BATTLE indicated he was a woodwind instructor for the Osbourn High School Band and for a private music company in Manassas, Virginia. Through later forensics work, your Affiant was further able to determine that BATTLE also helped teach music at Grace E. Metz Middle School in Manassas, Virginia.

12. BATTLE admitted to your Affiant that he had seen child pornography before. He advised that someone sent him a link to a Dropbox account through an instant message on Omegle. Your Affiant asked BATTLE how Omegle worked and he stated it was a random chat finder. BATTLE advised the content of the link sent to him "had a bunch of stuff...a slew of things" but admitted it was all child pornography. BATTLE stated that the last time he used Omegle was two months ago.

13. BATTLE admitted that he had "Manycam" installed on the laptop. When your Affiant asked if he knew what it was, he stated it was a "cam changer/modifier". When asked if BATTLE had used the program to broadcast any type of video on his computer, he said that he thinks he tried but thought it was \$39.99 to upgrade to the

player that would. Your Affiant downloaded a version of the ManyCam player and discovered it was possible to broadcast a video for free with the standard player.

14. Your Affiant asked Battle if he would find any logs or remnants of "sexual conversations with kids" within his computer on Omegle. Battle replied: "There are horny little kids on there" and that a couple of boys tried to start sexual conversations with him but he moved on. Your Affiant asked him what the kids were asking for and he said they would ask him if he was a girl.

15. Numerous items were seized from the residence on June 16, 2015, and a few additional items were obtained from another Prince William County search warrant on the same location obtained on June 19, 2015.

16. A colleague did a forensic preview of BATTLE's laptop on site on June 16, 2015. A file folder located on the desktop of the laptop included 2 gigabytes of videos that appeared to be child pornography involving infants.

17. Your Affiant and a colleague later examined a Motorola cell phone found in BATTLE's bedroom. After a forensic review of the phone was done, a folder called "KIK Treasures" was located. In that folder, your Affiant discovered child pornography, primarily of young boys. BATTLE had previously provided your Affiant with the unlock procedure for the phone located in his bedroom.

18. Elsewhere on the phone from BATTLE's bedroom, data associated with a Kik Messenger account with the user name "Sweettooth2001, display name of "Blake Cassidy," and an associated email address of "weissguy70@gmail.com" was located. Subsequently, conversations between that account (with "Sweettooth2001" appearing to claim to be an underage girl) and underage boys were discovered on the phone. Your

Affiant found further evidence on the phone from BATTLE's bedroom of the email account weissguy70@gmail.com.

19. On June 26, 2015, an administrative subpoena was sent to Kik Interactive Incorporated for information associated with "Sweettooth2001," "Blake Cassidy," and "weissguy70@gmail.com." The account associated with these identifiers was accessed from the same Internet Protocol Address that had been previously been identified as being at BATTLE's residence (73.132.51.187).

20. After reviewing the conversations located on the phone from BATTLE's bedroom, your Affiant identified numerous Kik Messenger accounts that had communicated with "Sweettooth2001." Many of these conversations involved "Blake," who claimed to be a 13-14 year old girl, sending naked pictures of a female girl (including pictures of her genitals or of her buttocks) to what appeared to be young boys, and asking for a similar picture in return. A number of those conversing with "Blake" sent a picture and/or video of their genitals. Administrative subpoenas were then sent to identify the accounts who communicated with "Blake."

21. One of the boys who communicated with "Sweettooth2001" on or about June 11, 2015 was a 13-year old student who was a resident of Manassas, Virginia and attended Grace E. Metz Middle School. Your Affiant later interviewed the boy and confirmed he was a band student who had traveled with BATTLE on a trip to Busch Gardens and had provided his cell phone number to BATTLE. The boy believed that "Sweettooth2001" on Kik Messenger was an actual 13-14 year old girl, who had sent him naked pictures of "herself" and asked for some in return. The boy refused to send nude pictures but did send some photos of himself, copies of which were recovered from the

phone from BATTLE's bedroom. Pictures of "Sweettooth2001" that your Affiant was shown on the boy's phone were the same as pictures that were on the phone recovered from BATTLE's bedroom.

22. Another boy who communicated with "Blake" on or about June 14, 2015 was a 15-year old resident of Leesburg, Florida. This boy did not know anything about BATTLE, but admitted to chatting online through Kik Messenger with "Blake Cassidy." He indicated that "Blake" had sent him some naked pictures of "herself" and she had requested the same in return. The boy responded by sending a masturbatory video and some pictures. After your Affiant described features of the location in which the video was taken, the child's parents sent pictures from their home with distinctive items that matched those in a video that was located on BATTLE's phone.

23. On or about June 7, 2015, a 13-year old boy ("MINOR1") -- who was the younger brother of one of BATTLE's long-time friends in Florida -- chatted with "Sweettooth2001" through Kik Messenger. After "Sweettooth2001" convinced MINOR1 to take a naked picture of himself, MINOR1 admitted to your Affiant that he produced three (3) images of himself, one of which was of his erect penis. The other two pictures were of MINOR1 posing in front of the mirror with his shirt off and in various stages of undress. MINOR1 said he sent these images to "Sweettooth2001." These images were eventually found on BATTLE's phone, and at least the picture of MINOR1's penis was child pornography. MINOR1 told your Affiant that he did not know that "Sweettooth2001" had anything to do with BATTLE (whom he had known in real life since he was about 7-years old). Instead, MINOR1 believed that the person he was chatting with and who asked for pictures was a 13-14 year old girl.

24. On July 10, 2015, your Affiant went to Prince William Adult Detention Center to interview BATTLE about facts and allegations that were not contained in the state charges with which he had already been charged. After reading him his Miranda rights, your Affiant questioned him. Your Affiant asked BATTLE about his relationship with MINOR1, which he discussed. Your Affiant, at some point, asked if he had received any images from MINOR1. BATTLE admitted that he had received three (3) images from MINOR1 and that they might be contained under the folder titled "KIK Treasures." BATTLE specifically described the picture of MINOR1's erect penis. The three images recovered from the folder "KIK Treasures" were identified by the parents of MINOR1 as being of their minor son.

CONCLUSION

25. Based on the above information, there is probable cause to believe that Title 18, U.S.C., § 2251(a) was violated by DAVID ALEXANDER BATTLE II.

Respectfully submitted,



David E. Abbott
Special Deputy
United States Secret Service

Sworn and subscribed to before me
this 6th day of August, 2015

/s/
Theresa Carroli Buchanan
United States Magistrate Judge

The Honorable Theresa C. Buchanan
United States Magistrate Judge
Alexandria, Virginia