

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

**FILED**  
5-8-2012

CLERK, U.S. DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE, FLORIDA

**CRIMINAL COMPLAINT**

UNITED STATES OF AMERICA

vs.

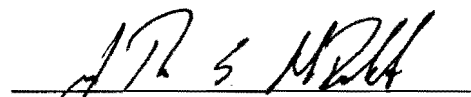
CASE NUMBER: 3:12-mj- 1092 TEM

KAMIL MEZALKA

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about April 4, 2011 at 1:03:09 a.m., at Palm Coast, in Flagler County, in the Middle District of Florida, defendant did knowingly receive a visual depiction using a means and facility of interstate commerce, that is, by computer via the internet, the production of which involved the use of a minor engaging in sexually explicit conduct, which visual depiction was of such conduct, and which is specifically identified in the computer file titled "(Pthc) 8Yo Alicia Facial Pedo Preteen 8Yo.mpg," in violation of Title 18, United States Code, Section 2252(a)(2). I further state that I am a Special Agent with Federal Bureau of Investigation, 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

  
\_\_\_\_\_  
Signature of Complainant  
Jonathan S. MacDonald

Sworn to before me and subscribed in my presence,

May 8, 2012 \_\_\_\_\_

at

Jacksonville, Florida \_\_\_\_\_

THOMAS E. MORRIS  
United States Magistrate Judge  
\_\_\_\_\_  
Name & Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

## AFFIDAVIT

I, Jonathan S. MacDonald, being duly sworn, state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed since April 2009. I am currently assigned to the Jacksonville, Florida Division of the FBI where I conduct a variety of investigations in the area of violent crimes. A portion of my duties are dedicated to investigating cases involving crimes against children under the auspices of the FBI's "Innocent Images" National Initiative. In the performance of my duties, I have investigated and assisted in the investigation of matters involving the possession, collection, production, receipt, and/or transportation of images of child pornography. I have been involved in searches pertaining to the possession, collection, production, and/or transportation of child pornography through either the execution of search warrants or through the subject providing written consent to permit a search be conducted. I have received specialized training from the FBI and other entities regarding the investigation of crimes against children, including child pornography, and have conferred with others who have similar experience conducting such investigations.

2. I have investigated and assisted in the investigation of criminal matters involving the sexual exploitation of children which constituted violations of Title 18, United States Code, Sections 2252 and 2252A, as well as Florida state statutes which criminalize the possession, receipt and transmission of child pornography, that is, visual images depicting minors engaged in sexually explicit conduct. I am a member of a local child pornography task force comprised of the FBI, Immigration and Customs Enforcement, the Office of the State of Florida Attorney General, the Jacksonville

Sheriffs Office, the St. Johns County Sheriff's Office, Putnam County Sheriff's Office, and the Neptune Beach Police Department, among others. We routinely share information involving the characteristics of child pornography offenders as well as investigative techniques and leads. As a Federal Agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. The statements contained in this affidavit are based on my personal knowledge as well as on information provided to me by other law enforcement officers. This affidavit is being submitted for the limited purpose of establishing probable cause for the filing of a criminal complaint, and I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that KAMIL MEZALKA has committed a violation of Title 18, United States Code, Sections 2252(a)(2), that is, receipt of child pornography.

4. This affidavit is made in support of a complaint against KAMIL MEZALKA, that is, on or about April 4, 2011 at 1:03:09 a.m., at Palm Coast, in Flagler County, in the Middle District of Florida, KAMIL MEZALKA did knowingly receive a visual depiction using a means and facility of interstate and foreign commerce, that is, by computer via the internet, the production of which involved the use of minors engaging in sexually explicit conduct, which visual depiction was of such conduct, and which visual depiction is specifically identified in the computer file titled "(Pthc) 8Yo Alicia Facial Pedo Preteen 8Yo.mpg," in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1).

5. On May 4, 2012, I applied for and obtained a federal search warrant for the residence located at 25 Lansdowne Lane, Palm Coast, Florida 32137. This warrant was issued by the Honorable Thomas E. Morris in Case No. 3:12-mj-1089TEM. A certified copy of the application and affidavit for this search warrant is attached as Exhibit A, and the facts and information contained therein is hereby incorporated by reference herein.

6. On May 8, 2012, I, together with other law enforcement officers, executed that federal search warrant on at 25 Lansdowne Lane, Palm Coast, Florida 32137. After knock and announcement, no occupants of the residence came to or opened the door. I and other agents executed a mechanical breach of the door and made entry into the residence, announcing loudly numerous times our identity, lawful authority and for any occupants of the residence to make themselves visible.

7. I saw an individual, later identified as KAMIL MEZALKA, come out of a second floor bedroom, observe the law enforcement officers executing the search warrant, ignore their commands, quickly turn and go back inside the same bedroom and close the door. I issued repeated commands to MEZALKA to come out of the bedroom with his hands up. MEZALKA ignored all such commands, and I and fellow law enforcement officers made entry into that room.

8. Upon entry into MEZALKA's bedroom, I, and my fellow law enforcement officers observed MEZALKA standing in his underwear, holding two-handed samurai sword which he had stabbed into the side of a desktop computer. More commands were given for MEZALKA to drop the samurai sword, all of which MEZALKA ignored and refused to obey. MEZALKA began to remove the samurai sword from the computer

as the law enforcement officers advanced on him in order to secure him and eliminate any potential danger. At first, MEZALKA resisted and was noncompliant, and I and other law enforcement officers were able to gain control of MEZALKA and detain him with handcuffs. After MEZALKA was detained and removed from the bedroom, I saw a loaded two-barrel pistol which was on the floor, and under his body near his hands during his detention. Several swords were also observed on the floor, on shelves and on the wall of his bedroom.

9. MEZALKA was escorted to the first floor of his residence and seated on a couch. I and Special Agent (SA) Erik A. Francesconi introduced ourselves to MEZALKA, informed him he was not under arrest, that we would like to speak with him regarding the execution of the search warrant, that he was free to leave, and we removed his handcuffs. MEZALKA agreed to speak with me and SA Francesconi. We then provided him clothing, and he accompanied us to a government vehicle parked outside his residence. MEZALKA, SA Francesconi and I entered the vehicle. I exited the vehicle for a few minutes while SA Francesconi took MEZALKA's biographical information. I then reentered the vehicle, and MEZALKA agreed to a consensual interview.

10. During the interview, MEZALKA initially denied having a Peer-2-Peer (P2P) file sharing program on his computer. Upon further questioning, MEZALKA admitted having a file sharing program on his computer which he used to download pornography to include child pornography. MEZALKA created a profile "Wolfcarven" approximately five years prior which he uses to download pornography to include "teenage girls". MEZALKA admitted being attracted to teenage girls 13 to 18 years in

age, or "13 and up" and admitted that it is "possible" that he might have downloaded child pornography of girls younger than 13.

11. MEZALKA stated that he knew some of the images of child pornography he downloaded depicted children approximately 13 years of age based on their physical appearance rather than on the descriptions in the file titles. MEZALKA was shown a series of still images and videos of child pornography that were downloaded from his "Wolfcarven" account of the P2P network. When asked if he downloaded those particular images, MEZALKA replied that he "might have", and "it's possible" that he downloaded those particular videos.

12. MEZALKA stated that he used the term "pthc" to locate files on the P2P and occasionally used the term "15yo", "or something like that", "jailbait", or "teenage girls". MEZALKA denied using the search term "10yo", because he stated that he does not look for something that young, but he admitted that he "may have done something stupid" and "may have typed 3yo or 4yo or 5yo or 6yo". MEZALKA was asked if he ever copied any of the child pornography images to a CD, and he noted that some of those images "may have transferred" to a CD. MEZALKA added that he wasn't sure if it was "legal when I transferred those files as a kid; I imagine it's not legal now", in reference to the CDs that he created.

13. I asked MEZALKA where we were going to find his collection of child pornography. MEZALKA said most of it would be on the laptop computer in a folder titled "pictures". MEZALKA also admitted that some of the images might be resident on the desktop computer. He indicated the desktop computer "has been broken for years"

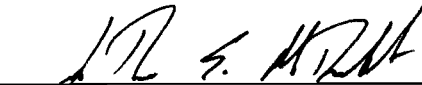
and the last time he used that computer was about a year ago. Shortly thereafter, the consensual interview ended.

14. After the consensual interview, MEZALKA was accompanied back into the residence and seated on the couch. A short time later, MEZALKA was arrested. I read him his Miranda warnings and asked him if he would like to continue to answer questions. MEZALKA indicated that he wanted to continue talking to me but he wanted to hear my questions before deciding if he would like to answer question with legal counsel present. I escorted MEZALKA to a forensic computer which was used to preview the hard drive from his computer on which hundreds of files of child pornography were recovered. I directed MEZALKA's attention to the screen displaying the images of child pornography depicting toddler-aged children and I asked MEZALKA how those images were on his computer. MEZALKA glanced at the images and invoked his right to counsel

15. I spoke to FBI Forensic Examiner (FE), Andrew Spurlock who conducted a preview of MEZALKA's computer hard drives. Specifically, FE Spurlock previewed one of the hard drives from MEZALKA's desktop computer which was located in MEZALKA's bedroom and is the same desktop MEZALKA had driven his samurai sword through. FE Spurlock discovered "hundreds" of files which depicted the sexual abuse of children, to include some files with file titles of such. FE Spurlock showed me one particular file titled "(Pthc) 8yo Alicia Facial Pedo Preteen 8Yo.mpg" which was downloaded via <sup>the</sup> internet to MEZALKA's computer on April 4, 2011 at 1:03:09 a.m., and was most recently accessed on December 28, 2011 at 1:41 a.m. During a preview of this file, I observed that it depicts, among other things, a prepubescent female child

with an adult's penis in her mouth, and the adult male then ejaculates. Based upon my training and experience, I believe that this particular video depicts a minor engaged in sexually explicit conduct as defined in Title 18, United States Code, Section 2256.

15. Based upon the foregoing facts, I have probable cause to believe that on or about April 4, 2011 at 1:03:09 a.m., at Palm Coast, in Flagler County, in the Middle District of Florida, KAMIL MEZALKA, did knowingly receive a visual depiction using a means and facility of interstate and foreign commerce, that is, by computer via the internet, the production of which involved the use of minors engaging in sexually explicit conduct, which visual depiction was of such conduct, and which visual depiction is specifically identified in the computer file titled "(Pthc) 8Yo Alicia Facial Pedo Preteen 8Yo.mpg," in violation of Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1).

  
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JONATHAN S. MACDONALD, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this  
8<sup>th</sup> day of May, 2012, at Jacksonville, Florida.

  
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THOMAS E. MORRIS  
United States Magistrate Judge