

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

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA FOR) UNDER SEAL
AN ORDER AUTHORIZING THE INTERCEPTION) John Doe No. A00-000
OF ELECTRONIC COMMUNICATIONS TO AND)
FROM SIX SPECIFIED AMERICA ONLINE)
ACCOUNT NUMBERS: 000-0000-001;)
000-0000-002;000-0000-003;)
000-0000-004;000-0000-005; and)
000-0000-006.)
_____)

APPLICATION FOR INTERCEPTION OF
ELECTRONIC COMMUNICATIONS

COMES NOW _____, United States Attorney for the Eastern
District of Virginia and _____, Assistant United States
Attorney, and, being duly sworn, states:

1. I am an investigative or law enforcement officer of the
United States within the meaning of Section 2510(7) of Title 18,
United States Code, that is, an attorney authorized by law to
prosecute or participate in the prosecution of United States
federal felony offenses. I am also an attorney for the Government
as defined in Rule 54(c) of the Federal Rules of Criminal
Procedure, and, therefore, pursuant to Section 2516(3) of Title
18, United States Code, I am authorized to make an application to
a Federal judge of competent jurisdiction for an order authorizing
approving the interception of electronic communications.

2. This application is for an order pursuant to Section 2518
of Title 18, United States Code, authorizing the interception of
electronic communications for a thirty (30) day period of JOHN

DOE, aka A.A., America Online (AOL) acc. no. 000-0000-000; JOHN DOE, aka B.B., AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; and JOHN DOE, AOL acc. no. 000-0000-000 concerning federal felony offenses, that is, offenses involving violations of Section 2252 of Title 18, United States Code (U.S.C.) (Certain activities relating to material involving the sexual exploitation of minors) as well as Title 18, U.S.C., Section 371 (Conspiracy).

3. I have discussed all of the circumstances of the above offenses with Special Agent JOHN DOE of the Federal Bureau of Investigation, who has directed and conducted this investigation, and have examined the Affidavit of Special Agent JOHN DOE of this date (attached to this application as Exhibit 1, and which is incorporated by reference). Whereof your applicant states upon information and belief that:

- a. there is probable cause to believe that JOHN DOE JOHN DOE, aka A.A., America Online (AOL) acc. no. 000-0000-000; JOHN DOE, aka B.B., AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; and JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE (account not targeted); JOHN DOE (account not targeted); JOHN DOE (account not targeted); JOHN DOE (account not targeted); and JOHN DOE (account not targeted) have committed, are committing and will

continue to commit violations of Section 2252 of Title 18, United States Code (U.S.C.) (Certain activities relating to material involving the sexual exploitation of minors) as well as Title 18, U.S.C., Section 371 (Conspiracy).

b. there is probable cause to believe that particular electronic communications of JOHN DOE JOHN DOE, aka A.A., acc. no. 000-0000-000; JOHNE DOE, aka B.B., acc. no. 000-0000-000; JOHN DOE, acc. no. 000-0000-000; JOHN DOE, acc. no. 000-0000-000; JOHN DOE, acc. no. 000-0000-000; and JOHN DOE, acc. no. 000-0000-000 concerning the above-described offenses will be obtained through the interception for which authorization is herein applied. In particular, there is probable cause to believe that the communications to be intercepted will concern the identities and account numbers of associates of JOHN DOE, aka A.A., AOL acc. no. 000-0000-000; JOHN DOE, aka B.B., AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; and JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE, (account not targeted); JOHN DOE (account not targeted); JOHN DOE (account not targeted); JOHN DOE (account not targeted); and JOHN DOE (account not targeted) and the dates, times and places for commission of the aforementioned federal felony offenses when JOHN

DOE, aka A.A., America Online (AOL) acc. no. 000-0000-000; JOHN DOE, aka B.B., AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; JOHN DOE, AOL acc. no. 000-0000-000; and FRED FRED, AOL acc. no. 000-0000-000 communicate with their co-conspirators, aiders and abettors, and other participants in the conspiracy, thereby identifying the co-conspirators and aiders and abettors of the aforementioned targets and others as yet unknown, their places of operation. In addition, these communications are expected to constitute admissible evidence of the above-described offenses;

c. normal investigative procedures have been tried and have failed, reasonably appear to be unlikely to succeed if tried, or are too dangerous to employ, as are described in further detail in the attached affidavit of Special Agent ABCD; and

d. there is probable cause to believe that the facilities of America Online (AOL), 123456 ABCDEF Drive, Vienna, Virginia, within the Eastern District of Virginia, a commercial computer service, are being, and will continue to be used in connection with the commission of the above-described offenses.

The attached affidavit contains a full and complete statement of facts concerning all previous applications that have been made to any judge of competent jurisdiction for authorization to

intercept, or for approval of interception of wire, oral or electronic communications involving any of the same individuals, facilities, or places specified in this application.

On the basis of the allegations contained in this application and on the basis of the attached affidavit of Special Agent JOHN DOE,

IT IS HEREBY REQUESTED that this Court issue an order, pursuant to the power conferred on it by Section 2518 of Title 18, United States Code, authorizing the Federal Bureau of Investigation to intercept electronic communications to the above-described accounts, and providing that such interceptions not terminate automatically after the first interception that reveals the manner in which the alleged co-conspirators and others as yet unknown conduct their illegal activities, but continue until all communications are intercepted which reveal fully the manner in which the above-named persons and others as yet unknown are committing the offenses described herein, and which reveal fully the identities of their confederates, their places of operation, and the nature of the conspiracy involved therein, or for a period of thirty (30) days measured from the day on which investigative or law enforcement officers first begin to conduct an interception under this Court's order or ten (10) days after this order is entered, whichever is earlier.

IT IS REQUESTED FURTHER that this Court issue an order pursuant to Section 2518(4) of Title 18, United States Code, directing that America Online, a communication service provider as

defined in Section 2510(15) of Title 18, United States Code, shall furnish, and continue to furnish, the applicant and investigative agency with all information, facilities and technical assistance necessary to accomplish the interceptions unobtrusively and with a minimum of interference with the services that such providers are according the persons whose communications are to be intercepted, and to ensure an effective and secure installation of electronic devices capable of interception of electronic communications over the above-described accounts, with the service provider to be compensated by the applicant for reasonable expenses incurred in providing such facilities or assistance.

IT IS REQUESTED FURTHER that, to avoid prejudice to this criminal investigation, the Court order the said provider of electronic communication service and its agents and employees not to disclose or cause a disclosure of this Court's order or the request for information, facilities and assistance by the Federal Bureau of Investigation or the existence of the investigation to any person other than those of their agents and employees who require said information to accomplish the services hereby requested. In particular, said provider and its agents and employees should be ordered not to make such disclosure to a lessee, telephone subscriber, or any interceptee or participant in the intercepted communications.

IT IS REQUESTED FURTHER that this Court direct that this order be executed as soon as practicable after it is signed and that all monitoring of communications shall be recorded and

examined by monitoring agents or attorneys to determine the relevance of the intercepted electronic communications to the pending investigation and that the disclosure of the contents or nature of the electronic communications intercepted be limited to those communications relevant to the pending investigation, in accordance with the minimization requirements of Chapter 119 of Title 18, United States Code. The interception of communications authorized by this Court's order must terminate upon attainment of the authorized objectives or, in any event, at the end of thirty (30) days measured from the day on which investigative or law enforcement officers first begin to conduct an interception under this Court's order or ten (10) days after the order is entered, whichever is earlier.

IT IS REQUESTED FURTHER that the Court order that either _____, or any Assistant United States Attorney familiar with the facts of this case, provide to the Court a report on or about the tenth, twentieth and thirtieth days following the date of this order showing what progress has been made toward achievement of the authorized objectives and the need for continued interception.

If any of the aforementioned reports should become due on a weekend or holiday, IT IS REQUESTED FURTHER that such report become due on the next business day thereafter.

IT IS REQUESTED FURTHER that the Court order that its orders, this application and the accompanying affidavit and proposed order, and all interim reports filed with the Court with regard to this matter be sealed until further order of this Court, except that copies of the order, in full or redacted form, may be served on the Federal Bureau of Investigation and the service provider as necessary to effectuate the Court's order as set forth in the proposed order accompanying this application.

Respectfully submitted,

United States Attorney

BY:

Assistant U.S. Attorney

SUBSCRIBED and SWORN to before me
this _____ day of ____, 19__.

UNITED STATES DISTRICT JUDGE

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

IN THE MATTER OF THE APPLICATION)
OF THE UNITED STATES OF AMERICA FOR) **UNDER SEAL**
AN ORDER AUTHORIZING THE INTERCEPTION) John Doe No. A00-000
OF ELECTRONIC COMMUNICATIONS TO AND)
FROM SIX SPECIFIED AMERICA ONLINE)
ACCOUNT NUMBERS: 000-0000-001;)
000-0000-002;000-0000-003;)
000-0000-004;000-0000-005; and)
000-0000-006.)
_____)

AFFIDAVIT IN SUPPORT OF APPLICATION

INTRODUCTION

Doris Hepler, being duly sworn, deposes and states as follows:

I am a Special Agent (SA) with the Federal Bureau of Investigation and have been so employed for the past ten years. I am stationed in the Metropolitan Resident Agency for the Southern Maryland Field Office and have received special training and courses on the subject of child abuse, sex abuse, child sexual assault and sexual exploitation of children. My areas of expertise as an FBI agent include investigation of those cases involving child sexual assault and sexual exploitation, including the possession and trafficking of visual depictions of minors engaged in sexually explicit conduct.

I have read and studied over 300 books and articles on the subject of child sexual assault, sexual exploitation of children, child prostitution, and child pornography. I have viewed thousands of sexually explicit pictures of children that depict them in the nude, in sexually provocative poses, lewd poses, and engaged in virtually every sex act conceivable.

I have also received instruction from a pediatric endocrinologist on child development and have read several

articles on the developmental stages of children which have assisted me in recognizing and identifying the ages of children. I have read thousands of electronic mail messages, written by pedophiles, which described the acts they desire to commit upon children. I have also read similar electronic mail messages, by the same individuals, which seek to encourage children to have sexual relations with them. These mail messages show the manner in which pedophiles seduce their victims, and the way they seek out, find and successfully molest children.

I am presently assigned to a squad dedicated to the investigation of violent crime and drug matters. Specifically, I am currently investigating violations of Title 18, United States Code, Sections 2251 (Sexual exploitation of children) and 2252 (Activities relating to material involving the sexual exploitation of children).

I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

This affidavit is submitted in support of an application for an order authorizing the interception of electronic communications to and from certain accounts, specified below, operated by America Online (AOL), 8619 Westwood Center Drive, Vienna, Virginia, within the Eastern District of Virginia, a commercial computer service that offers electronic message bulletin boards enabling its subscribers to post messages that can be read by other subscribers.

This application for authorization to intercept electronic communications and the affidavit in support thereof are being filed in the Eastern District of Virginia because that is where the interception will actually occur. As noted above, AOL is located in Vienna, Virginia which is in the Eastern District of Virginia. Pursuant to this Court's order, AOL will set up a "mirror" or clone mailbox for the FBI for each of the six targeted accounts. This will be done at AOL's headquarters at the above described address. Whenever an electronic mail message (and any attached file) is sent from or delivered to any of the targeted accounts, the FBI will be simultaneously notified that the electronic mail message (and any attached file) has been delivered to the FBI clone mailbox. Agents will then open the

electronic mail message (and any attached file(s)) at the receiving site in Pocatello, Idaho.

I have participated in the investigation of the above offenses. As a result of my personal participation in this investigation, through interviews with and analysis of reports submitted by other Special Agents of the FBI and other state and local law enforcement personnel, I am familiar with all aspects of this investigation. On the basis of this familiarity, and on the basis of other information which I have reviewed and determined to be reliable, I allege the facts to show the following:

There is probable cause to believe that the following individuals (hereinafter "the named interceptees") and others as yet unknown, using the targeted America Online accounts specified below, are committing, and will continue to commit violations of Section 2252 of Title 18, United States Code (U.S.C.) (Certain activities relating to material involving the sexual exploitation of minors) as well as Title 18, U.S.C., Section 371 (Conspiracy):

<u>INTERCEPTEE</u>	<u>TARGETED AOL ACCOUNT #</u>
1) ABE ABESON, aka A.A.	000-0000-001
2) BEN BENSON, aka B.B.	000-0000-002
3) CARL CARLSON	000-0000-003
4) DIRK DIRKSEN	000-0000-004
5) EDGAR EDGARSON	000-0000-005
6) FRED FREDSON	000-0000-006
7) GREG GREGSON	Account not targeted
8) HENRY HENRYSON	Account not targeted
9) IGOR IGORSON	Account not targeted
10) JERRY JERRYSON	Account not targeted
11) KIRBY KIRBYSON	Account not targeted

(Due to limitations on technical equipment, only six accounts are targeted for interception of electronic communications. However, there are eleven named interceptees because investigation has shown, as detailed below, that they are in regular contact with each other by means of their AOL accounts.)

There is probable cause to believe that particular electronic communications of the named interceptees and others yet unknown concerning the above offenses will be obtained through the interception of such electronic communications to and from certain accounts, specified above, on AOL computers located in the Eastern District of Virginia and used by the named interceptees and others yet unknown. In particular, these communications are expected to concern the specifics of the above offenses, including (i) the nature, extent and methods of the child pornography distribution network operated by ABE ABESON and others; (ii) the identities and roles of accomplices, aiders and abettors, co-conspirators, and sources of child pornography who are involved in ABE ABESON's child pornography distribution operation; (iii) the existence and location of records pertaining to ABE ABESON's child pornography distribution operation; and (iv) the locations and items used in furtherance of ABE ABESON's child pornography distribution network. In addition, these electronic communications are expected to constitute admissible evidence of the commission of the above-described offenses.

The statements contained in this Affidavit are based in part on information provided by Special Agents of the FBI, on conversations held with detectives and officers from other state and local law enforcement agencies, on information provided by confidential sources, and on my experience and background as a Special Agent of the FBI. Since this affidavit is being submitted for the limited purpose of securing authorization for the interception of electronic communications, 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 the necessary foundation for an order authorizing the interception of electronic communications.

PERSONS EXPECTED TO BE INTERCEPTED

Pursuant to Federal Grand Jury subpoenas that have been served on America Online, the following information was obtained about the above named interceptees:

<u>Subscriber</u>	<u>Address</u>	<u>Screen Names</u>	<u>AOL Account #</u>	<u>Name</u>	<u>Used¹</u>
ABE ABESON	123 Abe Lane	Abe123 Abe, AB 00000	Abe123 SonofAbe7 BabyAby	000-0000-0001	
BEN BENSON	123 Ben Lane	Ben456 Ben, BN 00000	Ben456 SonofBen2 BigBen903	000-0000-0002	
CARL CARLSON	87 Carl Ave. Carl, CL 00000	Carl9789 YoCarlson2	Carl9789 CarlCarl	000-0000-0003	
DIRK DIRKSEN	8 Dirk St. Dirk, DK 00000	Dirk9283	Dirk9283 SonDirkSon2 DirkedAgin	000-0000-0004	
EDGAR EDGARSON	1 Edgar Circle Edgar, ED 00000	EDGARhere	EDGARhere Eisme	000-0000-0005	
FRED FREDSON	98 Fred St. Fred, FD 00000	Yzaguirre	Yzaguirre	000-0000-0006	
GREG GREGSON	96 Greg Rd. Greg, GR 00000	Greg69	Greg69 Sonof8787	000-0000-0007	(Account not targeted)
HENRY HENRYSON	876 Henry St. Henry, HY	henry39746	henry39746	000-0000-0008	(Account not targeted)

¹ A "screen name" is simply a name a subscriber chooses to send and receive communications through the America OnLine computer service. These names need not provide any information about the subscriber or have any relation to the subscriber's true name or identity.

IGOR	7 Igor Rd.	Igor124	000-0000-0009	
IGORSON	Igor, IG		(not targeted)	00000
JERRY	789 Jerry Ave.	JerrySon	000-0000-0010	
JERRYSON	Jerry, JY	JJ987978	(not targeted)	
	00000	jERRY9879		
		SoNOF234		
KIRBY	2 Kirby Cir.	Kirby	000-0000-0011	
KIRBYSON	Kirby, KI		(not targeted)	

FACTS AND CIRCUMSTANCES

COLLECTION OF CHILD PORNOGRAPHY

I have consulted with SA KEN LANNING of the FBI and he has relayed the following information to your affiant. SA LANNING is an author and a nationally recognized expert in the field of child pornography investigations and investigations of preferential child molesters. According to SA LANNING, the term preferential child molester has been used interchangeably with the more familiar term "pedophile." SA LANNING informed me of the following:

Preferential child molesters and child pornographers receive sexual gratification, stimulation and satisfaction from actual physical contact with children and from fantasies they may have viewing children engaged in sexual activity or in sexually suggestive poses (in person, in photographs or other visual media) or from literature describing such activity.

They collect sexually explicit or suggestive materials (hard-core and soft-core pornography, whether of adults and/or children, and child erotica) consisting of photographs, magazines, motion pictures, video tapes, books, slides and/or drawings or other visual media that they use for their own sexual arousal and gratification. Further, they commonly use this type of sexually explicit material to lower the inhibitions of children they are attempting to seduce, to arouse the selected child partner, and to demonstrate the desired sexual acts.

Child pornographers and preferential child molesters almost always maintain and possess their material

(pictures, films, video tapes, magazines, negatives, photographs, correspondence, mailing lists, books, tape recordings, child erotica² etc.) in the privacy and security of their homes or some other secure location. According to SA LANNING, preferential child molesters and child pornographers typically retain pictures, films, photographs, negatives, magazines, correspondence, books, tape recordings, mailing lists, child erotica and video tapes for many years.

In addition, they often correspond and/or meet others to share information and materials; rarely destroy correspondence from other preferential child molesters and child pornographers; conceal such correspondence as they do their sexually explicit material; and often maintain lists of names, addresses, and telephone numbers of

² According to Dr. Ann Burgess, the author of Child Pornography and Sex Rings, (Lexington Books 1984), a book which deals with the subject of child pornography and pedophiles who collect and produce child pornography, "child erotica" are materials or items which are sexually arousing to pedophiles but which are not in and of themselves obscene or which do not necessarily depict minors in sexually explicit poses or positions. She defines it in her book as:

any material, relating to children, that is sexually arousing to a given individual...
[S]ome of the more common types of child erotica include photographs that are not sexually explicit, drawings, sketches, fantasy writings, diaries, and sexual aids.

id. at 83

individuals with whom they have been in contact and who share the same interests in child pornography.

Preferential child molesters and child pornographers who collect sexually oriented pictures of minors are not without their child pornography and/or child erotica for any prolonged time period. This behavior, according to SA LANNING, has been documented by law enforcement officers involved in the investigation of child pornography throughout the United States.

COMPUTERS AND CHILD PORNOGRAPHY

MARK POLLITT is a SA with the FBI and has held that position for approximately twelve years. For the last four years he has been assigned principally to the investigation of computer related crimes and the forensic examination of electronic evidence. He has attended numerous computer related schools and is an instructor of the investigation of computer crimes, computer security, and computer forensic subjects for the FBI, the International Association of Computer Investigative Specialists, and the National Security Agency. SA POLLITT is designated as a Field Examiner for the FBI Laboratory's Computer Analysis and Response Team. In connection with these duties, he has been involved with the execution of over 30 search warrants involving computer evidence. He has conducted forensic examinations of over a hundred computers and thousands of diskettes and other removable media. SA POLLITT has participated in the investigation of child pornography violations and has executed search warrants on computers during the course of those investigations. He has conducted laboratory examinations of computers and storage media used by pedophiles. SA POLLITT has provided your affiant with the following information which is based on his knowledge, experience and training:

Computers and computer technology have revolutionized the way in which child pornography is produced, distributed, and utilized. It has also revolutionized the way in which pedophiles interact with each other. Child pornography formerly was produced using cameras and film (either still photography or movies.) The photographs required darkroom facilities and a significant amount of skill in order to develop and reproduce the images. There

were definable costs involved with the production of pornographic images. To distribute these on any scale required significant resources. The photographs themselves were somewhat bulky and required secure storage to prevent their exposure to the public. The distribution of these wares was accomplished through a combination of personal contact, mailings and telephone calls. Any reimbursement would follow these same paths.

The development of computers has changed all of this. Computers serve four functions in connection with child pornography. These are: production, communication, distribution, and storage.

Pornographers can now produce both still and moving images directly from a common video camera. The camera is attached, using a cable, directly to the computer using a device called a video capture board. This device turns the video output into a form that is usable by computer programs. The output of the video camera can be stored, manipulated, transferred or printed out directly from the computer. The captured image can be edited in very similar ways to a photograph. The image can be lightened, darkened, cropped, and manipulated in a wide variety of ways. The producers of child pornography can also use a device known as a scanner to transfer photographs into a computer-readable format. As a result of this technology, it is relatively inexpensive and technically easy to produce, store and distribute child pornography. There is the added benefit to the pornographer that this method of production does not leave as large a trail for law enforcement to follow as have methods that have been used in the past.

Previously, pedophiles had to rely on personal contact, U.S. Mail, and telephonic communications in order to sell, trade, or market pornography. The development of the computer has also changed that. A device known as a modem allows any computer to connect to another computer through the use of telephone lines. By connection to a host computer, electronic contact can be made to literally millions of computers around the world. A host computer is one that is attached to a dedicated network and serves many users. These host computers are sometimes commercial concerns, such as CompuServe and America-Online which allow subscribers to dial a local number and connect to a network which is in turn connected to their host systems. These service providers allow

electronic mail service between subscribers and sometimes between their own subscribers and those of other networks. Some of these systems, including America Online, offer their subscribers the ability to communicate publicly or privately with each other in real time in the form of "chat rooms." Contact with others in this online format can be either very open and anonymous, in front of everyone else who happens to be in the same room at the same time, or very private and personal in the form of person to person instant messages. This communication structure is ideal for the pedophile. The open and anonymous communication allows the user to locate others of similar inclination and still maintain their anonymity. Once contact is established, it is then possible to send text messages and graphic images to a trusted conspirator. In addition to the use of large service providers, pedophiles and pornographers can use standard internet connections, such as those provided by business, universities, and government agencies to communicate with each other and to distribute pornography. These communications links allow contacts around the world as easily as calling next door. Additionally, these communications can be quick, relatively secure and as anonymous as desired. These advantages are well known and are the foundation of commerce between pedophiles.

The computer's ability to store images in digital form makes them an ideal repository for pornography. A single floppy disk can store dozens of images and hundreds of pages of text. The size of the electronic storage media (commonly referred to as the hard drive) used in home computers has grown tremendously within the last several years. Hard drives with a capacity of one gigabyte are not uncommon. These drives can store thousands of images at very high resolution. Magnetic storage located in host computers adds another dimension to the equation. It is almost as easy to store an electronic image on a computer located half a world away as it is to store one locally. It is possible to use a video camera to capture an image, process that image in a computer with a video capture board and to save that image to storage in another country. Once this is done, there is no readily apparent evidence at the scene of the crime. It is only with careful laboratory examination of electronic storage devices that

it is possible to recreate the evidence trail.

The ability to produce child pornography easily, reproduce it inexpensively, and market it anonymously (through electronic communications) has drastically changed the method of distribution of child pornography. This pornography can be electronically mailed to anyone with access to a computer and modem. With the proliferation of commercial services that provide both electronic mail services and chat services, it is no wonder that the computer is the preferred method of distribution of pornographic materials. SA POLLITT advised that all of the above described information is known to him as the result of his education and experience in the investigation of computer related crime.

America Online

America Online (AOL) is a commercial computer service, also known as a commercial bulletin board, that offers electronic message bulletin boards to its subscribers enabling them to post messages that can be read by other AOL subscribers. It also provides an electronic mail service, enabling its subscribers to communicate individually by computer. Each AOL subscriber has access to a computer which communicates through a modem connected to a telephone line with the central computer system operated by AOL in Vienna, Virginia, within the Eastern District of Virginia. The subscriber can communicate with other subscribers, either in real time if the other subscribers are simultaneously on line, or via electronic mail. With this system, subscribers can send messages to each other and attach files to those messages. These files (in computer format) may be items such as written documents, or graphic image files which are photographs that have been scanned into the computer system. Both types of files can be printed out by anyone who has them on their system and has a printer.

The equipment possessed by the FBI and the computer programs to be run by AOL pursuant to the proposed order will allow the simultaneous interception only of the targets' AOL electronic mail and attached files. Put another way, when an electronic mail message is delivered to or sent from a targeted account, the FBI will

receive a duplicate of the message (and attachments, if any) in a separate mailbox accessible only to the agents. Therefore, the only communications via AOL that your affiant herewith seeks authorization to intercept are the electronic mail messages and attached computer files sent to and from the named interceptees.

Subscribers to the service provided by AOL are able to use screen names during communications which in most cases do not provide the subscriber's true name or identifying data. In addition, the subscriber can fill out a subscriber profile which corresponds to the subscriber's screen name. However, the subscriber can put any identifying data into this profile. There is no check by AOL as to the accuracy of subscriber information entered in this profile. Subscribers can easily access the identifying data entered in any other subscriber's profile.

Information from SA D. Douglas Rehman

The information provided in this section of the affidavit was provided to me by Special Agent (SA) D. DOUGLAS REHMAN of the Florida Department of Law Enforcement. SA REHMAN has approximately nine and one half years experience in criminal investigation, including, but not limited to, narcotics, gambling, robbery, homicide, kidnapping, money laundering, arson, theft, sexual battery, and burglary. This investigative experience is from two and one half years as an inspector with the Illinois State Police and seven years as a SA with the Florida Department of Law Enforcement. REHMAN has one and one half years experience as a uniformed police officer for the cities of Jones, Florida, and Pitstown, Florida. He has a bachelor's degree in Criminal Justice from the University of Southern Coast and has attended the criminal investigative academies of both the Delaware State Police and the Florida Department of Law Enforcement.

Between September of 19xx and March of 19xx SA REHMAN provided the FBI with 111 image files and accompanying mail messages described in a list attached to this affidavit (Attachment "A"). An image file is so named because it contains images or photographs which have been converted into computer format by use of a scanner. An image file itself can be either a single image file (one picture only, also known as a computer file), or

a multiple image file (two or more pictures). Multiple image files can be distinguished from single image files by the designation "ZIP" at the conclusion of the file title. SA REHMAN obtained these image files in one of two ways. Some of the image files he obtained from a confidential informant (CI) who is a subscriber to AOL and who obtained them while signed on to AOL. The CI has provided information regarding the distribution of child pornography and other illegal activities on AOL to SA REHMAN from March of 19xx to the present. According to SA REHMAN, this CI has always proven to be reliable and has never provided false or misleading information. Three people have been arrested and a number of search warrants executed on the basis of information provided by the CI. SA REHMAN advised your affiant that the CI is simply a concerned citizen and not a criminal suspect who is trying to forge a better deal for himself.

The remainder of the 111 images files were obtained by SA REHMAN personally while signed on to AOL in an undercover capacity. The list that appears at Attachment "A" details the date on which the file was received by SA REHMAN or the CI from one or more of the interceptees listed below, and the title of the image file transmitted. The 111 image files listed in Attachment "A" constitute the entire universe of image files that are analyzed in this Affidavit. Those 111 image files, which were received by SA REHMAN or the CI in 111 separate transactions, consist of 290 separate computer files (individual pictures). The common thread running throughout these 111 computer transactions is that an individual using the screen name "BabyAby" was involved in each and every one of them, either as a recipient or as both a recipient and a forwarder. The remaining 10 named interceptees were involved in a large number, but not all, of the 111 transactions, either as a recipient or as both a recipient and forwarder.

According to the electronic mail message accompanying each one of these 111 image files, they were each either forwarded by, received by, or received and then forwarded by an individual using the screen name "BabyAby." Pursuant to Federal Grand Jury subpoena issued by a grand jury sitting in this District, AOL identified

"BabyAby" as ABE ABESON, 123 Abe Lane, Abe, Abestate 00000, with AOL account number 000-0000-0001.

Your affiant and other agents of the FBI have reviewed the 111 image files and accompanying mail messages provided by SA REHMAN. That review indicates that the overwhelming majority of these image files contain images depicting "minor" males engaged in "sexually explicit conduct" within the meaning of Title 18, United States Code, Section 2252, as defined in Title 18, United States Code, Section 2256. Specifically, these images depict unclothed "minor" males in various states of sexual arousal and many of the young males are engaged in sexual acts, as defined by Title 18, United States Code, Section 2256. Your affiant and other trained SA's of the FBI have examined these images and concluded that they depict individuals under the age of 18 years old engaging in actual or simulated sexual acts or lewd and lascivious exhibition of the genitals. (Copies of these image files, accompanied by their mail messages, are made Attachment "B" to this affidavit.)

Your affiant and other SAs of the FBI have reviewed the mail messages which accompanied the 111 image files described above. Each mail message indicates the screen name of the AOL subscriber who first uploaded the image file onto the computer system, the screen name of the subscriber(s) to whom it was forwarded, the date and time of each transmission, and the title of the image file. Additionally, the mail message indicates the screen name of the AOL subscriber to whom the first recipient subsequently forwarded the image file, the date and time of that transmission, and the title of the file transmitted. In this manner, the screen name of each recipient and forwarder of a particular image, as well as the date and time of each transmission, is documented continuously until the document came into the possession of SA REHMAN. Some mail messages can be a number of pages long, thus documenting a large number of recipients and forwarders of a particular image file.

Detailed analysis of the mail messages that accompanied the 111 image files described above indicates that "BabyAby" regularly transmitted child pornography to, and received such transmissions from, a certain group of people whose screen names repeatedly appear on the mail messages attached to the image files. Of the most active

screen names involved with the "BabyAby" child distribution network, investigation indicates that 11 are still subscribers to AOL. Below is a description of the involvement of each of the 11 named interceptees with the distribution of the 111 image files (290 computer files or pictures) listed in Attachment "A."

ABE ABESON

Between 9/6/xx and 12/18/xx, AOL account # 000-0000-0001, subscribed to by ABE ABESON was involved in all of the 111 computer transactions listed in attachment "A." (Two of the 111 transactions listed in Attachment "A" were transmissions of the same image file which contained a photograph of what "BabyAby" stated was himself. The person depicted is a fully clothed adult male. Therefore, the analysis as it pertains to ABE ABESON includes only 109 of the 111 total computer transactions reviewed.) During the course of those 109 transactions, 288 computer files (scanned images or photographs) were received, and of those, 238 were subsequently forwarded by an individual using that account under the screen name "BabyAby," either to one or more of the 11 other named interceptees or to other AOL subscribers. Your affiant has reviewed those image files and that review indicates that the majority of those files depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252. Your affiant notes that the individual using the screen name "BabyAby" routinely forwarded the above described computer files to many recipients in a single transaction. For example, on 11/25/XX, at 8:58 AM EST, "BabyAby" forwarded an image file to 22 recipients. That single image file contained 40 computer files (scanned images or photographs), all of which depict young boys engaged in "sexually explicit conduct." "BabyAby's" knowledge of the contents of what he was forwarding is clear from the text of his mail message in which he said, "Dudes!! This one is HOT!!!! A big one to download but worth it!! 46 jpg files!!! I couldn't view them till I converted them to gifs. Enjoy!!!! Abe" (Your affiant cannot explain why there is a discrepancy between the number of computer files actually in the image file (40) and the number mentioned in "BabyAby's" text message (46).) Among the 22 screen names to

whom "BabyAby" forwarded this file were "Ben123" "Carl235234," "Fred2435," "Yzaguirre" and "Kirby234" which are the screen names of 5 of the other 10 named interceptees. Additionally, "Dirk245" and "Edgar1," appear on the same mail message as having received the same image file from another sender, and "Greg7865" appears on that mail message as having both received and forwarded that same image file. Thus, including "BabyAby," a total of 9 of the 11 named interceptees either received or both received and forwarded the above described image file.

BEN BENSON

Between 10/30/XX and 12/4/XX, AOL account # 000-0000-0002, subscribed to by BEN "B.B." BENSON was involved in 22 of the 111 computer transactions listed on Attachment "A." During the course of those transactions 111 of the 290 computer files (pictures) which are contained in the image files listed on Attachment "A," were received, and of those, nine were forwarded by a person using that account under the screen name "Ben1234" Having reviewed all of the 111 computer files (pictures) that were received by "Ben1234" it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

CARL CARLSON

Between 9/6/xx and 12/18/xx, AOL account # 000-0000-003, subscribed to by CARL CARLSON, was involved in 29 of the 111 computer transactions listed on Attachment "A." During the course of those transactions, 138 of the 290 computer files (pictures), which are contained in the image files listed on Attachment "A," were received, and of those, 54 were subsequently forwarded by a person using that account number under the screen name "Carl1234" Having reviewed all of the 138 computer files (pictures) that were received by "Carl1234," it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

On 5/17/XX, SA REHMAN, acting in an undercover capacity while signed on to AOL, received two

computer transmissions from a person using the screen name "Carl1234." One computer file (scanned photograph) accompanied each of the two mail messages. Each computer file depicts what your affiant believes are unclothed minor males. These computer files (scanned photographs), accompanied by their mail messages, are contained in Attachment "C."

On 6/24/XX, SA REHMAN, again acting in an undercover capacity while signed on to AOL, received three computer transmissions from a person using the screen name "Carl1234." The computer files (scanned photographs) that accompanied two of the three mail messages depict what your affiant believes are minor males in states of complete undress. These computer files (scanned photographs), accompanied by their mail messages, are contained in Attachment "C."

DIRK DIRKSEN

Between 8/31/xx and 12/18/xx, AOL account #s 000-0000-0004 (targeted account) and 004-0000-0000 (not a targeted account), subscribed to by DIRK DIRKSEN, were involved in 147 computer transactions. Because some of the 111 image files listed on Attachment "A" were sent or received by both accounts subscribed to by DIRK DIRKSEN, the total number of transactions associated with that subscriber is 147, more than the 111 listed on Attachment "A." During the course of those transactions 333 computer files (pictures) were received, and of those, 108 were subsequently forwarded by a person using those accounts under the screen names "Dirk1234" and "SonofDirk." Having reviewed all of the 333 computer files (pictures) that were received by "Dirk1234" and "SonofDirk," it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

EDGAR EDGARSON

Between 9/3/xx and 12/3/xx AOL account # 000-0000-005, subscribed to by EDGAR EDGARSON, was

involved in 95 of the 111 computer transactions listed on Attachment "A." During the course of those transactions 184 of the 290 computer files (pictures), which are contained in the image files listed on Attachment "A," were received, and of those, 35 were subsequently forwarded by a person using that account under the screen name "Edgar1234" Having reviewed all of the 184 computer files (pictures) that were received by "Edgar1234," it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

FRED FREDSON

Between 11/17/xx and 11/30/xx, AOL account # 000-0000-006, subscribed to by FRED FREDSON, was involved in 10 of the 111 computer transactions listed on Attachment "A." During the course of those transactions 85 of the 290 computer files (pictures), which are contained in the image files listed on Attachment "A," were received, and of those, 71 were subsequently forwarded by a person using that account under the screen name "Yzaguirre" Having reviewed all of the 85 computer files (pictures) that were received by "Yzaguirre," it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

GREG GREGSON

Between 8/31/xx and 12/3/xx, AOL account # 000-0000-0007, subscribed to by GREG GREGSON, was involved in 61 of the 111 computer transactions listed on Attachment "A." During the course of those transactions, 177 of the 290 computer files (pictures), which are contained in the image files listed on Attachment "A," were received, and of those, 12 were subsequently forwarded by a person using that account under the screen name "Greg1234."

Having reviewed all of the 177 computer files (pictures) that were received by "Greg1234," it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title

18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

HENRY HENRYSON

Between 9/6/xx and 10/31/xx, AOL account # 000-0000-008, subscribed to by HENRY HENRYSON, was involved in 77 of the 111 computer transactions listed on Attachment "A." During the course of those transactions, 137 of the 290 computer files (pictures), which are contained in the image files listed on Attachment "A," were received, and of those, none were forwarded by a person using that account under the screen name "Henry69." Having reviewed all of the 137 computer files (pictures) that were received by "Henry69," it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

IGOR IGORSON

Between 9/26/xx and 12/4/xx, AOL account # 000-0000-009, subscribed to by IGOR IGORSON, was involved in 57 of the 111 computer transactions listed on Attachment "A." During the course of those transactions 180 of the 290 computer files (pictures), which are contained in the image files listed on Attachment "A," were received, and of those, none were forwarded by a person using that account under the screen name "Igor3425" Having reviewed all of the 180 computer files (pictures) that were received by "Igor3425," it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

JERRY JERRYSON

Between 9/6/xx and 9/26/xx, AOL account # 000-0000-010, subscribed to by JERRY JERRYSON, was involved in 45 of the 111 computer transactions listed on Attachment "A." During the course of those transactions, 49 of the 290 computer files (pictures), which are contained in the image files listed on Attachment "A," were received, and of those, none were forwarded by a person using that account under the screen name "Jerry45."

Having reviewed all of the 49 computer files (pictures) that were received by "Jerry45," it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

KIRBY KIRBYSON

Between 9/6/xx and 12/4/xx AOL account # 000-0000-011, subscribed to by KIRBY KIRBYSON, was involved in 98 of the 111 computer transactions listed on Attachment "A." During the course of those transactions, 231 of the 290 computer files (pictures), which are contained in the image files listed on Attachment "A," were received, and of those, none were forwarded by a person using that account under the screen name "Kirby."

Having reviewed all of the 231 computer files (pictures) that were received by "Kirby," it is your affiant's opinion that a substantial majority of them depict "minor" males engaged in "sexually explicit conduct" as defined by Title 18, United States Code, Section 2256, in violation of Title 18, United States Code, Section 2252.

INFORMATION DERIVED FROM AOL'S DETAILED BILLING RECORDS

Pursuant to a search warrant issued by Magistrate Judge Law V. Equity of the Eastern District of Virginia and executed on America Online, 8619 Westwood Center Drive, Vienna, Virginia, on 6/19/XX, your affiant and other SAs of the FBI obtained subscriber information and detailed billing records pertaining to the named interceptees, listed above, and their AOL account numbers. Analysis of those records indicates the following regarding the named interceptees:

ABE ABESON

AOL account number 000-0000-001, subscribed to by ABE ABESON, was activated 200 times between 1/1/xx and 6/19/xx, most recently on 6/19/xx.

BEN BENSON

AOL account number 000-0000-002, subscribed to by BEN BENSON, was activated 713 times between 1/1/xx and 6/18/xx, most recently on 6/18/xx.

CARL CARLSON

AOL account number 000-0000-003, subscribed to by CARL CARLSON, was activated 339 times between 1/1/xx and 6/18/xx, most recently on 6/18/xx.

DIRK DIRKSEN

DIRK DIRKSEN subscribes to two AOL accounts. Between 1/1/xx and 6/19/xx, AOL account number 000-0000-004, subscribed to by DIRKSEN, was activated 701 times, most recently on 6/19/xx. Between 1/1/xx and 3/12/xx, AOL account number 004-0000-000, also subscribed to by DIRKSEN, was activated 62 times, most recently on 3/12/xx. This latter account is not a target of the electronic surveillance that is applied for herewith.

EDGAR EDGARSON

AOL account number 000-0000-005, subscribed to by EDGAR EDGARSON, was activated 439 times between 1/2/xx and 6/18/xx, most recently on 6/18/xx.

FRED FREDSON

AOL account number 000-0000-006, subscribed to by FRED FREDSON, was activated 726 times between 1/1/xx and 6/19/xx, most recently on 6/19/xx.

GREG GREGSON

AOL account number 000-0000-007, subscribed to by GREG GREGSON, was activated 146 times between 1/1/xx and 6/16/xx, most recently on 6/16/xx.

HENRY HENRYSON

AOL account number 000-0000-008, subscribed to by HENRY HENRYSON, was activated 222 times

between 1/1/xx and 6/18/xx, most recently on 6/18/xx.

IGOR IGORSON

AOL account number 000-0000-009, subscribed to by IGOR IGORSON, was activated 364 times between 1/1/xx and 6/18/xx, most recently on 6/18/xx.

JERRY JERRYSON

AOL account number 000-0000-010, subscribed to by JERRY JERRYSON, was activated 203 times between 1/2/xx and 6/19/xx, most recently on 6/19/xx.

KIRBY KIRBYSON

AOL account number 000-0000-011, subscribed to by KIRBY KIRBYSON, was activated 456 times between 1/1/xx and 6/18/xx, most recently on 6/18/xx.

On the basis of the above described computer transmissions, your affiant respectfully submits that there is probable cause to believe that the eleven above described AOL subscribers are collectors of child pornography.

I base this opinion on the quantity and frequency of their transmission and/or receipt of child pornography which is consistent with the characteristics of a child pornographer. I further base this opinion upon examination of the computer files which these individuals actually traded and exchanged on AOL (Attachment "B" to this Affidavit), on the highly suggestive user names chosen by many of these individuals, and on the explicit electronic mail messages which accompanied many of the computer files traded by these individuals.

NEED FOR INTERCEPTION

Need for Interception of Electronic Communications

Based upon your affiant's training and experience, as well as the experience of the other Special Agents of the FBI, and based upon all of the facts set forth herein, it is your affiant's belief that the interception of electronic communications is the only available technique that has a reasonable likelihood of securing the evidence necessary to achieve the goals of this investigation. As discussed above, those goals include the determination of the extent of ABE ABESON's child pornography distribution network, to include the identities of individuals who supply child pornography to ABE ABESON, the identities of those to whom ABESON and the other named interceptees forward such pornography, and to determine the methods of operation used by the participants in that network.

Your affiant states that the following investigative procedures, which are usually employed in this type of criminal investigation, have been tried and have failed, reasonably appear to be unlikely to succeed if they are tried, or are too dangerous to employ.

ALTERNATIVE INVESTIGATIVE TECHNIQUES

Physical Surveillance

Although physical surveillance is a technique that is very useful in many types of investigations, its usefulness is very limited in this type of investigation. Because child pornography can be easily transmitted from one computer terminal to another located in a distant part of the country with a few keystrokes, and because this activity occurs behind closed doors in the privacy of homes and offices, physical surveillance of the subjects would reveal very little. Although it would prove that a particular individual was at a certain location at a certain time, it would not prove that that person was seated at a computer, nor would it provide the content of a particular computer transmission, which is the criminal conduct under investigation. Although physical surveillance has proven valuable in identifying some activities of the targets of this investigation, its use is of limited value unless used in conjunction

with other investigative techniques, including electronic surveillance. Physical surveillance, even if highly successful, has not succeeded in gathering sufficient evidence of the criminal activity under investigation. Physical surveillance of the alleged conspirators has not and will not establish conclusively the elements of the violations and has not and most likely will not establish conclusively the identities of various conspirators. In addition, surveillance is not expected to enlarge upon information now available; rather, such prolonged or regular surveillance of the movements of the suspects would most likely be noticed, causing them to become more cautious in their illegal activities, to flee to avoid further investigation and prosecution, or to otherwise compromise the investigation.

Use of Grand Jury Subpoenas

Based upon your affiant's experience and conversations with Attorneys at the United States Department of Justice, who have experience prosecuting violations of criminal law, your affiant believes that subpoenaing persons believed to be involved in this conspiracy and their associates before a Federal Grand Jury would not be completely successful in achieving the stated goals of this investigation. If any principals of this conspiracy, their co-conspirators and other participants were called to testify before the Grand Jury, they would most likely be uncooperative and invoke their Fifth Amendment privilege not to testify. It would be unwise to seek any kind of immunity for these persons, because the granting of such immunity might foreclose prosecution of the most culpable members of this conspiracy and could not ensure that such immunized witnesses would provide truthful testimony. Additionally, the service of Grand Jury subpoenas upon the principals of the conspiracy or their co-conspirators would only alert them to the existence of this investigation, causing them to become more cautious in their activities, to flee to avoid further investigation or prosecution, or to otherwise compromise this investigation.

Confidential Informants and Cooperating Sources

Reliable confidential informants/cooperating sources have been developed and used, and will continue to be developed and used, in regard to this investigation. However, these sources are only able to contact the named

interceptees via computer and would not be able to obtain the information sought through the electronic surveillance, authorization for which is sought with this affidavit and application. Obtaining the names, both screen names and true names, of the persons supplying child pornography to ABE ABESON is one of the primary goals of this investigation.

Another goal is to find out the screen names and true names of others to whom ABE ABESON is forwarding child pornography. Although a particular mail message accompanying an image sent to an informant by ABE ABESON will show some of the people to whom ABESON sent that image, it will not show all transmissions of that image by ABESON. The mail message will only show recipients which include the informant. There may be other transmission sent by ABESON which the informant is not privy to. None of the confidential informants described in this affidavit are able to furnish information which would identify fully all members of this child pornography distribution network or which would define the roles of those involved sufficiently for prosecution. The information provided by the confidential sources, even if all sources agreed to testify, would not, without the requested electronic surveillance, result in a successful prosecution of all of the participants.

Undercover Agents

Undercover agents have been used extensively in this investigation. They have functioned in the same way as the confidential informants. They have gotten online on AOL in an undercover capacity and solicited and received child pornography from other subscribers to AOL. Although UCAs have not received any transmissions from "BabyAby," aka ABE ABESON, SA REHMAN, acting in an undercover capacity, and his confidential informants have received many transmissions of child pornography from him. As discussed above, this technique has not succeeded in achieving two important goals of this investigation: 1) identifying all of those persons who supply child pornography to ABE ABESON; and 2) identifying all of those persons to whom ABESON forwards such pornography. Even if UCAs were to obtain additional transmissions of child pornography from ABE ABESON

or the other named interceptees, the mail messages accompanying such transmissions would not provide the screen names of all of the other persons to whom ABESON is forwarding child pornography. Similarly, it would not provide any information regarding other transmissions of graphic image files to other persons. For these reasons, use of the undercover technique will not achieve a primary goal of this investigation, which is to determine the extent of ABESON's child pornography distribution network, to include the identities of others who are also involved.

Interviews of Subjects or Associates

Based upon your affiant's experience, I believe that interviews of the named interceptees would produce insufficient information as to the identities of all of the persons involved in the above described child pornography distribution network. Your affiant also believes that any responses to the interviews would contain a significant number of untruths, diverting the investigation with false leads or otherwise frustrating the investigation. Additionally, such interviews would also have the effect of alerting the members of the child pornography distribution network, thereby compromising the investigation and resulting in the possible destruction or concealment of documents, computer files and other evidence.

Search Warrants

The execution of search warrants in this matter has been considered. However, use of such warrants would, in all likelihood, not achieve the primary goals of this investigation, which are to determine the extent of ABESON's child pornography distribution network and the identities of those from whom he is receiving such child pornography and the identities of those to whom he is forwarding the same. A search of ABESON's electronic mail box at AOL in Vienna, Virginia would yield only such mail messages and child pornography as happened to be in the mail box at the time of the search. Past mail messages and previously received child pornography is not obtainable through such a search. A search of ABESON's home, and computer located therein, might yield some previously received mail messages and child pornography but would not indicate the identities of those to whom

ABESON forwarded such pornography. Similarly, searches of the AOL accounts, and homes and computers located therein, of the other named interceptees would not provide your affiant and other SAs of the FBI with the identities of all of the people who are sources of child pornography for this child pornography distribution network. Nor would such searches indicate the identities of all of those to whom such pornography is being transmitted. Therefore, an ongoing electronic surveillance of ABESON's AOL account (i.e. electronic mail box), as well as the AOL accounts of the other targets, is the only means by which all of the information sought in this investigation can be obtained. Additionally, your affiant believes that search warrants executed at this time would be more likely to compromise the investigation by alerting the named interceptees, and others who have yet to be identified, as to the existence of this investigation and allowing them to destroy evidence.

Pen Register/Telephone Tolls

Pen register information has been used in this investigation, including pen registers on some of the telephones used to connect the interceptees' personal computers, by modem, to AOL.

The pen register information has verified frequent telephone communication between those telephones and AOL.

Pen registers, however, do not record the identity of the parties to the conversation, cannot identify the nature or substance of the computer transmissions or differentiate between legitimate computer transmissions and transmissions related to criminal purposes. A pen register cannot identify the source or sources of child pornography, nor can it, in itself, establish proof of the conspiracy. Telephone toll information, which identifies the existence and length of telephone calls placed from telephones associated with the named interceptees to telephones located outside of the local service zone, has the same limitations as pen registers, does not show local calls, and is generally available only on a monthly basis.

Based upon the foregoing, it is your affiant's belief that the interception of electronic communications is an essential investigative means in obtaining evidence of the offenses in which the named interceptees and others as

yet unknown are involved.

PRIOR APPLICATIONS

Based upon a check of the records of the Federal Bureau of Investigation, conducted on 6/12/xx, and the Drug Enforcement Administration, conducted on 6/21/xx, no prior federal applications for an order authorizing or approving the interception of wire, oral, or electronic communications have been made involving the persons, premises or facilities named herein.

MINIMIZATION

All interceptions will be minimized in accordance with the minimization requirements of Chapter 119 of Title 18, United States Code. Electronic communications received by the above described AOL accounts will be minimized as follows: Each item of electronic mail, as well as any computer file and accompanying mail message attached thereto, will be printed. The monitoring agent will decide, based on the identities of the sender and recipient, and the content of the transmission, whether the electronic communication appears to be pertinent to the criminal offenses that are the subject of this investigation. An AUSA, who is not the prosecuting attorney on the case, will give legal advice.

The monitoring agent will turn over to the investigating agent information that is pertinent to the criminal offenses that are the subject of this investigation. Electronic communications that are determined to be not pertinent will be placed in an envelope and sealed. Such envelopes will then be placed in a locked drawer until they are turned over to the court with pertinent intercepted transmissions after the interception order has expired. It is not the intention of the Government to intercept wire or oral communications during this investigation; only electronic communications will be intercepted.

Because of the type of information intercepted, i.e., printed copies of electronic mail and any attached computer files and accompanying mail messages, the monitoring agent will not be able to minimize any non-pertinent

information until after it has been received at the monitoring location. It is anticipated that the monitoring location will not be staffed at all times, but will be activated electronically. The monitoring location will be kept secure and access will be available only to persons authorized to be involved with this investigation.

All interceptions conducted pursuant to this Court's Order will terminate upon attainment of the authorized objectives or, in any event, at the end of thirty (30) days measured from the earlier of the day on which investigative or law enforcement officers first begin to conduct an interception under the Court's Order or ten (10) days after the Order is entered.

Doris Hepler Special Agent
Federal Bureau of Investigation

Signed and Sworn to before me this
_____ day ____, 19__.

UNITED STATES DISTRICT JUDGE