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AO 91 (Rev 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

14 JAN 27 PM 3: 50

Middle District of Florida

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS, FLORIDA

United States of America)
v.)
KEVIN CHARLES KASZYNSKI)
)
)
)
)
)

Case No. 2:14-mj- 1017-DNF

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 April 2009 through June 2012 in the county of Lee County in the Middle District of Florida, the defendant(s) violated:

Code Section	Offense Description
Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2)	Possession of child pornography, to wit: did knowingly possess one or more matter(s) which contain a visual depiction that had been transported in interstate and foreign commerce, and which had been produced using materials which had been transported, by any means including by computer, where the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction is of such conduct.

This criminal complaint is based on these facts:

See Affidavit.

Continued on the attached sheet.


Complainant's signature
J. Keith Cramsey, Special Agent, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 01/27/2014


Judge's signature
DOUGLAS N. FRAZIER, U.S. Magistrate Judge
Printed name and title

City and state: Fort Myers, Florida

**AFFIDAVIT
In support of a
CRIMINAL COMPLAINT**

INTRODUCTION

I, J. Keith Cramsey, being first duly sworn, do hereby depose and state:

1. I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, (hereinafter HSI) assigned to the Resident Agent In Charge, Fort Myers, Florida (RAC/FM). I have been employed by HSI since September of 2001. I am a graduate of the Federal Law Enforcement Training Center, Criminal Investigators Training Program and the United States Customs Academy, Customs Basic Enforcement School. I have also completed a two-year assignment at the HSI Headquarters, Cyber Crime Center in Fairfax, Virginia where I conducted and trained other agents to conduct cyber investigations. As part of these programs and assignments, I have received extensive training in the areas of law within the jurisdiction of HSI. These areas include laws and regulations pertaining to the importation, including via the Internet, of various types of merchandise and contraband, prohibited items, and money laundering. In this regard, I have specifically received training in the area of child pornography and the sexual exploitation and abuse of children. This training included specialized instruction on how to conduct criminal investigations related to violations of child protection laws pursuant to Title 18, United States Code, Sections 2251, 2252, 2252A, and 2256.

2. My educational background includes a Bachelor of Science Degree in Administration of Justice, a Bachelor of Science Degree in Psychology, and a minor in Business Administration from the Pennsylvania State University in University Park, Pennsylvania.

3. This affidavit is based on my personal knowledge, experience and training as well as on information obtained by me through investigative observations and conversations with other HSI agents and agents from other law enforcement agencies. This affidavit does not set forth every fact resulting from this investigation; rather, it

contains a summary of the investigation to date for the limited purpose of establishing probable cause to obtain a criminal complaint and an arrest warrant.

4. This affidavit is made in support of an application for a warrant to arrest Kevin Charles Kaszynski for violating Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2) (possession of child pornography).

INVESTIGATIVE DETAILS

5. On August 27, 2013, your Affiant was contacted through a Fort Myers criminal defense attorney representing L.K., who resides in Fort Myers, Florida, in reference to found child pornography on her estranged husband's computer hard drive. Your Affiant responded to the attorney's law office and interviewed L.K. and her friend and colleague, identified as R.N., in the presence of the attorney. L.K. identified her husband as Kevin Charles Kaszynski and stated they were married for twenty years but have been going through a divorce since June 2013. At the time, Kevin Kaszynski was residing with his parents at 12781 Chartwell Drive, Fort Myers, Florida. L.K. and her attorney advised there is an injunction that prevents Kevin from contacting her or their two adopted minor children. The injunction is reportedly based on an incident of domestic violence coupled with a suicide attempt on July 8, 2013 by Kevin Kaszynski. The suicide attempt involved Kevin Kaszynski overdosing on medication and alcohol and Kevin began a lock-down program at a local facility to recover.

6. According to L.K., Kevin Kaszynski began what she referred to as a withdrawal from the marriage and asked for a divorce in June of 2013. L.K. advised that leading up to their separation in June, Kevin Kaszynski had become more of a recluse and spent much of his time at home on his password protected E-Machine desktop computer to which only he had access. He kept the desktop in the garage which he had set-up as his home office. When asked what other computers were in the house, she stated that she was only aware of her work issued laptop computer and the children had a black HP laptop computer given to them by Kevin's Mother as a gift around June 2012. They had wireless Internet access throughout the home. According to L.K., Kevin Kaszynski became very angry if she or the children came into the garage or tried to use his E-Machine desktop computer. After asking for the divorce, Kevin Kaszynski moved in with

his parents and also stayed at a hotel for a period of time in June 2013 and refused to go on the planned family vacation to Ohio on June 30th through July 11th. When Kevin Kaszynski moved out of the marital home, he took the E- Machine desktop computer, among other belongings, with him. According to L.K., while she and their children vacationed in Ohio, Kevin Kaszynski returned to the marital home and brought his belongings with him, including the E-Machine desktop computer, which she found there when she returned. According to L.K., Kevin Kaszynski was no longer living there at that point per their marital separation but chose to stay there while she was away to watch their dogs. Because of his July 8th suicide attempt, he was in the treatment center by the time L.K. returned from the vacation on July 11, 2013.

7. While Kevin Kaszynski was in treatment, a temporary injunction was granted on or about July 17, 2013. L.K. stated that Kevin Kaszynski had been repeatedly calling her prior to the injunction asking that his property left at the marital home be sent to his parent's house. After the injunction was in place¹, Kevin Kaszynski wrote a letter to his attorney dated August 1, 2013 requesting removal of his belongings from the marital home. He specifically included his "computer" and "all hard drives" in the letter. By that point, L.K. had moved his E-Machine desktop computer and some of his other items to a storage unit now leased in her name only. L.K. explained the storage unit was located at 800 Abrams Boulevard, Lehigh Acres, Florida. It was initially rented by L.K. and Kevin Kaszynski about four years ago when they needed to make space for the adoption of their two children. The unit was accessible to both of them, and only them, up until about June of 2013 when, as part of his withdrawal from the marriage, Kevin told her that he didn't want to pay for the unit anymore. L.K. then signed a new rental contract on June 29, 2013 putting the storage space in her name only and changed the locks. L.K. believed no one else has had access to that unit but her or Kevin Kaszynski since they initially leased it around 2009 as she recalled. Your Affiant issued a subpoena to the storage unit management (Uncle Bob's Self-Storage) and corroborated L.K.'s story. The unit was in fact leased in both their names on January 22, 2011. On

¹ Kevin Kaszynski would later violate the injunction order resulting in his arrest on September 2, 2013 and subsequent incarceration through the date of this affidavit. His projected release date is January 28, 2013.

June 29, 2013, L.K. changed it to just her name. No other persons were authorized to access the unit. A review of the access logs which were available from December 2012 to present shows numerous entries into the facility using the Kaszynski's issued code. L.K. advised that Kevin accessed the facility the majority of the time.

8. Continuing, L.K. advised that per Kevin Kaszynski's attorney's formal request for his belongings, she went to the storage space on or about August 9, 2013 to remove the E-machine desktop computer and some of his other personal belongings she had put there earlier. She gave those items to Kevin Kaszynski's Mother and Father, identified as Alan and Marge Bliss, on the day he was being released from the treatment facility (August 9, 2013) so he would have them when he got home. She advised that to her knowledge the E-Machine desktop computer is currently located at 12781 Chartwell Drive, Fort Myers, Florida. Continuing, while at the storage facility, L.K. noticed several other boxes she didn't recognize and knew she needed to go through everything to get a handle on what the family bills and other household expenses were since she would be responsible for them now. As such, on or about August 10th, she returned to the facility and brought home a few of those boxes. While going through the boxes, she observed a black hard plastic device that she initially thought was a fan of some sort. The box contained other items, in addition to what she thought was a fan, which she knew belonged to her husband. When asked, she specifically recalled those items as paperwork in Kevin Kaszynski's name, pictures of his family, Cleveland sports memorabilia, and knick-knacks she knew she bought for him that he had on his work desk at one time. The following day, L.K.'s friend and colleague, identified as R.N., came over to help around the house and told her the black hard plastic device was actually a computer hard drive.

9. L.K. advised that she felt she needed to advise her divorce attorney of this finding for three reasons. First, she knew her estranged husband had specifically asked for "hard drives" in the letter from his divorce attorney. Second, she wondered if this would have information on it to explain his recent and increasingly strange behavior. Third, she also advised she needed to see if he kept family financial information on the drive. According to L.K., the divorce attorney told her that she didn't need to turn it over

to him and she should look at it based on the aforementioned reasons. With the assistance of R.N. and another colleague and friend, identified as H.T., L.K. ordered a power cable and bought a data cable to hook the hard drive up to her work laptop computer. L.K. advised that they had all the parts ready to accomplish this by August 26, 2013. On the morning of August 27, 2013 just after 8:00 AM, the three of them gathered around L.K.'s workspace at her place of employment in Fort Myers, Florida to access the hard drive via L.K.'s work laptop. R.N. controlled the mouse while L.K. and H.T. looked on. According to R.N. who also spoke to Your Affiant, she hooked the power and data cables up and clicked on the My Computer icon on the laptop and then clicked on the specific hard drive icon. When she did this a window appeared showing three columns of files and folders on the root (main) drive of the hard drive. L.K. and R.N. advised that there were approximately "a couple dozen folders and about 40 files." The files were mostly video files and some were .jpg images. The file names indicated that some were pornographic in nature but when asked they did not recall if they indicated child pornography or adult. They were reluctant to open any at work and all three were nervous about what they would find so R.N. selected a .jpg file she thought to be "innocuous" and clicked on it. The file name was img.jpg.

10. When they opened this file, they described the image as a young prepubescent blonde haired girl appearing to be 11-12 years old posed provocatively wearing a bright neon yellow colored top and bright pink tights. The clothes were see-through. The girl's knees were up on her chest and she was lying on a bed with white pillows. This position exposed her genital area and the picture focused on that area. When asked if her vagina was exposed and visible through the clothes, they couldn't recall but stated they only briefly looked before being horrified. According to them, it was clearly a sexual pose. R.N. clicked off the image and disconnected the power and data cables. L.K. then contacted her divorce attorney and informed him of the finding. He referred her to the previously mentioned criminal attorney. L.K. and R.N. then brought the hard drive along with the aforementioned children's HP laptop computer to the criminal attorney who contacted Your Affiant. The hard drive and the laptop were ultimately turned over to the custody of the Fort Myers Police Department.

11. When asked for details about the children's HP laptop, L.K. explained that the laptop was given to L.K.'s children about June 2012 by Kevin Kaszynski's parents but the children never really used it. L.K. advised in June 2013, after Kaszynski moved into the hotel and before she went on vacation, she gave the children's HP laptop computer to Kevin Kaszynski for him to use. She stated she did this so he could continue to handle the family finances during the separation. She advised she made sure the laptop was working before she gave it to Kevin. When she returned from the Ohio vacation, she learned from Marge Bliss that Kevin had indeed been using it but on July 4, 2013 gave it back to her (Bliss) saying it locked up and she should return it to where she bought it. Marge Bliss then gave it to L.K. in an effort to help L.K. sort through the family finances since Kevin Kaszynski always took care of everything. L.K. stated she needed to try this laptop because she couldn't access the password protected E-Machine desktop that Kevin Kaszynski used and she believed he was using it for the family bills. When L.K. attempted to access the laptop however, an "FBI warning banner" came up saying something to the effect that a "child pornography site has been accessed" or "attempted" to be accessed. L.K. thought that was unusual at the time but thought nothing more of it until her discovery on the external hard drive. After that discovery, L.K. informed the criminal attorney of the warning banner and he told her it was likely a malware scam but worth bringing to police for their investigation given the contents of the external drive.

12. L.K. and her attorney offered further evidence by showing copies of the Kaszynski's joint bank account statements going back to February 2012. According to the statements, Kevin Kaszynski appears to have made monthly purchases from February through October 2012 to a "file shifter" web service billed in Toronto, Canada. The web service appears to allow uploads and downloads of files to their servers avoiding local storage. In addition, a purchase was made to an Amsterdam based billing location on November 27, 2012 for a web service identified as "hidemyass.com." The website offers proxy service to "surf anonymously online, hide your IP address, secure your Internet connection, hide your internet history, and protect your online identity."

13. Based on this information, on September 3, 2013, your Affiant and a Fort Myers Detective/Computer Forensic Analyst met with the three witnesses previously identified as L.K., R.N. and H.T. L.K.'s attorney was also present. The meeting took place at their place of employment in Fort Myers, Florida at approximately 10:00 AM. The Fort Myers Detective brought the black external hard drive and cables to their workplace. The witnesses connected and accessed the black hard drive exactly how they had done it before and brought up the window displaying the root drive. Your Affiant particularly observed the following filenames, which were saved as Windows Media Player files suggesting they may be video files. These files were among many others that appeared to be pornographic in nature:

!!!NEW!!!Jos – Males 9yo Day 02
[PTHC] Liluplanet Masha 9yo Day 02
[PTHC] Liluplanet Masha 9yo Day 03-01
[PTHC] Liluplanet Masha 9yo Day 04-01
[PTHC] Liluplanet Masha 9yo Day 04-02
[PTHC] Liluplanet Masha 9yo Day 04-03
[PTHC] Liluplanet Masha 9yo Day 05
[PTHC] Liluplanet Masha 9yo Day 06
[PTHC] Liluplanet Masha 9yo Day 07
[PTHC] Liluplanet Masha Day 12 yo FULL with orgasm

Your affiant through training and experience recognizes these files as being consistent with child pornographic content. The term PTHC is a commonly used child pornography acronym meaning "PreTeenHardCore." The reference "9yo" and "12 yo" typically refer to the ages of the children depicted in the image or video. In addition the filenames appear to indicate time frames, i.e., Day 02, Day 04-01, Day 04-02 etc., which may be indicative of a series, in which child pornographic pictures are often displayed.

14. At that point, the witness, R.N., clicked on the .jpg file she previously accessed and your Affiant observed an image matching the description previously given by the

witnesses. The image depicted a girl appearing to be an adolescent sitting on a chair of some sort holding her legs up in the air and provocatively displaying her genital area. The girl is wearing pink see through tights but one can see the outline of her vagina as well as her anal area. The image is clearly a lewd and lascivious pose and the image focuses on her genital region making it sexually suggestive in nature. The girl appears to be prepubescent or in the early stages of puberty and approximately 11-13 years old.

15. Based on this information, on September 5, 2013, your Affiant obtained a search warrant for the external hard drive. A Fort Myers Police Computer Forensic Specialist and Detective began a forensic analysis of the external drive and discovered over seven thousands images and over 400 videos of child pornography. There are thousands more of child erotica. Some of the images have Internet URL's, such as www.lolita-dreams.com, embedded in the image suggesting they came from the Internet. Your affiant knows that many of these types of websites are members-only sites requiring purchases, often via credit card, to access the image or video galleries. Continuing, many of the images and videos observed during the forensic analysis of the external drive are saved on the root drive as individual files or folders containing multiple files. They are abundant and readily accessible to any user of that drive. Your Affiant personally reviewed the contents of the drive and observed that the vast majority of files on the drive are images and videos depicting children engaged in sexual activities or posing erotically. The drive appears to have been used primarily for the storage of child pornographic and child erotic files since little else was found among its contents. The files depicting child pornography were found to have file creation dates ranging from approximately April of 2008 through June of 2012.

16. In addition to the child pornographic and erotic files, there were other files found on the drive that appear to be attributable to Kevin Kaszynski. These files include a deleted file named, "2005 KASZYNSKI K Tax return.pdf," although the actual document was not recoverable, and two documents from the "Children's Network of Southwest Florida" to the "Gateway Charter School" concerning the adoption and school enrollment of L.K. and Kevin Kaszynski's two adopted children. The latter document is dated August 30, 2011 and the file creation date on the hard drive is September 15,

2011 suggesting the accuracy of the file dates on the external hard drive. Further, the forensic analysis recovered two files titled "876.RTF" that appear to be copies of the same receipt for access to a website, "members.newstar-candy.info." The receipt shows a 30-day subscription charge of \$39.99 dated April 18, 2011 for access to this website. The customer is identified as "kevin kaszynski" with a username of "chazmon65" and a password of "starbucks1." An email address is listed as "tuckthisaway@gmail.com." The file creation dates on the hard drive for these two documents are May 11 and May 20, 2011. According to L.K., "chazmon65" is a username known to her to be used by her husband. "Charles" is Kevin Kaszynski's middle name and 1965 is the year of his birth. When asked, L.K. believed that during their marriage "starbucks" followed by a number was a password used by Kevin Kaszynski. She was also familiar with the email address, tuckthisaway@gmail.com, as one her husband used. That email was found in other files located on the external drive as well. Your Affiant issued a DHS Summons to Google for subscriber information on that email address. On January 10, 2014, Google returned the Summons request advising that the email address was created by "Kevin Kaszynski" on September 18, 2010 from an IP address that is located in Fort Myers, Florida. Google also advised that this email account had a secondary email address associated with the account, momaxkev@gmail.com. Kevin Kaszynski listed this email address on his January 2011 lease application for the Uncle Bob's Storage Unit.

17. On January 9, 2014, your Affiant went to the website, members.newstar-candy.info, and observed that that URL directs to a "teaser site" or a site one would see before purchasing a membership. The teaser site advertises itself as a "non-nude child modeling" members-only website. It encourages the user to check the laws in their country or state since some regions have begun to "challenge" one's right to view this type of material. The girls depicted on the teaser site appear to be 10-15 years old and are dressed and posed provocatively consistent with child erotica. According to the National Center for Missing and Exploited Children (NCMEC), they have received 8 complaints about this website; the first in January of 2010 and most recently in

December of 2013. Currently, NCMEC advised the site is active and there are no law enforcement investigations pertaining to it.

18. Continuing, the forensic analysis of the external drive also discovered a file called "pop.txt." This file appears to be a copy of a receipt for a purchase of an unknown web service but one that states "Full news access. Unlimited transfer speed and usage, SSL, 10 connections per IP 10 concurrent IP addresses." The invoice shows the purchase was made with a credit card beginning with the numbers 4663. This number matches a copy of a credit card and credit card statement with Kevin Kaszynski's name on it provided to your affiant by L.K. The invoice receipt identifies the card by the first four numbers and the expiration date (07/2009). The actual statement is for a newer card, expiring 2015, but it shows that Kevin Kaszynski was a card holder since 2006. The receipt also identifies the purchaser as "Kevin," one of the user names as "chazmon65" and the state of the user's residence as "florida." The email listed on this purchase is starbucks1@hushmail.com. According to Wikipedia, Hushmail is a web-based email service offering PGP encrypted email and file-storage. The forensic examination on the external hard drive found several dozen PGP encrypted files containing hundreds of unknown images. The images cannot be accessed without the encryption key but the file names are viewable and are consistent with file names found throughout the drive that depict child erotic and pornographic content.

19. While the computer forensic examination was being conducted on the external hard drive, the Fort Myers Police Department (FMPD) recovered three latent fingerprints from the HP laptop computer turned over to the FMPD by L.K. on August 27, 2013. On September 13, 2013, the FMPD sent the prints to the Florida Department of Law Enforcement (FDLE) for comparison against Kevin Kaszynski's known fingerprints taken at the time of his arrest for violating the injunction. On December 10, 2013, FDLE advised that one of the latent prints lifted from the aforementioned HP laptop computer screen matched the fingerprint standards of Kevin Kaszynski.

20. In addition from on or about October 22 through December 18, 2013, L.K. continued turning over additional computer storage devices to the FMPD Detective that L.K. and her Mother found as they cleaned out the marital home. The devices included

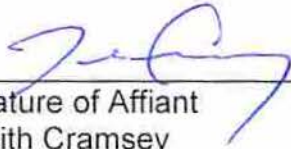
a computer tower without a hard drive, another external hard drive, thumb drives and CDs/DVDs. According to L.K., all these items came from their marital home and specifically the external drive, thumb drives and CD/DVDs came from the garage area that Kaszynski used as his home office. The FMPD found 8 latent prints on some of these items and sent them to FDLE for comparison. The reported results were that three prints were inconclusive and required a more detailed set of finger prints from Kevin Kaszynski for comparison. Five did not match Kevin Kaszynski's known prints. L.K. acknowledged that she and possibly her Mother touched them when they discovered them in the house prior to turning them over to FMPD. In addition to these items, L.K. turned over an empty box for an E-Machine desktop computer with a 160 GB hard drive to the FMPD Detective. She found this box in the marital home. The box specifically identifies the E-Machine Desktop computer by Serial Number PTNAL0Y0039190B0DC9000. L.K. advised it was the computer Kevin Kaszynski purchased and was using at the time of his arrest and the one she gave to his parents while he was in treatment.

21. On or about January 7, 2014, the Lee County Sheriff's Office contacted Alan Bliss by phone in an unsuccessful attempt to obtain his consent to search the E-Machine computer tower located at their residence. According to the Lee County Sheriff's Detective that made the phone call, Alan Bliss confirmed that L.K. did drop off Kevin Kaszynski's "belongings," which included the E-Machine computer tower. Alan Bliss advised that all those belongings are currently in Kevin Kaszynski's "room" at their residence waiting for him upon his release from prison. Your affiant therefore knows the E-Machine computer tower is currently located at the Bliss residence, 12781 Chartwell Drive, Fort Myers, Florida and the HP laptop computer, as previously stated, is in the custody of the FMPD.

CONCLUSION

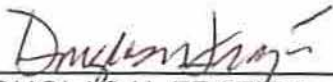
22. Based on the facts of the investigation contained above, your Affiant respectfully requests that this Court issue an arrest warrant for Kevin Charles Kaszynski for violating Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2).

FURTHER, YOUR AFFIANT SAYETH NOT.



Signature of Affiant
J. Keith Cramsey
Special Agent
United States Department of Homeland Security
Homeland Security Investigations

Sworn to and subscribed before me
on this 27th day of January, 2014.



DOUGLAS N. FRAZIER
United States Magistrate Judge