

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT  
for the  
District of New Mexico

12 MAY 18 AM 9:31  
CLERK-LAS CRUCES

United States of America  
v.  
Erik Khan

Case No. 12-1191MJ

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 September 9, 2011 to May 7, 2012 in the county of Dona Ana in the  
State and District of New Mexico, the defendant(s) violated:

| Code Section             | Offense Description  |
|--------------------------|--|
| 18 U.S.C. 2252           | Possession of child pornography                              |
| 18 U.S.C. 2252A(a)(2)(A) | Knowingly received images of child pornography               |
| 18 U.S.C. 2252A(a)(2)    | Knowingly distributed visual depictions of child pornography |

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

  
Complainant's signature

Stephani Legarreta, Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 5/18/12

  
Judge's signature

City and state: Las Cruces, New Mexico Stephan M. Vidmar, U.S. Magistrate Judge  
Printed name and title

AFFIDAVIT

1. Homeland Security Investigations (HSI) Special Agents (SA) assigned to Las Cruces, working in conjunction with the Las Cruces Police Department (LCPD), are using training received with the "Child Protection System" to identify Internet Protocol (IP) addresses that are actively downloading and uploading identified known child pornography and videos in the Edonkey network.

Initiation of the Investigation

2. In September of 2011, Officer Max Weir, Computer Forensic Examiner for the Las Cruces Police Department TNT Computer Laboratory Unit, was online in an undercover capacity, using the Peer to Peer software to locate computers sharing files containing child pornography. Officer Weir located a computer offering to participate in the trafficking of child pornography. Officer Weir was presented with an IP address of 70.90.204.213 for the offering computer. He was able to determine that the IP address is assigned to an Internet service provider (ISP) in New Mexico, namely Comcast. He also identified three GUIDs associated with the above IP address. A GUID, Globally Unique Identifier, is a pseudo-random number used in software applications. This GUID number is produced when some P2P software applications are installed on a computer. While each generated GUID is not guaranteed to be unique, the total number of unique keys is so large that the probability of the same number being generated twice is very small. When comparing these GUIDs, your Affiant can quickly determine with a high degree of certainty that two different IP addresses that are associated with the same GUID are associated with the same computer.
3. Though investigation, Officer Weir found that the IP address 70.90.204.213 had been sharing more than 500 previously identified child pornography files between May 4, 2010 and May 2, 2012. The files were identified as containing child pornography through, among other things, comparison of the files' HASH values to those of known or suspected child pornography. Officer Weir was able to document the following files were available for distribution from the computer using the IP address 70.90.204.213 on the following dates and times:
  - A. On September 9, 2011 at 7:35 GMT:  
"8yo\_boy\_with\_dildo\_showtrksrus\_pibes...",  
HASH VALUE 223412711C5CA85A7A9713190BF556B5
  - B. On September 17, 2011 at 10:08 GMT: "M&B- Priv30 Man Fucks 9Yo Boy.mpg",  
HASH VALUE 06C402D618F539E80D9AF99BF32E58BF
  - C. On October 5, 2011 at 18:49 GMT: "[boy boy] boy boy love 10.jpg",  
HASH VALUE 231C33461E980AEAEC1B14C5566D0F42

- D. On March 13, 2012 at 5:35 GMT: "Pjk 04A – 10Yo Boy Hard Sex.avi"  
HASH VALUE 4927A62CEEC23404A64589E5A6CBFB0D
- E. On March 16, 2012 at 6:56 GMT: "8-12yo awesome boy dicks 101.jpg",  
HASH VALUE 433CA64E832E99105812E0C2DEA93EF7
- F. On April 28, 2012 at 00:38 GMT: "[boy man] Pedoboys – Man & 11Yo Boy.wmv",  
HASH VALUE 52D7F8E1B0FF1F64E06F8D78E2CE376B
- G. On April 29, 2012 at 23:55 GMT: "P101 – Boy 13 Yr Masturbates in Tub.avi",  
HASH VALUE CBAC9E9BB814135DFB9F43F288722D61
- H. On May 2, 2012 at 5:54 GMT: "Russian – 83 – Preteen Boys 21 yo.mpg",  
HASH VALUE 0063260AB9B574E65D1758C2950955E5

- 4. Based on my training and experience, I can conclude that the search results indicated that a computer located at 70.90.204.213 was receiving, possessing and/or distributing child pornography. I know, from training and experience, that the software can be configured to allow parts of the files to be shared even if the copy located at 70.90.204.213 has not yet been completely downloaded.
- 5. Officer Weir conducted an internet search on the origin of the IP address 70.90.204.213 and found it to be issued to Comcast. Working this as a joint investigation, Officer Weir requested the assistance of Criminal Research Specialist Lea Whitis, with Homeland Security Investigations. They completed a summons requesting the identification of the subscriber using the IP address of 70.90.204.213 on September 9, 2011 7:35 GMT, September 17, 2011 10:08 GMT and October 5, 2011 18:49 GMT.
- 6. Comcast replied with a letter dated May 2, 2012. Comcast identified the following subscriber information for the account using that IP address on the date and times provided:


|                    |  |
|--------------------|--|
| Name:              | MDAPPS LLC   |
| Address:           | 617 La Melodia, Las Cruces, NM 88011   |
| Telephone Numbers: | [Redacted]   |
| Account Status:    | Active   |
| Account Number:    | [Redacted]   |
| Start of Service:  | 12/03/2008   |
| Current IP:        | 70.90.204.213 as of May 2, 2012<br>70.90.204.214 as of May 2, 2012<br>174.56.5.220 as of May 2, 2012 |

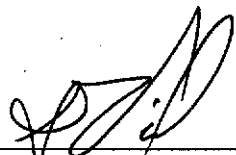
Execution of a Search Warrant at Defendant's Home

7. On May 9, 2012 Officers knocked on the door of 617 La Melodia, Las Cruces, NM 88011. Defendant answered the door and identified himself as the only resident and occupant. Defendant later explained that MDAPPS LLC, to whom his internet provider subscription is registered, is a company owned by him and his friend. Officers entered the residence and executed a previously obtained search warrant. Officer Weir located, and was able to forensically view, files stored on two external hard drives found in the Defendant's bedroom. The hard drives were connected to a computer and Defendant's bedroom television (which was also being used as a computer monitor). Both external hard drives (a Western Digital 500GB hard drive and a Seagate 1 Terabyte hard drive) contained hundreds of photos and videos containing child pornography. In order for the files to be stored on these external hard drives, they had to be copied from another device.
8. In the course of my investigation, I learned the following from viewing 5 files found by Officer Weir on the Defendant's Western Digital external hard drive, which had been copied from another device. Each of these images had to be copied from another device:
  - A. "12yr boy & Man 01.jpg" is a still image showing an adult male performing oral sex on a prepubescent nude boy approximately 8 years old.
  - B. "!!!![Preteen Boys] - Man putting Hard cock in boys ass.jpg" is a still image of an adult male anally penetrating a nude boy approximately 10 years old with his penis.
  - C. "(pix)(1yo-5yo)(boy)(Toddler\_sex 2yo boy.jpg" is a still image of a nude male toddler, approximately two years old, with his anus and genitals exposed. What appears to be semen covering is anus and buttocks.
  - D. "(Pthc)2 Boys 9Yo 11Yo With Mom Dad Straight Shota.flv" is a video showing a nude boy, approximately 9 years old, sitting on the lap of an adult female, who is helping him smoke a cigarette while she masturbates his penis. Another nude boy, approximately 11 years old, then enters the room. The two boys masturbate each other's penis. An adult male sits on a couch beside the younger nude male and is seen masturbating the boy's penis.
  - E. "Swimming Teacher.avi" is a video showing a nude adult male, gray haired and balding, performing oral sex on a nude boy approximately 8 years old. The boy is then seen performing oral sex on the elderly male, who ejaculates in the child's mouth.

Defendant's post-Miranda interview

9. Following his arrest, Defendant was read his *Miranda* rights and agreed to speak to officers. In his interview, Defendant stated that he lives alone at 617 La Melodia, where he has hundreds of computer files on numerous devices containing child pornography. He further admitted that he downloaded the child pornography from file sharing network and that he has copied child pornography from his computer onto external storage devices. He stated that he has an addiction to viewing child pornography involving children approximately 8 to 12 years of age. He stated that has been viewing child pornography for at least 10 years and he has been using peer-to-peer file sharing networks to acquire a large collection of video and image files containing child pornography.
  
10. The defendant explained that he formerly worked as a counselor for juvenile sex offenders in Mesa, Arizona, and, in that capacity, viewed child pornography, which started his addiction. He claimed he did not become sexually involved with any of the children he counseled, but that some of the children did make sexual advances towards him. It was also confirmed, the defendant, was an active volunteer for "Big Brothers, Big Sisters" in Las Cruces, NM. He was, at the time of his arrest, a paid basketball coach for Picacho Middle School and a volunteer basketball coach for Mayfield High School.

  
\_\_\_\_\_  
Special Agent Stephani Logarreta

  
\_\_\_\_\_  
Sworn before me this 18~~th~~ day of May  
The Hon. Stephan M. Vidmar