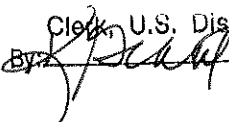


**FILED**

AUG 10 2012

Clerk, U.S. District Court  
By:  Deputy Clerk

**United States District Court**  
DISTRICT OF KANSAS  
(Kansas City Docket)

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
ROBERT POE III, )  
)  
Defendant. )  
)

CASE NUMBER: 12-MJ-8182-JPO

**CRIMINAL COMPLAINT**

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

**COUNT 1**

In or about April 2000, the exact date being unknown, in the District of Kansas, and elsewhere, the defendant,

**ROBERT POE III,**

knowingly traveled in interstate commerce from Kansas to Missouri for the purpose of engaging in a sexual act (as defined in Title 18, United States Code, Section 2246) with a person under the age of 18 years of age, in violation of Title 18, United States Code, Section 2423(b).

COUNT 2

In or about July 2000, the exact date being unknown, in the District of Kansas, and elsewhere, the defendant,

**ROBERT POE III,**

knowingly traveled in interstate commerce from Kansas to Missouri for the purpose of engaging in a sexual act (as defined in Title 18, United States Code, Section 2246) with a person under the age of 18 years of age, in violation of Title 18, United States Code, Section 2423(b).

COUNT 3

Between 1999 and 2000, the exact date being unknown, in the District of Kansas, and elsewhere, the defendant,

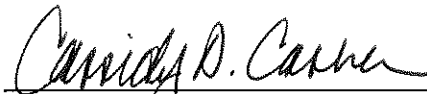
**ROBERT POE III,**

knowingly traveled in interstate commerce from Kansas to Missouri for the purpose of engaging in a sexual act (as defined in Title 18, United States Code, Section 2246) with a person under the age of 18 years of age, in violation of Title 18, United States Code, Section 2423(b).

I further state that I am a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement, and that this complaint is based on the following facts:

See attached affidavit, which is incorporated herein by reference.

Continued on the attached sheet and made a part hereof:  Yes  No



\_\_\_\_\_  
Cassidy D. Casner  
Signature of Complainant

Sworn to before me and subscribed in my presence,

August 10, 2012 at Kansas City, Kansas.

Date

Honorable James P. O'Hara  
United States Magistrate Judge  
Name & Title of Judicial Officer



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

**PENALTIES:**

**Counts 1 18 U.S.C. § 2251(a) -**

- NMT 30 years incarceration;
- \$250,000.00 Fine;
- NLT 5 years and NMT life SR; and
- \$100.00 Special Assessment Fee

**AMENDED AFFIDAVIT**

I, Cassidy D. Casner, being first duly sworn state:

**INTRODUCTION**

1. I am a Special Agent of the Department of Homeland Security, Immigration and Customs Enforcement currently assigned to the Homeland Security Investigations, Kansas City, Missouri, and have been so employed since August 5, 2007. I was previously employed as an Immigration Enforcement Agent for the Department of Homeland Security. Before becoming a federal agent, I was a Probation and Parole Officer with the State of Missouri Department of Corrections for three years. I have had the opportunity to participate in investigations relating to the sexual exploitation of children. I have also had the opportunity to observe and review examples of child pornography in various forms of media, and have received training and instruction in the field of investigation of child pornography.

**PREVIOUS INVESTIGATION**

2. On April 25, 2012, HSI Kansas City agents received a request for assistance in a child pornography case from HSI Boston. HSI Boston had previously submitted approximately one terabyte of data containing child pornography that was seized from members of the HOLITNA network to the National Center for Missing and Exploited Children (NCMEC). HSI Boston began image analysis on an unidentified series to attempt to identify the victims. This particular unidentified series was located in a container belonging to Operation Holitna suspect Eric Schuster and was in a folder named SWEET\_TOD\_JOSHY. The folder contained approximately 130 images of child pornography. NCMEC named the series "BluePolo." HSI Boston agents believed the

victims were located in the area of Overland Park, Kansas, based on a water bottle with the lettering "Midwest Aquatics" and a telephone number beginning with "913" in the right bottom corner of image 100\_4223.jpg. Midwest Aquatics is a swim and scuba center located at 7565 W. 160<sup>th</sup> Street, Overland Park, Kansas. Based on the "exif" data and the data compiled by HSI Boston Agents on household items contained in the background of the photos, the images were believed to have been produced in the time period of 2005-2007 and that the images were taken with a Kodak V530 Zoom Digital Camera with serial number KCTEH53402864.

3. HSI Kansas City Agents received a disk from HSI Boston Agents that contained approximately 130 images and found three male children of different ages to be subjects of the photos. Agents were able to positively identify the children on May 10, 2012. JB and LS were identified by teachers. The teachers also stated that both JB and LS were in foster care and not in the custody of their biological parents. They also identified an individual by the name of Robert **POE**. **POE** was described as approximately 35-37 years of age, approximately 6 feet or more, and overweight. It was noted that **POE** was usually accompanied by a male friend described as stocky, balding, who wore thick glasses. Although the teachers did not name **ARNETT** as this individual, based on their description, agents believe this "male friend" of **POE** to be Michael **ARNETT**.

JB and LS are presently minors. On May 17, 2012, HSI agents interviewed LS. LS reviewed a few sanitized images and reported that he was approximately 11 years of age at the time the photos were taken and JB was approximately 8 years of age. LS identified the third

child, GS who was approximately 2 years of age at the time of the photos. LS stated that the photos he reviewed were all taken by ARNETT in ARNETT's home.

4. Further investigation by HSI Agents revealed one of the depicted minors resided part time with Michael D. ARNETT. Agents were able to identify ARNETT's residence as the location where the pornographic images were taken at through ARNETT's Facebook photos and an exterior view of the residence as recorded on Googlemaps.com. A federal search warrant was granted on May 14, 2012 in the District of Kansas.

5. On May 15, 2012, HSI Agents with Johnson County Sheriff's Department Detectives executed a search warrant at ARNETT's residence. At the time of the search warrant, agents discovered a desktop computer was logged on and the encrypted "Truecrypt" containers were open. HSI Agents performed a live image of the computer to preserve the evidence contained in those containers. From that image, agent's recovered numerous images that are believed to meet the criteria of child pornography as defined in 18 U.S.C. 2256.

6. On May 16, 2012, HSI agents recovered two images from the unallocated clusters from a memory card that was inside the Kodak V530 digital camera seized from ARNETT's residence on May 15, 2012. The two photos were of an unidentified, white, male child's genital area. The photos appeared to be taken on a bed with only the child's genitals exposed, between the mattress and a blanket. SA Kanatzar reviewed the "exif" data on these images which revealed that the images were taken with a Kodak V530 digital camera, serial number KCTEH53402864, the same camera as described in Paragraph 2.

7. On May 22, 2012, Michael ARNETT was arrested on a criminal complaint filed in the Federal District of Kansas. The complaint charged Michael ARNETT with one count production of child pornography.

8. On June 13, 2012, Michael ARNETT was indicted by federal grand jury on a three count indictment charging Michael ARNETT with production, receiving and possession of child pornography. Michael ARNETT is currently being held at CCA Leavenworth Detention Center in Leavenworth, Kansas on no bond.

#### PRESENT INVESTIGATION

9. On the dates of July 25, 27, and 31, 2012, a victim witness that is hereby identified as KC came to the HSI Kansas City office and reported that he and his brother were molested by Michael ARNETT and by another individual named **Robert POE**. KC is currently 24 years old and stated that the molestation occurred when he was between the ages of 10 to 12 years old. KC stated that he first met Michael ARNETT in approximately 1997. KC stated that ARNETT befriended he and his brother and ARNETT became a father figure to them. KC stated that the first year to year and half that he knew Michael ARNETT there was no molestation. KC stated that the molestation started when Michael ARNETT's friend **Robert POE** started showing up with ARNETT in approximately 1998. KC stated that **POE** is a far worse person than Michael ARNETT. KC stated that **POE** held a gun to his head and forced him to perform oral sex on him. KC stated that **POE** first molested him at **POE'S** father's house in Shawnee Mission, Kansas. KC stated that **POE** molested him numerous times at **POE'S** house in Kansas City, Kansas. KC stated that Michael ARNETT and **POE** have taken him and his brother out of town



weekend trips and molested both boys on these trips. KC stated that the trips were during the time period of 1999 to 2001 and the trips were to St. Louis Missouri, Bennet Springs, Missouri, and Oklahoma City, Oklahoma.

10. KC stated that Mike ARNETT and POE took a lot of photographs at various times of the molestation of him and his brother. KC stated that ARNETT had a black 35 mm camera and had lots of film. KC stated that POE was into sex toys and vibrators and used these items on him during the molestation. KC stated that he was aware that POE has molested other boys. KC stated that he did see POE molest his brother and another child victim identified as (LS #2). KC stated that the molestation of (LS#2) took place at POE'S house in the Turner district in Kansas City, Kansas. KC stated that he believes that ARNETT and POE have victimized other boys. KC stated he heard that POE had used a gun to force another boy to perform oral sex on him. KC identified the boy's first name but did not know the boy's last name. The first name KC provided to investigators is the first name of victim AS, the victim to be mentioned in Paragraphs 12-14. KC stated that the boy's mother filed a police report about the incident.

11. On July 31, 2012, HSI Special Agent Kanatzar and Group Supervisor Shawn Gibson showed KC two photo lineups. Photo lineup number 1 contained a photo of Michael ARNETT and the other individuals in the photo lineup have similar body and facial features of Michael ARNETT. The second photo lineup contained a photo of Robert POE and the other individuals in the photo lineup have similar body and facial features of Robert POE. KC correctly identified the photo of Michael ARNETT as being Michael ARNETT and the photo of Robert POE as being Robert POE.

12. Record checks were conducted with various police departments in Kansas City Missouri and Kansas on **POE**. The Kansas City Kansas Police Department records shows that Robert **POE** was investigated in November 2000 for aggravated criminal sodomy of a seven year old boy identified as (AS). The boy's mother filed the police report and reported that (AS) told his therapist that **Robert POE** held a gun to his head and forced him to perform oral sex on **POE**. The incident was believed to have happened in July 2000 at **Robert POE's** residence in Kansas City, Kansas. The mother stated that **Robert POE** is the best friend of Michael ARNETT and **Robert POE** sometimes babysat her son. The mother stated that she lived in Lee Summit, Missouri.

13. The victim (AS) was interviewed by a social worker at the Missouri Department of Social Services, Division of Family Services and second interview was conducted by a social worker at Sunflower House in Kansas. The Division of Family Services interview shows that when (AS) was asked if he knew if **Robert POE** had done this to anyone else (AS) stated yes and stated that one time in Ottawa, Kansas **POE** touched two other boys. (AS) provided the boys first names to the social worker. Your affiant recognizes the boy's names and their names are detailed in this affiant as being (LS) and (LS#2).

14. On November 24, 2000, Kansas City Kansas Police Detective Ken Cantwell conducted an interview of **Robert POE** regarding the molestation of (AS). **Robert POE** admitted that he has babysat (AS) at the mother's residence and two times at his residence located in Kansas City, Kansas in April and June 2000. **POE** stated that he moved to that residence in October 1999 and prior to that he lived with his parents at in Shawnee Mission,

Kansas. **POE** stated that on the second time he babysat (AS) at his residence he had (AS) take a bath because (AS) stunk and he washed (AS) shorts and he gave (AS) some other clothes to wear. **POE** denied that there was any inappropriate sexual contact with (AS). **POE** admitted that he did keep semi-automatic handguns at the residence, but did not display any of the guns to (AS). **POE** admitted that other boys do visit his residence. **POE** stated that he was involved with the Boy Scouts and he did Big Brother type stuff.

15. On November 24, 2000, **POE** consented to the search of his residence located in Kansas City, Kansas for any violations of the law. Detective Cantwell conducted the search of the residence and observed two semi-automatic handguns at the residence and took photographs of the handguns. Detective Cantwell did not seize the semi-automatic handguns and no evidence was taken from the residence.

16. The case was presented to the Wyandotte County Kansas District Attorney's Office for prosecution and the case was declined for prosecution.

17. On June 27, 2012, HSI Agents met with the mother of (AS). She will be referred to as (MD) hereinafter. (MD) stated **POE** would visit at her home in Lee's Summit and she and ARNETT would visit **POE** at his home in Kansas. (MD) stated **POE** would watch (AS) when she and ARNETT would "go out," which occurred a couple of times per week. (MD) stated that if **POE** watched (AS), she and ARNETT usually always took (AS) to **POE**'s residence in Kansas City, Kansas and that **POE** would sometimes take (AS) places.

18. On August 7, 2012, at approximately 8:30 a.m., HSI Agents interviewed (AS), the victim referred to in Paragraphs 12-14. (AS) stated that he met **POE** through ARNETT. (AS)

stated that he met **POE** the first time when he was about six years old. (AS)'s mother resided together with (AS) in Lee Summit, Missouri. (AS) reported that **POE** babysat for him on a few occasions while his mother was at work mainly at **POE**'s residence in Kansas City, Kansas. (AS) reported **POE** showed him pictures of fully clothed children and adults and that the photos graduated to fully nude children over three separate occasions. (AS) stated that on one of these occasions, **POE** was in the bathroom going pee and (AS) was in the living room watching television. **POE** called his name and he went to see what he wanted. (AS) stated that he had no idea but when he arrived to **POE**'s location, he was in the bathroom and asked (AS) if he had to go pee also. (AS) stated that he did and when he dropped his pants to his feet, **POE** took them from him and would not give them back to him. **POE** had his own pants down to his ankles and told (AS) he wanted to play a game. **POE** told (AS) that the two would play a game of "house" and (AS) was to be the baby. (AS) stated that he had to crawl around on the floor and make silly noises. (AS) stated that when it was "feeding time" he had to take "the bottle" (**POE**'s penis) and was told by **POE** to suck "the bottle" until "the milk" came out. On that occasion **POE** made (AS) perform oral sex on him multiple times on that day. (AS) reported on the next occasion, **POE** asked (AS) if he wanted to play "house" and (AS) told **POE** no. (AS) stated **POE** went into another room of the house and came back. (AS) reported that **POE** then put a gun to the back of (AS)'s head and threatened to kill (AS) if he didn't perform oral sex on **POE**. (AS) stated he consented and that was the only occurrence of oral sex on that day. (AS) reported that both instances of oral sex occurred at **POE**'s residence in Kansas City, Kansas. Agents asked (AS) if the abuse occurred at the current address of **POE** in Kansas City, Kansas, and (AS)

affirmed. Agents believe that (AS) was incorrect as POE did not reside at that address until 2001 and, according to the police report previously mentioned in Paragraphs 12-14, at the time of abuse POE resided at a different address in Kansas City, Kansas.

19. On May 15, 2012, during the execution of the federal search warrant at Michael ARNETT's residence in Roeland Park, Kansas, your affiant observed a photo album that was located in a cabinet drawer that contained images of terminally ill children that appear to be taken at a hospital. The pages of the photo album contained the obituary notice of the child's death and some pages contained a sample of locks of hair and wristbands that contain the child's name. This photo album was not seized by HSI agents, but search warrant photos were taken of some of the pages in the photo album. Agents also observed in the same cabinet drawer numerous photo albums that contained hundreds of photographs of numerous young children that were taken with a 35 mm camera. The images did not depict any nudity of the children and the photo albums were not seized by HSI agents.

20. On May 15, 2012, HSI agents conducted a knock and talk interview of POE at his residence in Kansas City, Kansas. POE gave a verbal consent to HSI agents to conduct a live search of his computer for child pornography but would not allow the agents to take his computers from the residence to do full computer forensic examination. POE admitted that he did have encryption software Truecrypt installed on his computer and POE did open an encrypted container on his computer hard drive so that the drive could be searched. HSI Special Agent Kanatzar using POE's computer did a limited search of POE's computer and seven loose hard drives that were found in a safe at the residence. POE watched over Agent Kanatzar's

shoulder as a search was done on his computers. No child pornography images were found on **POE's** computer or the seven loose hard drives. HSI Agents did not seize any evidence from **POE's** residence on May 15, 2012.

21. Your affiant has reviewed the search warrant photos taken during the search of Michael ARNETT's residence and found photos of the photo album mentioned in paragraph 17. One search warrant photo shows the obituary of child victim "K." Another search warrant photo of the same photo album shows a young Michael ARNETT holding "K" in his arms at what appears to be a hospital. "K" is the brother of victim witness KC. Another search warrant photo of the same photo album shows a photo a young Michael ARNETT and a young **POE** posing with a 6 to 7 year old boy at what appears to be a hospital. The boy's full name is listed in the photo album.

22. On July 27, 2012, CCA Leavenworth Detention Center, Leavenworth, Kansas turned over to HSI Kansas City a CD ROM disk that contained all the recorded telephone calls made by Michael ARNETT from the CCA Leavenworth Detention Center. The review of the recorded telephone calls showed that on June 11, 2012, Michael ARNETT made a collect telephone call to **POE's** telephone number. The telephone call is over four minutes in duration. The following is some of the excerpts from the conversation and is not detailed verbatim. **POE** accepts the telephone call and states he is at a surprise birthday party for his father. Michael ARNETT asks **POE** if he received any of his letters yet. ARNETT asks **POE** to go over and get "all of K's memory stuff and memory book to hold on to for me." **POE** states he will get the items and hold on the items for him. ARNETT states he will call back on Thursday after 7 and the call ends.

23. On August 6, 2012, at approximately 1300 hours, HSI Agents conducted a federal search warrant at the residence of **POE** in Kansas City, Kansas. At the time of the search warrant **POE** was not located at the residence. Agents seized numerous harddrives, thumbdrives, CD's and DVD's, photobooks, photos, and documents. Neighbors reported that had not seen **POE** at the residence for days.

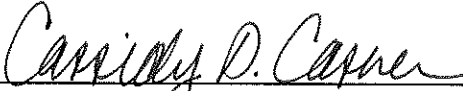
24. On August 6, 2012, at approximately 1:45 p.m., HSI Agents conducted a knock and talk at the residence of (LS). (LS) reported he had last heard from **POE** on August 1, 2012. **POE** told him he was leaving town and did not indicate if and when he would return. (LS) reported **POE** stated that "something was coming down."

25. On August 6, 2012, HSI Agents contacted and conducted an interview of a friend of **POE**. The friend reported he had known **POE** since middle school. The friend stated he last saw **POE** on Wednesday, August 1, 2012 at approximately 8:30 p.m. The friend stated **POE** confessed to him that he (**POE**) was a pedophile but claimed he had never touched the friend's children or other friend's children. **POE** told the friend that he was "leaving for good" but did not provide any details. The friend stated **POE** signed over Power of Attorney to the friend. According to the friend, **POE** gave him a Jayco camper and a utility trailer. The friend reported he was to sell **POE**'s two Honda Gold Wing motorcycles and 2004 Honda Pilot and give the proceeds to one of the victims.

26. On August 6, 2012, HSI Agents contacted and conducted an interview of Rob Poe Jr., the father of **POE**, at his residence in Shawnee Mission, Kansas. Poe Jr. reported he had last had contact with **POE** on Wednesday, August 1, 2012 at approximately 6:00 p.m. **POE** told his

father he was afraid he was in “trouble” for things he had done “years ago.” Poe Jr. also reported POE told him that “you guys” (HSI Agents) had been by his home. Poe Jr. stated POE told him he loved him and goodbye.

**FURTHER AFFIANT SAYETH NOT.**

  
\_\_\_\_\_  
Cassidy D. Casner, Special Agent  
Homeland Security Investigations

Subscribed and sworn before  
me this 16 day of August, 2012.

\_\_\_\_\_  
HONORABLE JAMES P. O'HARA  
UNITED STATES MAGISTRATE JUDGE