

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER:

TIMOTHY SCHOLTES

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

On or about May 31, 2008, at Coal City, Illinois, in the Northern District of Illinois, Eastern Division,

TIMOTHY SCHOLTES,

defendant herein, knowingly received child pornography as defined in Title 18, United States Code, Section 2256(8)(A), namely a computer file titled "boy_04_6.avi" that has been shipped or transported in interstate commerce, by any means, including by computer;

in violation of 18 U.S.C. § 2252A(a)(2)(A). I further state that I am a Special Agent with Immigration & Customs Enforcement, and that this complaint is based on the facts contained in the Affidavit which is attached hereto and incorporated herein.

Signature of Complainant
ROBERT LESSNAU
Special Agent, Immigration & Customs Enforcement

Sworn to before me and subscribed in my presence,

June 3, 2009 at Chicago, Illinois
Date City and State

MARTIN C. ASHMAN, U.S. Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

UNITED STATES DISTRICT COURT)
) ss
NORTHERN DISTRICT OF ILLINOIS)

AFFIDAVIT

I, ROBERT LESSNAU, being duly sworn, state as follows:

1. I am a Special Agent with Immigration and Customs Enforcement (“ICE”).

I have been so employed since March 2008. Prior to becoming an ICE Agent, I was employed with the Prospect Heights Police Department in Illinois for approximately ten years as a criminal investigator.

2. As part of my daily duties as an ICE Agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a) and 2252A. I am a graduate of the Federal Law Enforcement Training Center’s Criminal Investigator Training Program and the Immigration and Customs Enforcement Special Agent Academy, where I received training in the area of child pornography and child exploitation, computers, how the Internet is used to transmit child pornography, how child pornography can travel across the Internet, and how the Internet can be used to exploit children. I have participated in numerous investigations regarding the exploitation of children, some of which have resulted in the arrest of individuals and the seizure of illicit evidence. I have participated in and executed many warrants in child exploitation investigations involving the use of the Internet and child pornography. As part of my duties, I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. As an ICE

Special Agent, I am authorized to investigate crimes involving the sexual exploitation of children via the Internet and/or child pornography, and I am a law enforcement officer with the authority to execute arrest and search warrants under the authority of the United States.

3. This affidavit is submitted in support of a criminal complaint alleging that TIMOTHY SCHOLTES has violated 18 U.S.C. § 2252A(a)(2)(A). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging TIMOTHY SCHOLTES with knowing receipt of child pornography, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

4. This affidavit is based on my personal knowledge, as well as information provided to me by other law enforcement agents and witnesses.

FACTS SUPPORTING PROBABLE CAUSE

A. Background Information Concerning ICE Undercover Investigations

5. On or about March 25, 2008, ICE agents accessed a website, "Child Pornography Website A," that was suspected by ICE agents to contain child pornography. According to ICE agents who viewed the website, Child Pornography Website A advertised access to images and videos of child pornography on the internet for a period of thirty days for a payment of a specified monthly price (hereinafter "Specified Monthly Price"). Child Pornography Website A also contained over 20 images of hard-core child pornography.

6. Child Pornography Website A contained a “join page” that displayed fields for a purchaser to enter personal and credit card information in order to obtain access to the advertised images and videos of child pornography. Those fields required, among other information, the purchaser’s name, billing address, email address, and credit card number (with expiration date). There was also a field for the purchaser to enter a proposed login and password. At the bottom of that webpage was a link titled “Submit.”

7. On or about March 25, 2008, an ICE agent, acting in an undercover capacity, entered information into all of the fields on the “join page” of Child Pornography Website A. The information entered by the ICE agent included an undercover e-mail address (“UC-2 Email Account”) and undercover credit card information.

8. On or about March 26, 2008, an e-mail containing log-in information (“the Log-in Email”) was received at the UC-2 E-mail Account. The Log-In Email contained the login and password that the undercover ICE agent entered on the join page of Child Pornography Website A. The Log-In Email also contained instructions to visit a website. The Log-In Email further contained a message stating that the undercover credit card would be charged by “Undercover Company Name” for the purchase price of the Specified Monthly Price.

9. On or about March 26, 2008, an undercover ICE agent accessed the website identified in the Login-In Email. The ICE agent was then transferred to a webpage that contained a login and password field. After entering the login and password contained in the Log-in Email, the agent was redirected to a webpage that contained thousands of images and videos of child pornography.

10. The credit card statement for the undercover credit card used for the March 25, 2008 purchase on Child Pornography Website A reflects a charge of the Specified Monthly Price to Undercover Company Name.

11. Through the use of commercially available search tools, ICE agents determined that the images and videos of child pornography accessible through the child pornography website described in the above paragraphs were contained on a certain computer server (“Server A”). Pursuant to court-authorized search warrants, agents performed searches of the Server A on or about May 8, 2008 and July 11, 2008. A review of the contents of the Server A revealed the presence of thousands of images and videos of child pornography. In addition, log files were obtained pursuant to the warrant. Those files contained a variety of data pertaining to individuals who had accessed child pornography websites between approximately October 2007 and approximately June 2008. This information included email addresses, subscriber IDs, and IP addresses of individuals who accessed the websites. ICE agents were able to cross-reference this data – particularly the e-mail addresses – with the lists of subscribers received at the Undercover Email Account to match log files with specific subscribers. Using this information, ICE agents were able to determine which specific images were accessed by individual subscribers and the time of such access.

B. Information Concerning TIMOTHY SCHOLTES’ Purchase of Access to, and Downloading of, Child Pornography

12. On or about May 28, 2008, an e-mail from Child Pornography Operator Email Address was received at the Undercover Email Account. That e-mail contained a file

stating that an individual had entered into the join page of a child pornography advertising website, on or about May 28, 2008, to purchase access to a child pornography website. The following information about the potential purchaser was contained in the email:

Name: TIMOTHY SCHOLTES
E-mail Address: wgmedic@sbcglobal.net
Billing address: 80 N. Mary Street, Coal City, IL 60416
Telephone number: 815-634-XXXX
Credit Card Number: 542539104096XXXX
Proposed login: boyleaser
Proposed password: boyleaser01

That data also captured the IP address from where the above data had been submitted; the purchaser used the IP address 68.75.172.174.

13. On or about May 30, 2008, an e-mail was sent from the Undercover Email Account to the child pornography website operators indicating that the credit card number submitted by TIMOTHY SCHOLTES had been successfully processed.

14. According to information obtained from the federal search warrants of Server A, someone using the email account wgmedic@sbcglobal.net downloaded a large number of images of child pornography from the servers from May 30, 2008 to June 16, 2008. For example, on or about May 31, 2008, one of those videos was "boy_04_06.avi," which depicts three pre-pubescent boys (approximate ages 8 to 10 years old), all of whom appear to be real, engaging in oral and anal sex and masturbation. As another example, on or about June 7, 2008, three of those images were:

- a) .asia692.jpg – depicts an adult male having vaginal sex with a prepubescent minor child;
- b) .asia715.jpg – depicts a prepubescent minor female holding an erect male penis in her hand while the adult is straddling her chest;

- c) .asia805.jpg – depicts two minor prepubescent females holding a nude adult’s erect penis with their hands.

C. Information Concerning SCHOLTES’ Sexual Interest in Children

15. On or about May 22, 2009, ICE agents learned that TIMOTHY SCHOLTES is a soccer coach in Coal City, Illinois and that Individual A is a ten-year old player on SCHOLTES’ soccer team. According to information provided by Individual A and Individual A’s parents to law enforcement, on or about April 30, 2009, Individual A refused to ride to/from practice with SCHOLTES. When asked why, Individual A told his parents that while being driven home after his last soccer practice, SCHOLTES asked Individual A “how would you like it if I put you in the backseat and played with your penis?” Individual A told law enforcement that TIMOTHY SCHOLTES had not touched him.

16. On or about May 28, 2009, law enforcement learned that approximately two years prior, according to Individual A’s mother, Individual A’s mother had seen a photograph of her younger son, Individual B, sitting on the lap of SCHOLTES. According to Individual A’s mother, SCHOLTES was not wearing a shirt in the photograph. According to Individual A’s mother, the photograph was taken with SCHOLTES’ computer web camera at SCHOLTES’ residence. According to Individual A’s mother, Individual B was five or six years old at the time the photograph was taken.

D. Additional Information About SCHOLTES’ Internet Access

17. On or about May 28, 2008, ICE agents, using commercially available software, determined that IP address 68.75.172.174 (described above in paragraph 12) is controlled by AT&T Internet Services. At or near that time, AT&T Internet Services

representatives informed law enforcement that the IP address of 68.75.172.174 was registered to SCHOLTES at 80 N. Mary Street, Coal City, IL.

18. On or about June 1, 2009, representatives of AT&T Internet Services informed ICE agents that the email address of wgmedic@sbcglobal.net is subscribed to by TIMOTHY SCHOLTES. In addition, AT&T Internet Services representatives stated that SCHOLTES continues to have an Internet services account with AT&T, and that his Internet access has continued uninterrupted at 80 N. Mary Street, Coal City, IL from June 12, 2007 through to the present.

E. The Search of 80 N. Mary Street, in Coal City

19. On June 1, 2009, United States Magistrate Judge Martin Ashman approved a search warrant application to search for evidence, fruits, instrumentalities and contraband of violations of 18 U.S.C. §§ 2252 and 2252A at the residence of TIMOTHY SCHOLTES, located at 80 N. Mary Street, Coal City, IL, 60416, and within any computers and related peripherals and electronic storage media located at the same address. That search warrant application included information dating back to May 2008, which indicated that SCHOLTES received images of child pornography via the Internet. The search warrant application remains under seal.

20. On June 2, 2009, at approximately 8:15 a.m., ICE agents executed the federal search warrant at SCHOLTES' residence. During that search, agents located, among other items, a black and silver Gateway Computer, Model Number ATXAEGLX3700SPD4, with Serial Number 0029259905, containing a 120 GB Maxtor Diamond Max hard drive, Serial Number Y4044CPT ("the Gateway Computer"). According to ICE agents, TIMOTHY

SCHOLTES' mother stated that the Gateway Computer belongs to SCHOLTES. At this time, forensic analysts from ICE have performed only a preliminary forensic analysis of the Gateway Computer. However, according to the ICE analysts, the preliminary forensic evaluation revealed that the Gateway Computer contains at least 100 images and at least five videos that constitute child pornography as defined by 18 U.S.C. § 2256(8).

21. According to the agents who performed the preliminary analysis on the Gateway Computer, folders and documents on the Gateway Computer state the name "TIMOTHY SCHOLTES."

1. Examples of Specific Images and Files on the Gateway Computer

22. Among the images found on the Gateway Computer was a video file titled "boy_04_06.avi," which was stored in a particular folder on the Gateway Computer on or about September 15, 2008. The "boy_04_06.avi" video file depicts three pre-pubescent boys (approximate ages 8 to 10 years old), all of whom appear to be real children, engaging in oral and anal sex and masturbation. Based on the information obtained from Server A (discussed above at paragraphs 11 and 14), this same file was downloaded by someone using the email address wgmedic@sbcglobal.net on May 31, 2008.

23. Among the images found on the Gateway Computer was a video file titled "father and daughter," which was stored in a particular folder on the Gateway Computer on or about May 31, 2008. The "father and daughter" video file depicts an adult male and a prepubescent female child, approximately eight to ten years old and who appears to be a real child, engaged in oral, anal, and vaginal sex.

24. Among the images found on the Gateway Computer was an image titled “01.jpg,” which was stored in a particular folder on the Gateway Computer on or about September 15, 2008. The “01.jpg” file depicts a prepubescent boy, approximately 8 to 10 years old, engaging in oral sex with an adult male.

25. Among the images found on the Gateway Computer was an image titled “0023.jpg,” which was stored in a particular folder on the Gateway Computer on or about September 15, 2008. The “01.jpg” file depicts two prepubescent males, approximately 10 to 12 years old, engaging in oral sex with each other.

2. Additional Information From the Gateway Computer Concerning SCHOLTES’ Knowledge, Intent, and Identity

26. According to the agents who performed the preliminary forensic analysis on the Gateway Computer, the Gateway Computer contains an electronic folder that is titled “Kids I want to Fuck.” Within this folder, agents found a number of sub-folders, which are named after children who play soccer in the soccer league in which SCHOLTES is a coach. Within the subfolders, agents viewed a number of images of child pornography. Agents also viewed images of child pornography that appear to the agents to have been altered such that faces of one child were inserted to replace the face of the child originally portrayed in the image.

27. According to agents who performed the preliminary forensic analysis on the Gateway Computer, one of the sub-folders in the “Kids I want to Fuck” folder is named the same name as Individual B (described above). Within this sub-folder, agents viewed a

photograph of a minor child sitting on the lap of an adult male, who agents believe is SCHOLTES.

28. According to agents who performed the preliminary forensic analysis on the Gateway Computer, one of the sub-folders in the “Kids I want to Fuck” folder is named the same name as Individual C. Within that sub-folder, agents located an image portraying a young boy, approximately 10 years old, from the shoulders up. On the photograph, near the bottom, the words “Please coach? FUCK ME!!!” were typed.

3. Summary of Other Items found at SCHOLTES’ Residence

29. According to ICE agents who interviewed her, SCHOLTES’ mother stated that SCHOLTES primarily used one bedroom (“SCHOLTES’ Bedroom”) and one office (“SCHOLTES’ Office”) in the residence at 80 N. Mary Street. According to agents who searched the residence, the Gateway Computer (described above), and a laptop computer were found in SCHOLTES’ Office. In addition, agents seized a camcorder and a digital camera from SCHOLTES’ Office. Agents have not yet performed a full forensic analysis on the laptop, the camcorder, or the digital camera.

30. Agents also seized a large number of compact discs and VHS tapes from SCHOLTES’ Office and Bedroom. Agents have not yet performed a full forensic analysis of these items. In SCHOLTES’ Office and Bedroom, agents also found documents containing “short stories” which described men engaging in sexual acts with children.

31. Agents also found a number of printed photographs in SCHOLTES’ Office and Bedroom that contained images of child pornography. According to agents who viewed these images, one example of these photographs is an 8x10 photograph that portrays what

appears to be a young male child's penis. The photograph was taken at close range and did not display any part of the child's body other than his pelvic area. Words were hand-written on the back of the photograph, stating what appears to be information about the age of the child and the date the photograph was taken.

32. Another photograph found in SCHOLTES' Office portrayed an image of a young boy, approximately 10 years old, from the shoulders up. On the photograph, near the bottom, the words "Please coach? FUCK ME!!!" were typed. This photograph appears to be the same image (described above in paragraph 28) that was found on the Gateway Computer, in the folder entitled "Kids I want to Fuck," under the subheading of Individual C.

CONCLUSION

33. Based on the above information, I submit that there is probable cause to believe that TIMOTHY SCHOLTES violated Title 18, United States Code, Section 2252A(a)(2)(A), in that he knowingly received child pornography that has been shipped and transported by any means, including by computer.

FURTHER AFFIANT SAYETH NOT.

ROBERT LESSNAU
Special Agent, Immigration & Customs Enforcement

SUBSCRIBED AND SWORN to before me on June 3, 2009.

MARTIN C. ASHMAN
United States Magistrate Judge