

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Timothy Palchak, having been duly sworn, depose and state as follows:

1. Your affiant in this matter, Detective Timothy Palchak, has been a police officer with the Metropolitan Police Department since 1994. In 2000 your affiant was promoted to Detective Grade 2 and is currently serving at this rank. During your affiant's fifteen year tenure with the Metropolitan Police Department he has been assigned to the Third District Patrol Operations, Prostitution Enforcement Unit, and is currently assigned to the Northern Virginia Regional Internet Crimes Against Children Task Force. Your affiant has received training in the following subject areas: Family Violence and Child Protection; Basic Investigator Course; Interview and Interrogation; Sexual Assault Nurse Examination; Children's Hospital Conference on Responding to Child Maltreatment; Child Abuse and Child Exploitation Investigation Techniques; Undercover Internet Crimes Against Children (ICAC) Investigations Course; and Image Scanning. Your affiant has made numerous arrests and interviewed numerous victims, witnesses, and suspects. Your affiant has participated in numerous child abuse investigations, child sex abuse investigations and ICAC investigations. In November of 2005, your affiant received cross designation training from the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"). Your affiant currently is a member of the FBI/MPD Innocent Images Task Force and has been deputized by the Federal Bureau of Investigation (FBI) and authorized to investigate violations of federal law throughout the United States.

2. Your affiant respectfully submits this affidavit in support of an application for a warrant for the arrest of FRANK M. LOMBARD. FRANK M. LOMBARD is described as a white male, date of birth [REDACTED], residing at [REDACTED]. For the

reasons set forth in this affidavit, there is probable cause to believe that FRANK M. LOMBARD committed violations of Title 18 United States Code Section 2422(a).

3. The statements in this affidavit are based on my personal investigation, on information provided by other law enforcement agents, including FBI Special Agent Chadwick Elgersma and North Carolina State Bureau of Investigation Special Agent E. Michael Smith, Jr., and on my experience and background as a police officer. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, 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 FRANK M. LOMBARD has committed
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violations of Title 18, United States Code, Section 2422(a).

4. On June 9, 2009, an individual hereinafter referred to as "Confidential Source" or "CS" was charged by Grand Jury Indictment in the United States District Court for the District of Columbia with violations of 18 U.S.C. §§ 2252A(a)(1) and 2256(8) (Transportation of Child Pornography); 18 U.S.C. §§ 2423(b) and 2246(2) (Travel with Intent to Engage in Illicit Sexual Conduct); and 18 U.S.C. §§ 2252A(a)(5)(B) and 2256(8) (Possession of Child Pornography). CS is currently held without bond pending trial in that case. On June 15, 2009, and June 23, 2009, CS agreed to meet with Federal Bureau of Investigation Special Agent Chadwick Elgersma, as well as the Assistant United States Attorney responsible for prosecuting CS's case, to discuss CS's knowledge of individuals involved in the sexual abuse and molestation of children. Pursuant to a written agreement between CS and the United States Attorney's Office for the District of Columbia, no statements made by CS may be used directly against CS in any criminal prosecution, except a prosecution for perjury or false statement, or in the event that CS were to

offer any defense, argument or testimony that contradicted statements made by CS during such meetings. To date, the criminal prosecution of CS in the United States District Court for the District of Columbia remains pending, and no plea agreement has been entered into between the parties to that case.

5. During the June 15 and June 23, 2009, meetings, CS stated that during online chat sessions using the internet-based video chat program ICUii, which allows its users to engage in online chat conversations while viewing live video images of each other broadcast via webcams, CS had witnessed an individual with the ICUii user name “cooper2” or “cooperse” sexually molesting an African-American child, who appeared to be under the age of ten, and broadcasting that sexual molestation using a webcam. CS described the individual with the ICUii user name “cooper2” or “cooperse” as a white male, in his mid-forties, tall, with a medium build, brown hair, glasses, and no facial hair. CS stated that he had met the individual with the ICUii user name “cooper2” or “cooperse” approximately four years ago while chatting on ICUii, that they corresponded as frequently as every few weeks over that time period, and that in total CS had seen the individual with the ICUii user name “cooper2” or “cooperse” over webcam as many as one hundred times. According to CS, on approximately three or four occasions over the past four years, and as recently as approximately one year ago, CS witnessed the individual with the ICUii user name “cooper2” or “cooperse” perform oral sex on an African-American child who appeared to be under the age of ten, and spread and lick the child’s anus, all of which activity was displayed to CS using the individual’s webcam. Also according to CS, the individual with the ICUii user name “cooper2” or “cooperse” advised CS of the following: that he lived in the Raleigh/Durham area of North Carolina; that the child was an adopted child, one of two adopted

African-American children; that he had a live-in gay male partner who did not participate in the sexual abuse; and that he had allowed other individuals to sexually molest the child.

6. On June 15, 2009, an administrative subpoena was sent to ICUii, requesting user information for the user accounts "cooper2" or "cooperse." ICUii is a subscription program that charges its users a fee in order for the user to install proprietary software on the user's computer. The user must provide certain personal information in order to register and install that software, to include a name and credit card information. On June 17, 2009, representatives of ICUii responded to that subpoena and provided information that the ICUii account of user "cooper2" belongs to Frank Lombard, with a billing address of [REDACTED]. ICUii listed Frank Lombard's email address as [REDACTED]@aol.com and his telephone number as (919) 308-8026. ICUii also indicated that Frank Lombard's profile description stated he was interested in "perv fam fun," a reference to incestuous child molestation. ICUii also provided the FBI with information regarding a customer service complaint sent to ICUii in January, 2007. That complaint alleged that an individual (hereinafter "complainant") had chatted with Frank Lombard on ICUii. During this chat, Frank Lombard told the complainant that he "was into incest" and that he had adopted two African-American children. The complainant also explained that Frank Lombard described himself, in his profile, as being a "perv dad for fun."

7. On June 17, 2009, a fee-for-service database search listed Frank Lombard's date of birth as being [REDACTED], with a current residence of [REDACTED]. A fee-for-service database also listed Frank Lombard's previous address as [REDACTED]. North Carolina driver's license records indicate that Frank Mccorkle Lombard, d/o/b [REDACTED] SSN [REDACTED], described as a white male, brown

hair, 5'11" tall, currently resides at [REDACTED]. The North Carolina driver's license photo of Frank Mccorkle Lombard is consistent with the description of the individual with the ICUii user name "cooper2" or "cooperse" given by CS. North Carolina driver's license records also reveal that [REDACTED], d/o/b [REDACTED], SSN [REDACTED], maintains a current address of [REDACTED]. The United States Postal Service has confirmed that both Frank Mccorkle Lombard and [REDACTED] currently receive mail at [REDACTED]. On June 22, 2009, a search of the National Crime Information Center (NCIC) database also listed Frank Lombard's residence as [REDACTED]. [REDACTED]. Maintained within an email account contact list of CS is a contact named "Frank Lombard" with the e-mail address: [REDACTED]@yahoo.com.

8. On June 23, 2009, your affiant was conducting an online undercover operation. During that operation, Your affiant engaged in an online chat conversation, using the online chat program Yahoo! Instant Messenger, with the Yahoo! user "[REDACTED]," who maintains a chat display name of "F L." During that conversation, the user with the display name "F L" utilized the "photo share" feature of Yahoo! Instant Messenger and sent to Your affiant nude photos of himself, which pictures match the North Carolina driver's license photograph of Frank Mccorkle Lombard. Also during that online conversation, the user with the display name "F L" stated that he had sexually molested his adopted, male, African-American child who he had adopted as an infant and is currently five years-old. He advised Your affiant in particular that the child had performed oral sex on him, he had "fingered" the child, and that he had licked the child's anus. He also advised Your affiant that he has met other pedophiles on the program ICUii at times when he was willing to display his adopted child on that program. He further told Your affiant

that he lived in Durham, North Carolina with his live-in homosexual partner. During the online conversation, "FL" stated that he could not molest the adopted five year-old child when his partner was around, however, his partner was leaving for a four-day business trip the next day, which would allow him the ability to molest the child just as he did the last time his partner had left town. He also stated that he has seen and may still have "hardcore" videos depicting children under five years old engaging in sexual activity, but that he cleans his collection every so often for fear of detection. He further stated that the abuse of the child was easier when the child was too young to talk or know what was happening, but that he had drugged the child with Benadryl during the molestation. Also during the conversation, Your affiant sent to "FL" via the Internet a photograph of a clothed adult male and male child that purported to depict Your affiant and a child with whom Your affiant was sexually active.

9. On June 24, 2009, beginning at approximately 9:49 a.m., Your affiant engaged in another online conversation with "F L." During that online conversation, "F L" opened up a live webcam and displayed to Your affiant a still photograph of an African-American child who "F L" indicated was his 5 year-old adopted child. Also during that conversation, "F L" invited Your affiant to fly to Durham this week in order to have sexual contact with his 5 year-old adopted child. "F L" stated to Your affiant that there would be no limits on the sexual activity he could engage in with his 5 year-old adopted child. In particular, "F L" suggested that Your affiant fly into Raleigh/Durham Airport and stay at a Hilton hotel on Hillsborough Rd. "F L" expressed during the conversation that he was extremely nervous and excited about Your affiant traveling to Durham to have sexual contact with "F L"'s 5 year-old adopted child. "F L" also suggested to Your affiant that the two of them could chat later this evening using webcams, and that at that

time, "F L" would give Your affiant a "preview" before he booked his flight. During this conversation, "F L" was fully visible over the webcam, including his face. "F L" is identical to the North Carolina driver's license photograph of Frank Mccorkle Lombard.

10. A general internet search revealed that Frank M. Lombard is currently the associate director of the Center for Health Policy at Duke University, located in Durham, NC. A search of the Duke University web page revealed that [REDACTED] is currently a clinical pharmacist, also at Duke University. A further general internet search revealed that, according to a 2003 annual report, a donation was made jointly to the "Genesis Home" in Durham, North Carolina by [REDACTED] and Frank Lombard. According to annual reports of that organization available at www.genesishome.org, Genesis Home is an organization that assists needy families in making a transition out of homelessness, and maintains an onsite child care center. Volunteer opportunities with the organization include one-on-one tutoring of children and providing child care. Annual reports for the organization, as well as the organization website, feature numerous photographs of African-American children who appear to be under the age of ten years old.

11. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that FRANK M. LOMBARD has violated Title 18, United States Code, Section 2422(a). In consideration of the foregoing, your affiant respectfully requests that the United States District Court issue an arrest warrant for FRANK M. LOMBARD.

TIMOTHY PALCHAK,
Detective
Washington, D.C. Metropolitan Police Department

Sworn and subscribed before me this _____ day of JUNE, 2009

John M. Facciola
United States Magistrate Judge
