

STATEMENT OF FACTS

In October of 2010, the United States Postal Inspection Service (“USPIS”) and the Toronto Police Service (“TPS”) began an investigation into a movie production company that operated a website offering DVDs for delivery by the US Mail and streaming videos (“films”) for sale. The majority of these films feature young nude boys. As part of this investigation, USPIS located one customer, Jesse Ryan Loskarn AKA J Loskarn (“Loskarn”), with an address of ******, Washington, District of Columbia *****. Review of the customer invoices and purchase summary from the database revealed that Loskarn had made several purchases between November 2010 and March 2011. All transactions showed a billing and shipping address of ******, Washington, District of Columbia *****.

On October 5, 2013 and October 6, 2013, USPIS identified Loskarn’s residential IP address on the Gnutella peer to peer network offering files with names that are consistent with child pornography broadcasting as a download candidate. Using the hash value of these videos law enforcement obtained partial file downloads of identical videos from the Gnutella peer to peer network. As of November 18, 2013, law enforcement had obtained a partial download of approximately 99% of a file named “(Pthc) 6Yo Girl Kidnaped And Raped In Woods([Pedo] Fuckin Dad Takes His 8yo Daughter To The Woods And Fuck).mpg.” This file that law enforcement downloaded had the exact same hash value as the file offered for download on October 5, 2013 from Loskarn’s IP address. The portion of the file law enforcement was able to observe showed that the video is multi-scene and approximately 28 minutes in length. The video begins with an adult male partially undressing a prepubescent girl approximately 6-9 years of age, with the male subsequently masturbating the girl and anally and vaginally penetrating her.

On November 12, 2013, a representative of the United States Postal Service stated that Jesse Loskarn is currently receiving mail at ******, Washington, DC, ***** and on that same date, law enforcement received information from the National Law Enforcement Telecommunications System (NLETS) that Jesse Ryan Loskarn has a Washington, D.C. driver’s license with a listed address being ******, Washington, DC, *****.

On December 11, 2013, law enforcement executed a search warrant on the defendant’s residence. Once on the scene Inspectors, knocked and announced, “POLICE SEARCH WARRANT, OPEN THE DOOR.” After a few moments with no response, Inspectors utilized the ram to force entry.

While the ram was being utilized, an Inspector simultaneously observed a male, known as Jesse Ryan Loskarn leaning outside the middle second window. The Inspector who made this observation was assigned as part of the rear perimeter security for the search warrant at the residence. That Inspector was able to identify Ryan Loskarn based upon the operation briefing photo. The Inspector also noted that Loskarn appeared to be in a nervous state looking right and left. After approximately three to five seconds Loskarn made a motion as if he were placing

something down outside the window and closed the window. The perimeter Inspector was notified that the entry team had cleared the residence when he advised the case agent of what he witnessed. The case agent was then directed towards the exact location where he saw the incident occur. Inspectors then looked outside the window at the area where Loskarn appeared to place an item. Inspectors identified that the object was a portable hard drive. During the search of the residence, Inspectors noticed that there were no other occupants besides Loskarn and no other occupants in the residence. There was snow on the ledge and roof where the drive was found due to the snow storm the day before. This device was free of snow.

Inspectors provided Loskarn with his Miranda Rights and Warning. Loskarn read his rights from a form provided to him by the Inspectors. Loskarn waived his rights and agreed to speak with the Inspectors. Loskarn stated the Inspectors could ask questions and he would decide if he wished to answer. Loskarn was questioned about a hard drive which was located on the rear roof of his residence. He did not admit putting the hard drive outside but added that there is nothing additional outside the residence. Loskarn admitted he does own an external Toshiba hard drive. Inspectors confirmed the hard drive found on the rear roof was a Toshiba.

During the execution of the search warrant, computer forensic examiners from the U.S. Department of Justice, Criminal Division, Child Exploitation and Obscenity Section reviewed the recovered digital media to include the external Toshiba hard drive recovered from the roof. A computer forensic examiner located digital videos depicting child pornography within the hard drive.

One such video was entitled "child web (Pthc) 10Yo Cindy – Playing With Dad Jho Alicia 8Yo Dj Ph Pthc Pedo (250).mpg." which was a compilation of several scenes. The first scene depicted a prepubescent girl standing next to an erect penis. The girl then touches the erect penis with her hand. The scene changes to a different setting where she places an erect penis into her mouth. The scene again changes at which point she is observed pulling down her pants and underwear. An adult hand is then seen entering the scene, directing her to turn exposing her vagina, and eventually touches her vagina. An unidentified adult is then seen touching her vagina with his tongue. The final scene depicts an erect penis rubbing against an exposed vagina. In addition, hundreds of videos depicting underage boys engaged in sexually explicit conduct were located on the same external hard drive.

A computer forensic examiner advised that he found Peer to Peer software which operates on the Gnutella file-sharing network installed on Loskarn's computer system. This file-sharing software was the same type of software which was found to be utilized by a computer accessing the Gnutella network from the IP address of 68.55.253.161 on October 5 and 6, 2013. The IP address on that date was assigned by Comcast to the residence of *****, Washington, DC, *****. It was on that date the case agent observed the IP address 68.55.253.161 broadcasting to share child pornography on the Gnutella network.

POSTAL INSPECTOR BRIAN BONE
U.S. POSTAL INSPECTION SERVICE.

Sworn and subscribed before me this _____ day of December ____, 2013.

UNITED STATES MAGISTRATE JUDGE