

THE STATE OF TEXAS

§

§

SEARCH WARRANT

COUNTY OF HARRIS

§

AFFIDAVIT FOR SEARCH WARRANT

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS:

My name is F.J. Perales and I am commissioned as a peace officer by Houston Police Department.

There is in California an Internet Service Provider known as Microsoft Corporation Online Services, which is located at 1065 La Avenida, SVC4/1120, Mountain View, CA 94043. This company, in its capacity as an Internet Service Company, provides access to a worldwide computer network, commonly known as the Internet, to individuals and/or other users who have a subscription to, membership with, or affiliation with their company, organization or commercial service.

Microsoft Corporation Online Services also provides web hosting, e-mail services, photo storage services, access solutions, etc. to its customers in which they reserve and/or maintain computer disk storage space on their own computer system servers for the use of the Internet Solutions subscribers/customers/users associated with their company. Items contained on this previously mentioned storage space can include electronic communications (commonly known as e-mail) between subscriber(s) and other parties, graphic image and/or text files, Internet history or Internet hyperlinks, file transfer protocol logs, website access logs, programs and other types of data or information stored in electronic form(s). Internet Service Companies, such as Microsoft Corporation Online Services, also maintain records pertaining to the individuals and/or other users who have subscriber accounts with their company.

This information can include registration information, account application information, credit card or other billing information, account access information, user logon information (including secondary user log on names), account usage reports, e-mail transaction information, news group access and posting information and other information both in computer data and written record format that records the activities of these accounts relating to the subscriber's use of the services offered by the Internet Service Provider.

Said suspected place and premises are in charge of and controlled by each of the following: **Microsoft Corporation Online Services**, an Internet Solutions Provider company.

There is at said suspected place and premises the following item(s) which are implements or instruments used in the commission of a crime and, or item(s) constituting evidence of a criminal offense or constituting evidence tending to show that a particular person committed a criminal offense:

- a. All stored files, maintained on the Microsoft Corporation Online Services server storage space, belonging to or associated with the customer or individual subscriber/user account utilizing the Hotmail ID "Jared Angel" and Hotmail Email Address of jaredangel20@hotmail.com. These files may include, but are not limited to: subscriber's full name(s), subscriber's address(es), subscriber's telephone number(s), e-mail address(es) associated with the subscriber(s), account or log-in name(s), any other information pertaining to the identity of the subscriber(s), billing information, credit card or payment information, types of services utilized by the subscriber and the lengths of such services or any other identifying or pertinent records relating to the subscriber, including IP addresses, dates and times of uploads of images if available.
- b. All business records or files, maintained by Microsoft Corporation Online Services server storage space, belonging to or associated with the customer or individual

subscriber Hotmail ID "Jared Angel" and Hotmail Email Address of jaredangel20@hotmail.com These records may include, but are not limited to: account application information, credit card or other billing information, account access information, user logon information (including secondary user log on names), account usage reports, e-mail transaction information, news group access and posting information and any other information, both in electronic computer data and written record format, that records the activities of these accounts relating to the subscriber's use of the services offered by the Internet Solutions Provider.

c. All stored electronic mail (e-mail) of any kind sent to, from and/or through the e-mail address(es) of or associated with the customer or individual subscriber/user account utilizing the email account of Hotmail ID "Jared Angel" and Hotmail Email Address of jaredangel20@hotmail.com or through other accounts associated with the subscriber/user owning the above named website. All stored electronic content (including Internet history, file transfer protocol logs, web access logs, electronically stored images, etc.) as well as all connection log files listing all account activity done by the subscriber/user associated with the customer or individual subscriber/user account utilizing the email of Hotmail ID "Jared Angel" and Hotmail Email Address of jaredangel20@hotmail.com, including dates, times, methods of connecting (e.g. telnet, ftp, http, etc.), telephone dial-up connection records and any other connection information or Internet traffic data.

It is the belief of the Affiant, that: unknown person or person(s) committed the offense of Possession or Promotion of Child Pornography, Texas Penal Code section 43.26, a second degree felony.

AFFIANT HAS PROBABLE CAUSE FOR THE SAID BELIEF BY REASON OF THE FOLLOWING FACTS, TO WIT:

Affiant, F.J. Perales, is currently employed as an officer with the Houston Police

Department. The Affiant has been employed as a police officer since June 2002 and has been investigating juvenile sex crimes since February 2008. Your affiant has been assigned to the Houston Metro Internet Crimes Against Children Task Force, which is a federally funded initiative to combat the sexual exploitation of children, since June 2010. Your Affiant has investigated over 200 allegations of child sexual abuse (offender/child direct contacts and through technological exploitation).

Your Affiant has personally conducted over 100 interrogations of suspects accused of making physical sexual contact with a child and for internet offenses of crimes against children. Your Affiant has also assisted other investigators in numerous cases of direct contact child sexual abuse and technological child sexual abuse.

As a result of your Affiant's assignment, the Affiant has received numerous hours of training in investigating child sexual abuse and the psychology of the child sex offender. Your Affiant holds Texas Commission on Law Enforcement Special Investigator Certifications for Cyber Crimes Investigations and Sexual Assault and Family Violence. Your Affiant has attended multiple certification classes at the Dallas Crimes Against Children Conference, Houston Crimes Against Children Conference, Topics in Forensic Sciences Conference and the National Law Enforcement Training on Child Exploitation Conference. Your Affiant has obtained basic and advanced training in interviews and interrogations presented by the Houston Police Department.

Affiant knows through his training and experience that the trade of child pornography through the internet is extensive and one of the main methods of distribution for this type of contraband. Affiant knows from his training and experience that one of the most pervasive methods for the distribution of child pornography through the internet is through the use of Peer to Peer Networks. Affiant knows from his training and experience that Peer to Peer Networks are networks of computers belonging to individual users that through the use of a variety of software are able to connect with each other and search through selected "shared" files of other users, and allows users to look through their "shared" files. Affiant knows from his training and experience that the connections between users are direct between users, and facilitated by the software that they choose to use. Affiant also knows from his training and experience that when connecting to the individual users to receive files from them that the "receiving" computer

connects to the “sending” computer by connecting to each other through an Internet Protocol Address (IP). Affiant knows from his training and experience that the “sending” and “receiving” computer records the I.P. address of each other in order to facilitate the communication between users. Affiant knows from his training and experience that Peer to Peer Networks come in a variety of software packages including LimeWire, BearShare, Phex, Kazaa, Gigatribe and many others.

Affiant has received specialized training regarding the investigations of Peer to Peer Networks in which specialized software developed by the Federal Government to allow investigators to access a variety of Peer to Peer Networks is used. Affiant is trained and licensed to use this software, which allows investigators to search the variety of networks for digital material from users connecting to the Peer 2 Peer Networks and download files that the users “share” with the network from that single source. Affiant knows from his training and experience that this software also allows investigators to compare the digital hash values of the offered files to the hash values of known child pornography provided by the National Center for Missing and Exploited Children, which acts as a clearinghouse for images and video of Child Pornography. This allows the investigator to narrow his search to confirmed images of Child Pornography. Affiant also knows by his training and experience that the software allows the investigators to also narrow their searches by location, limiting his investigations to those users who are offering child pornography within a specific geographical area such as Harris County, the City of Houston, or City of Pasadena.

On September 09, 2012, your Affiant received two National Center for Missing and Exploited Children (NCMEC) Cybertipline Reports from Sergeant Richard Hahn, a Houston Police Officer Supervisor assigned to the Juvenile Sex Crimes unit and the Commander of the Houston Metro Internet Crimes Against Children Taskforce. A Cybertip is an alert issued through NCMEC that a possible internet child exploitation crime has been observed. The Cybertips are generated at the NCMEC headquarters and are disseminated to state and federal law enforcement officials throughout the United States.

The Cybertip, initiated by Microsoft Corporation, indicated that an individual using the screen name “Jared Angel” and email address jaredangel20@hotmail.com uploaded 181

digital images of children, under the age of 18, exposing bare genitalia to Microsoft Sky Drive from IP address 108.199.47.133 on or about 08/26/2012 beginning at 12:30:29 PM UTC until 08/27/2012 at 06:07:18 AM UTC. Your Affiant observed the images can be classified as both child erotica and child pornography.

Microsoft Sky Drive, also known as Windows Live SkyDrive and initially called Windows Live Folders, is a free-of-charge file hosting service that allows users to upload files to a cloud storage and then access them from a Web browser. It is part of Microsoft's Windows Live range of online services, and uses Windows Live ID to control access to files, allowing users to keep the files private, share them with contacts, or make the files public. Publicly-shared files do not require a Windows Live ID to access. The service offers 25 GB of free personal storage, with individual files limited to 100 MB. The service is built using HTML5 technologies, and files can be uploaded via drag and drop.

Microsoft transferred a Data-DVD along with the CyberTip that included the images themselves. Your Affiant observed the images and based on your affiant's training and experience they can be classified as both child erotica and child pornography.

Your affiant viewed the following images that were uploaded to Microsoft Sky Drive by jaredange120@hotmail.com / IP Address 108.199.47.133:

- 1293760947946- This is a digital image of what appears to be a 12 year old blonde white female child who is nude. The child is wearing black high heel shoes and she appears to be in a wooded area. The child is sitting on the back of her feet as she exposes her vagina and her breast.
- 1297009009830 - This is a digital image of what appears to be a 13 year old blonde white female child who is nude. The child is standing in front of what appears to be a rail road track. The child is exposing her vagina and her breast and she is holding a white colored blanket behind her.

- 1304127836345 – This is a digital image of what appears to be a 13 year old blonde white female child who is nude. The child is bent over a white and brown leather chair and her anus, vagina and breast are exposed to the camera.
- 1304394987348- This is a digital image of what appears to be a 14 year old white female child who is completely nude. The child is bent back and she is holding herself up with her left hand as she exposes her vagina and breast to the camera. The child appears to be outdoors.
- 1335637052364- This is a digital image of what appears to be two 12 year old white female children who are completely nude while they are taking a bath. The children appear to be in a bath tub and their vaginas and breast are exposed to the camera.

Your Affiant found other files that depict known, “search terms,” for child pornography. A, “search term,” is a phrase or word that exists in the title of the image so that it may be discovered by internet search engines.

- Preteen-eva47
- Preteen-crystal

Your Affiant knows from his training and experience that the term such as “preteen” is a common search term used for child pornography.

Your Affiant began to investigate the location of the user uploading the above files. Your Affiant knows from his training and experiences that I.P. addresses are assigned by the governing body of the internet to service providers for the use by their customers in connecting to the internet. Your Affiant knows from his training and experience that there is a master list of I.P. address maintained by the American Registry of Internet Numbers (ARIN). ARIN maintains a freely available internet database of this list. Your Affiant conducted a query through ARIN to locate the assigned owner of the I.P. address 108.199.47.133, from which images of child pornography were being offered. Your Affiant found that that the I.P. address is owned by

AT&T Internet Services.

Your Affiant issued an administrative subpoena to AT&T Internet Services for the identity of their customer(s) who was using the I.P. address 108.199.47.133 on August 26-27, 2012. AT&T Internet Services provided a return to your Affiant from their business records that their subscriber was **Jared Angel** with a service address and billing address of **2401 Lazy Hollow Dr #233A, Houston, Texas 77034**. Your Affiant knows the location to be within Harris County, Texas. Your Affiant issued an administrative subpoena to Microsoft Online Services for the subscriber information of jaredangel20@hotmail.com. Microsoft Online Services provided a return to your Affiant from their business records that Jared Angel from Houston, Texas 77063 was listed as the subscriber for jaredangel20@hotmail.com.

On November 06, 2012, your Affiant went to the location of **2401 Lazy Hollow Dr, Houston, Harris County, Texas** and met with the apartment complex management. Your Affiant learned that **Jared Angel W/M DOB 09/28/83** is in fact a resident and the lease holder of **2401 Lazy Hollow Dr. #233A, Houston, Harris County, Texas**. Your Affiant obtained a copy of the lease agreement for apartment #233A. Your Affiant checked the area of **2401 Lazy Hollow Dr., Houston, Harris County, Texas** for wireless internet connection using a Hobbs Wi-Fi detector. Your Affiant observed numerous wireless internet connections within the area of **2401 Lazy Hollow Dr., Houston, Harris County, Texas**.

Affiant knows from his training and experience that "The Internet" is a worldwide computer system in which people are able to communicate with others by means of a telephone or cable modem. I also know that a Preferential Sexual Offender might create and maintain a World Wide Web site, through a web hosting service. A World Wide Web site with a designated URL is a graphical storefront maintained on the Internet that could be used for the postings of text files, image files, and or video files. Preferential Sexual Offenders often use the computer to electronically exchange pictures of children or adults engaged in sexual activity. These illegal images can be stored on the computer or floppy disks, and viewed on the computer monitor anytime the subject chooses

Affiant knows from his training and experience that The Internet is comprised of many computer networks. An Internet Protocol Address (hereinafter referred to as an IP Address) is a

unique four-byte number assigned to a computer when that computer accesses the Internet. IP Addresses allow computers on the Internet to locate, contact, and communicate with other computers via the Internet network. Internet Protocol (IP) address refers to a unique number used by a computer to access the Internet; it is unique in the sense that no two users can have the exact same IP address at the same time. IP addresses allow computers on the Internet to locate, contact and communicate to other computers connected via the Internet network. Every computer/machine that is on the Internet has a unique IP address - if a computer/machine does not have an IP address, it is not really on the Internet. Internet Service Providers (ISP) are a companies that provide individuals and other companies with access to the Internet, commonly for a fee, through telephone, cable or satellite connections. Some ISP's also offer an extensive online array of services of their own apart from the rest of the Internet, such as e-mail access, newsgroup access, instant message chat, etc. Companies such as Internet Service Providers or Web Hosting Services doing business on the Internet commonly obtain a block, series, or IP Addresses. Using a specific type of software, IP number assigned to the computer can by subsequently be traced to the Internet company providing the IP Address. Corresponding to a particular IP Address is the Universal Resource Locator (hereinafter referred to as a URL), which is the address of the site in a text format. Uniform Resource Locator (URL) specifies the location of and is the address of a file or resource accessible on the Internet. A URL may look something like <http://www.hotmail.com>.

Under Texas Penal Code Section 43.25 "promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree to do any of the above.

Under Texas Penal Code Section 43.25 "sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, or lewd exhibition of the genitals, the anus, or any portion of the female breast below the top of the areola.

Based upon all the foregoing information and my training and experience, there is probable cause to believe that on or about that the Defendant, **Jared Angel W/M DOB 09/28/83** committed the offense of Possession/Promotion of Child Pornography, and that there is

substantial cause to believe that evidence of that offense will be located at Hotmail ID “Jared Angel” and Hotmail Email Address of jaredangel20@hotmail.com.

California Penal Code 1524.2 (4)(c) (2006) states “ A California corporation that provides electronic communication services or remote computing services to the general public, when served with a warrant issued by another state to produce records that would reveal the identity of the customers using those services, data stored by, or on behalf of, the customer, the customer's usage of those services, the recipient or destination of communications sent to or from those customers, or the content of those communications, shall produce those records as if that warrant had been issued by a California court.”

By nature of Microsoft Corporation being an Internet Service Provider, it is realized that many other individuals, organizations, businesses, and other entities utilize this company’s services and have no association with the subject investigation. These other unnamed individuals, organizations, businesses, and other entities may have various amounts of information maintained in various forms with Microsoft Corporation with a reasonable expectation of privacy. It is Affiant’s intent that the search conducted at Microsoft Corporation to be as least intrusive as possible to complete this search as it relates to the above listed URL address associated with the child pornography content only. Further, it is the intent to use whatever means or methodology on hand to conduct this search with limited or no interruption of the service provided to these other unnamed individuals. It is for these reasons that Affiant requests that Microsoft Corporation locate and isolate the above named information on their servers and make a copy of such information in a readable format to provide to Affiant for review as part of this investigation.

All information noted in this affidavit for search warrant has been related to Affiant by the person(s) and/or source(s) attributed or referenced. Affiant further believes in good faith that the information provided herein to be true and correct. Because the sole purpose of this affidavit is to establish probable cause that a criminal offense has occurred, not every relevant fact known to me, or to other investigators, is included within. Rather, only those facts necessary to establish probable cause have been discussed.

WHEREFORE, AFFIANT ASKS FOR ISSUANCE OF A WARRANT THAT WILL AUTHORIZE THE SEARCH OF SAID SUSPECTED PLACE FOR SAID PROPERTY AND SEIZURE OF THE SAME AND TO TAKE CUSTODY OF ALL SEIZED PROPERTY AND SAFE KEEP SUCH PROPERTY AS PROVIDED BY STATUTE.

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME BY SAID AFFIANT ON THIS THE

_____ day of _____, A.D., 2012.

DISTRICT JUDGE, HARRIS COUNTY, TEXAS

THE STATE OF TEXAS

§

§

SEARCH WARRANT

COUNTY OF HARRIS

§

SEARCH WARRANT

To the Sheriff or any Peace Officer of Harris County, Texas, or any Peace Officer of the State of Texas:

Whereas, the Affiant whose name appears on the affidavit attached hereto is a peace officer under the laws of Texas and did heretofore this day subscribe and swear to said affidavit before me (which said affidavit is here now made a part hereof for all purposes and incorporated herein as if written verbatim within the confines of this Warrant), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he/she expresses herein and establishes the existence of proper grounds for issuance of this Warrant;

Now, therefore, you are commanded to enter the suspected place as described in said affidavit, to-wit:

**Custodian of Records, Microsoft Corporation Online Services, 1065 La Avenida,
SVC4/1120, Mountain View, CA 94043**

At said place you shall search for and, if same be found, seize and bring before me the property described in the affidavit, to-wit:

- a. All stored files, maintained on the Microsoft Corporation Online Services server storage space, belonging to or associated with the customer or individual subscriber/user account utilizing the Hotmail ID "Jared Angel" and Hotmail Email Address of jaredangel20@hotmail.com These files may include, but are not limited to: subscriber's full name(s), subscriber's address(es), subscriber's telephone number(s), e-mail

address(es) associated with the subscriber(s), account or log-in name(s), any other information pertaining to the identity of the subscriber(s), billing information, credit card or payment information, types of services utilized by the subscriber and the lengths of such services or any other identifying or pertinent records relating to the subscriber, including IP addresses, dates and times of uploads of images if available.

b. All business records or files, maintained by Microsoft Corporation Online Services server storage space, belonging to or associated with the customer or individual subscriber Hotmail ID "Jared Angel" and Hotmail Email Address of jaredangel20@hotmail.com These records may include, but are not limited to: account application information, credit card or other billing information, account access information, user logon information (including secondary user log on names), account usage reports, e-mail transaction information, news group access and posting information and any other information, both in electronic computer data and written record format, that records the activities of these accounts relating to the subscriber's use of the services offered by the Internet Solutions Provider.

c. All stored electronic mail (e-mail) of any kind sent to, from and/or through the e-mail address(es) of or associated with the customer or individual subscriber/user account utilizing the email account of Hotmail ID "Jared Angel" and Hotmail Email Address of jaredangel20@hotmail.com or through other accounts associated with the subscriber/user owning the above named website. All stored electronic content (including Internet history, file transfer protocol logs, web access logs, electronically stored images, etc.) as well as all connection log files listing all account activity done by the subscriber/user associated with the customer or individual subscriber/user account utilizing the email of Hotmail ID "Jared Angel" and Hotmail Email Address of jaredangel20@hotmail.com, including dates, times, methods of connecting (e.g. telnet, ftp, http, etc.), telephone dial-up connection records and any other connection information or Internet traffic data.

Further, you are **ORDERED**, pursuant to the provisions of Article 18.10, Texas Code of Criminal Procedure, to retain custody of any property seized pursuant to this Warrant, until

further order of this Court or any other court of appropriate jurisdiction shall otherwise direct the manner of safekeeping of said property. This Court grants you leave and authority to remove such seized property from this county, if and only if such removal is necessary for the safekeeping of such seized property by you, or if the provisions of Article 18.10, T.C.C.P. otherwise authorize such removal. You are further ORDERED to give notice to this Court, as a part of the inventory to be filed subsequent to the execution of this Warrant, and as required by Article 18.10, T.C.C.P., of the place where the property seized hereunder is kept, stored and held.

Herein fail not, but have you then and there this Warrant within three days, exclusive of the day of its execution, with your return thereon, showing how you executed the same.

ISSUED THIS THE _____ day of _____, A.D., 2012, at _____ o'clock __M.
to certify which, witness my hand this day.

DISTRICT JUDGE, HARRIS COUNTY, TEXAS

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

SEARCH WARRANT

**OFFICERS RETURN AND INVENTORY
SEARCH WARRANT**

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS:

My name is F.J. Perales and I am commissioned as a peace officer by the Houston Police Department.

The attached Search Warrant came to hand on the day it was issued and it was executed on the 29th day of November, 2012, by conducting the search directed therein and by seizing during such search the following described property:

All property seized is listed and described on the attached page(s) entitled "Exhibit A."

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME BY SAID PEACE OFFICER WHOSE NAME IS SIGNED ABOVE ON THIS THE ____ DAY OF _____, 2012.

Notary Public, in and for the State of Texas