

UNITED STATES DISTRICT COURT **FILED**

EASTERN DISTRICT OF CALIFORNIA MAY 13 2010

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

UNITED STATES OF AMERICA
v.
CHRISTOPHER TOMSETT

CRIMINAL COMPLAINT

CASE NUMBER:

2:10-MJ-0142 EFB

(Name and Address of Defendant)

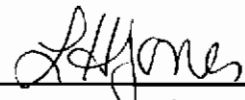
I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about **March - May, 2010** in **Yolo County**, in the Eastern District of California defendant(s) did,
(Track Statutory Language of Offense)

- ▶ Knowingly receive and distribute visual depictions using any means or facility of interstate or foreign commerce which depictions involved the use of a minor engaging in sexually explicit conduct ; and did knowingly possess matter which contained any visual depiction of a minor engaging in sexually explicit conduct that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported by any means including by computer.

in violation of Title **18**, United States Code, Section(s) **2252(a)(2)** and **2252(a)(4)(B)**. I further state that I am a(n) **FBI Special Agent** and that this complaint is based on the following facts:

- ▶ **See Attached Affidavit of Probable Cause**

Continued on the attached sheet and made a part of this complaint:



Signature of Complainant **Laura Jones**
Federal Bureau of Investigation


Sworn to before me, and signed in my presence
May 13, 2010

at **Sacramento, CA**

Date

City State

Edmund F. Brennan United States Magistrate Judge



Name of Judge

Title of Judge

Signature of Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. I, L. H. Jones, am a Special Agent with the Federal Bureau of Investigation and have been so employed since January 2005.

2. The statements contained in this affidavit are based in part on information provided by Special Agent Michael Daniels from the Kansas City Division of the FBI; Detective Sergeant Darren Parisien, Saskatoon Police Service, Saskatoon, Canada; and my own experience and background, and establishes probable cause that CHRISTOPHER TOMSETT is in violation of 18 U.S.C. § 2252(a)(2), which makes it a federal offense for any person to knowingly receive or distribute visual depictions of minors engaged in sexually explicit conduct in interstate and foreign commerce, and 18 U.S.C. § 2252(a)(4)(B), which makes it a federal offense for any person to knowingly possess matter containing visual depictions of minors engaged in sexually explicit conduct, which have traveled in interstate and foreign commerce or which were produced using materials that have traveled in interstate or foreign commerce.

3. During his investigation, Agent Daniels identified computers and persons located within the Eastern District of California that are distributing images and/or movie files of child pornography via the Internet through the use of P2P file-sharing software. Among them was a computer user with the screen name "Hobbesny11". As discussed below, Hobbesny11 allowed the agent to download images of child pornography from the files

on Hobbesny11's computer.

4. On April 5, 2010, Agent Daniels, acting in an online undercover capacity, signed into a peer-to-peer file sharing program from an Internet connected computer from the Cyber Crime Task Force located in Kansas City, Missouri. SA Daniels' username was "dominoboys." SA Daniels queried his network of friends and observed that the individual utilizing the username "Hobbesny11" was logged into the network.

5. SA Daniels proceeded to browse Hobbesny11's shared directories and observed files depicting images of child pornography. SA Daniels selected 2 files and attempted to download them directly from Hobbesny11 between 9:21am and 9:39am CST. Hobbesny11 queued the downloads preventing SA Daniels from downloading the files. During the attempted downloads, SA Daniels used the program CommView in order to identify the IP address utilized by Hobbesny11, which was 75.19.159.227. The entire undercover session was recorded using Camtasia video capture software.

6. Although complete downloads were not possible due to the actions of Hobbesny11, while SA Daniels was directly connected to Hobbesny11 via the private network, data was being transferred back forth between the two computers. This indicated portions of the files containing child pornography were being transmitted to SA Daniels' computer. In addition to the attempted downloads, the Camtasia recording captured additional images of possible child pornography. Moreover, another program used to save and

collect data preserved 5,276 additional images of child pornography and child erotica. These images were automatically saved upon viewing into a "Preview" folder.

7. An administrative subpoena was served on AT&T Internet Services for the IP address listed above. The AT&T Internet Services response indicated the subscriber at the time of the downloads was Christopher Tomslett (sic) residing at 1805 E Gum Avenue, Woodland, California, 95776. Additional records checks indicated the correct spelling for the subject's last name is Tomsett.

8. On March 27th, 2010, Detective Sergeant Darren Parisien, Saskatoon Police Service, Saskatoon, Canada conducted an online undercover session that identified Hobbesnyll as distributing child pornography. Sgt. Parisien saw that Hobbesnyll was sharing at least 11,835 files totaling approximately 2.3 Gigabytes of data. Sgt. Parisien was able to download approximately 2,697 preview files from Hobbesnyll utilizing the same IP address listed above: 75.19.159.227.

9. The following are a sample of the files downloaded by Sgt. Parisien:

1(108).jpg.jpg

This image depicts a prepubescent boy orally copulating an adult male's penis.

05v.jpg.jpg

This image depicts two prepubescent boys engaged in fellatio.

qwer7c7.jpg.jpg

This image depicts a prepubescent boy lying on a bed naked except for his socks, with rope bound over his genitals, anus, chest and arms.

boycum038.jpg.jpg

This image depicts an adult male ejaculating onto the face of a young boy.

10. As of April 21, 2010 user profile information for Hobbesny11 showed he had 475 online contacts, and was last connected to the peer-to-peer file sharing software on April 21, 2010. Additionally, the Hobbesny11 account was created on February 22, 2009.

11. A public records database check identified Christopher Tomsett as residing at 1805 E Gum Ave, Woodland, CA, 95776, with a date of birth of XX/XX/1967 and Social Security Number XXX-XX-5736.

12. Christopher Tomsett is identified in California DMV records, with CDL #B9969XXX and is described as a white male, brown hair, hazel eyes, 5'11", 180 pounds, DOB XX/XX/1967.

13. An online search shows Christopher Tomsett is currently employed by Douglass Middle School in Woodland, California as a 6th grade English teacher.

14. Based on the above information, a federal search warrant was acquired for Tomsett' residence, 1805 E Gum Avenue, Woodland, California, 95776. The search warrant was executed on May 13, 2010. Seized from Tomsett' residence was a Sony laptop computer and a Sony desktop computer, among other evidence. An initial

on-site review of Tomsett's desktop hard drive was conducted by Special Agent Scott Medlin. I know from my training and experience that Sony computers are not manufactured in California.

16. I can state that from my training and experience working in other child pornography investigations, the images possessed by Tomsett and transported to Sgt. Parisien and Agent Daniels, do not appear to be computer generated images, but rather are images depicting real children engaged in sexually explicit conduct.

17. Tomsett was interviewed by federal agents on May 13, 2010. Tomsett stated that he used the screen name "hobbesny" and/or "hobbesny11" to distribute child pornography using the same P2P file-sharing program used by Sgt. Parisien and Agent Daniels. Tomsett stated that his collection of child pornography predominantly ranged in age from 12 - 18 year old. Additionally, Tomsett said that his collection of child pornography was mostly young boys, and that he probably had a couple thousand child pornography pictures saved to his hard drive and a few videos. Tomsett stated he had been downloading and sharing child pornography for approximately 1 year, although he first looked at child pornography about five years ago.

18. The following files are a sample of those depicting child pornography identified during the search warrant. The files were located on Tomsett's desktop computer in the directory

"/Documents and Settings/chris/My Documents/my downloads

Gigatribe/hobbesny11/":

sasha.jpg

This image depicts a male minor orally copulating an adult male's penis.

DSCF0140.jpg

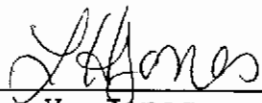
This image depicts a naked male minor masturbating with his tongue out.

1238827897877.jpg

This image depicts a naked male minor leaning over with his hand on his penis while another naked male minor is behind him. The second male minor appears to be catching fluids from the first male minor's penis.

18. Based on the foregoing, I respectfully assert that probable cause exists to believe that **CHRISTOPER TOMSETT** has violated 18 U.S.C. §§ 2252(a)(2) and(a)(4)(B), receiving, distributing, and possessing visual depictions of minors engaged in sexually explicit conduct.

DATED: May 13, 2010



L. H. Jones
Special Agent, FBI

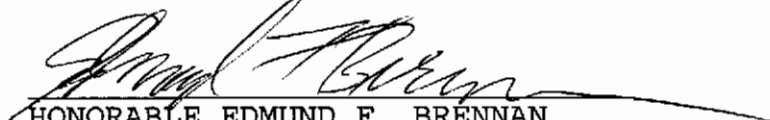
Read and approved as to form



CAROLYN DELANEY
Assistant U.S. Attorney

Subscribed and sworn to before

me this 13th day of May, 2010.

A handwritten signature in black ink, appearing to read "Edmund F. Brennan", with a long horizontal flourish extending to the right.

HONORABLE EDMUND F. BRENNAN
United States Magistrate Judge