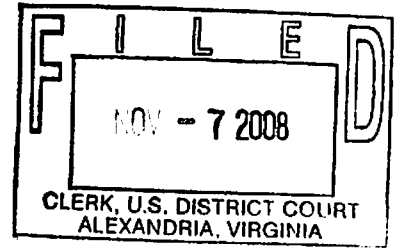


UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)
)
 v.)
)
 JEFF ROSATO,)
)
 Defendant.)

CASE NO. 1:08MJ 966

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Chad Gallagher, a Special Agent with the Federal Bureau of Investigation (FBI), Washington Field Division, Washington, D.C., being duly sworn, depose and state as follows, to wit:

1. Your Affiant has been employed as a Special Agent of the FBI since July of 2004, and is currently assigned to the Washington Field Office, Northern Virginia Resident Agency. Since joining the FBI, I have investigated violations of federal law in the sexual exploitation of children, and am currently investigating federal violations concerning child pornography and the sexual exploitation of children. I have gained experience through training in classes, and everyday work related to conducting these types of investigations. As a federal agent, your Affiant is authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

2. As a federal agent, your Affiant is authorized to investigate violations of laws of

the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

3. This affidavit is being submitted in support of a criminal complaint charging JEFF ROSATO ("ROSATO") of Arlington, Virginia, with violating Title 18, United States Code, Section 2252A(a)(2), Receipt of Child Pornography and Title 18, United States Code, Section 2252A(a)(2), Distribution of Child Pornography.

4. The statements contained in this Affidavit are based on my experience and background as a Special Agent and on information provided by other law enforcement agents. I have not set forth every fact resulting from the investigation; rather, I have included only that information necessary to establish probable cause to charge ROSATO with violating Title 18, United States Code, Section 2252A(a)(2), Receipt of Child Pornography and Title 18, United States Code, Section 2252A(a)(2), Distribution of Child Pornography.

5. For the reasons set forth below, your Affiant avers that this affidavit contains ample probable cause to believe that ROSATO received and distributed child pornography via the Internet.

DETAILS OF THE INVESTIGATION

6. An investigation of Mr. XXXXXXXX XXXX XXXXXXXX ("Mr. XXXXXXXX") and subsequent forensic analysis of Mr. XXXXXXXX's computer revealed that Mr. XXXXXXXX had been using Google Hello as a means to distribute child pornography using the internet. Specifically, between January 2, 2008 and January 23, 2008, during the course of more than 15 online chats, Mr. XXXXXXXX distributed more than 600 files containing graphic images and movies of child pornography to an undercover detective that Mr. XXXXXXXX believed was a 13-

year-old boy.

7. The forensic analysis of Mr. XXXXXX's home computer also revealed other Google Hello users with whom Mr. XXXXXX had been actively trading child pornography. Of particular interest to this investigation were chat log and filmstrip files located on Mr. XXXXXX's computer in two separate file paths: (1) C:\Documents and Settings\XXX\Local Settings\Application Data\Google\Hello\db\XXXXXXXX\chatlog\ and (2) C:\Documents and Settings\XXXXXXXX XXXXXX\Local Settings\Application Data\Google\Hello\db\XXXXXXXX\chatlog\. Under these file paths were three hundred and two (302) folders. Each folder was labeled with a Google Hello UID number. Located within many of these folders were chat log and filmstrip files.

8. Utilizing the Hello program, computer forensic examiners from the Department of Justice's Child Exploitation and Obscenity Section High Tech Investigative Unit were able to recover the communications contained within the chat log and filmstrip files found on Mr. XXXXXX's computer. A review of these files revealed numerous communications pertaining to the sexual exploitation of children and the distribution and receipt of digital images of child pornography. More specifically, many of these files contained thumbnail images of the full size images that were distributed and received during each chat conversation. The chat logs also contained application messages that were generated by the Hello program. The application messages were inserted into the chat log as application events occurred. Application messages included date and time of the communication, text identifying the number of images sent by each user during the communication as well as the total number of images sent. Many of the images found within the chat conversations involved visual depictions of minors engaged in sexually

explicit conduct.

9. The forensic examiners also located two files named "friends" in two file paths:

(1) C:\Documents and Settings\XXX\Local Settings\Application

Data\Google\Hello\db\XXXXXXXX\friends.xml and (2) C:\Documents and Settings\XXXXXXXX

XXXXXXXX\Local Settings\Application Data\Google\Hello\db\XXXXXXXX\friends.xml. These

files contained the user identification number, handle (nickname) and email address for some of

the Hello users that had communicated with Mr. XXXXXX. The UID numbers listed in the

friends.xml files were the same UID numbers used to label the folders that contained the chat log

and filmstrip files.

IDENTIFICATION OF "SUSPECT USERNAME"
AND GOOGLE HELLO UID XXXXXXX

10. As a result of their analysis, the forensic examiners from the Department of Justice's Child Exploitation and Obscenity Section High Tech Investigative Unit created a list of Google Hello users that had been identified as having chatted with and exchanged child pornography with Mr. XXXXXX. One such user was identified as "SUSPECT USERNAME," with a Google Hello User ID of XXXXXXX. The chat log and filmstrip file for this account were located on Mr. XXXXXX's computer in the Documents and Settings folder.

11. A February 25, 2007 chat between "SUSPECT USERNAME" and Mr. XXXXXX included discussions related to the receipt and distribution of child pornography images, thumbnails of child pornography, and application messages identifying the total number of images exchanged and the number of images sent by each participant.

12. Specifically, the end of the February 25, 2007 chat log recovered from the folder

labeled XXXXXXXX contained 283 thumbnail images of the full size images sent during the chat conversation. Analysis of the chat log showed that "SUSPECT USERNAME" sent 164 images to Mr. XXXXXXX. Many of these images contain child pornography. For example, one of the images sent by "SUSPECT USERNAME" shows a young boy approximately 10 years old masturbating. "SUSPECT USERNAME" also received 139 images from Mr. XXXXXXX. Many of these images also contain child pornography. For example, one of the images sent by Mr. XXXXXXX shows an adult male performing oral sex on a boy approximately 10 years old.

13. On May 28, 2008, in an attempt to further identify the individual using the screen name "SUSPECT USERNAME," a subpoena was issued to Google Incorporated for Hello UID number XXXXXXX with a handle of "SUSPECT USERNAME."

14. On July 10, 2008, Google Inc. responded to the subpoena issued for Hello UID number XXXXXXX and "SUSPECT USERNAME" and provided the following subscriber information:

UserID: XXXXXXXX

Username: "SUSPECT USERNAME"

Email: XXXXXXXXXXXX@yahoo.com

Registered: Tuesday, April 5, 2005

Last Login: Friday, May 30, 2008 @ 6:22:37PM

15. Google Inc. also provided activity logs documenting access to UserID XXXXXXXX and "SUSPECT USERNAME." These logs documented date, time and IP address for each time the account was accessed between April 4, 2008 and May 30, 2008. All of the IP

addresses used to access this account were logged by Google as XX.XXX.XX.XX and XX.XXX.XXX.XXX.

16. A publicly available Internet search tool was used for IP addresses XX.XXX.XX.XX and XX.XXX.XXX.XXX, which resolves an IP address to the Internet Service Provider that owns it. This search showed that the owner of these IP addresses was Comcast.

17. On July 21, 2008, a subpoena was issued to Comcast to identify the customer associated with IP address XX.XXX.XX.XX on May 9, 2008 at 3:49:09 PM and May 9, 2008 at 3:55:53 PM Pacific Standard Time. These were the last log-on and log-off times for "SUSPECT USERNAME" to Google Hello from this IP address according to the activity log provided by Google, Inc. The subpoena also requested Comcast to identify the customer associated with the IP address XX.XXX.XXX.XXX on May 30, 2008 at 4:24:58PM and May 30, 2008 at 4:28:47PM Pacific Standard Time. These were the last log-on and log-off time for "SUSPECT USERNAME" to Google Hello from this IP address according to the activity log provided by Google, Inc. Comcast responded to the subpoena and identified Jeff Rosato as the account holder. Comcast provided the following subscriber information:

Subscriber Name: Jeff Rosato
Address: XXXXXXXXXXXXXXXXXXXX
Arlington, VA 22201

(This address is the subscriber's service address)
Telephone #: 202-XXX-XXXX
Type of Service: Residential High Speed Internet Service
Account Status: Active
IP Assignment: Dynamically assigned
Account Number: XXXXX-XXXXXX-XX
E-mail User Ids: XXXXXXXXXXXX@comcast.net
Method of Payment: Statement sent to above address.

The account was active as of July 28, 2008.

18. Based on this information, on November 4, 2008, a federal search warrant was obtained for ROSATO's residence from a magistrate judge in the Eastern District of Virginia. The warrant authorized the seizure of, among other things, "any computer, computer system and related peripherals" in order to search for images of child pornography.

19. Pursuant to the search warrant, on November 7, 2008, agents from the Federal Bureau of Investigation seized, among other things, four laptop computers, one desktop computer, and two external hard drives from ROSATO's residence. A preliminary forensic review of ROSATO's personal Dell laptop computer, which was located in ROSATO's bedroom, revealed approximately 200 images of child pornography and child erotica, and several movies containing child pornography and child erotica. Many of the images and videos depict prepubescent boys engaged in sexual acts. For example, one of the images shows two boys approximately ten years old engaged in anal sex. The preliminary forensic examination also revealed the presence of multiple Google Hello folders, many of which contain images of child pornography.

