

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.

CASE NUMBER: ~~8:06-m-~~

ROBERT LESLIE METZ

8:07-MJ-1524-T-EAJ

I, John David Kuchta, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

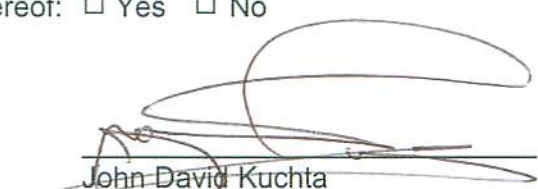
On or about an unknown date, but from at least August 2007, in the Middle District of Florida, **Robert Leslie Metz**, defendant herein did, knowingly possess, receive or distribute child pornography that had been mailed, or has been shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

All in violation of Title 18, United States Code, Section 2252A.

I further state that I am a(n) Special Agent with the Federal Bureau of Investigation, and that this Complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No


John David Kuchta
Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,

November 16, 2007

at

Tampa, Florida

Elizabeth A. Jenkins
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, John David Kuchta, being duly sworn, hereby depose and state as follows:

Introduction

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been employed as such for over sixteen years. I have investigated matters involving the on line sexual exploitation of children, particularly in relation to violations of Title 18, United States Code (USC), Section 2252 and 2252A, which criminalized the possession, receipt and transmission of child pornography. Between May 1995 and December 1996, I was assigned full time as a Special Assistant United States Attorney in the Eastern District of Virginia where I successfully prosecuted persons involved in child pornography and the sexual exploitation of children through the use of the internet. My current responsibilities include the investigation of various criminal offenses, including crimes outlined in this affidavit. I have received specialized training from federal and state law enforcement agencies in the investigation of crimes involving the sexual exploitation of children, especially through the use of the Internet. I have been involved in numerous investigations, which have resulted in convictions.

The statements contained in this affidavit are based on my experience and background as a law enforcement officer with the Federal Bureau of Investigation (FBI), information provided by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not set forth every fact resulting from the investigation; rather, I have set forth a summary of the investigation to date in order to establish probable cause to arrest Robert Leslie Metz

for violations of Title 18, United States Code, Section 2252A, possession of child pornography.

STATUTORY AUTHORITY

POSSESSION AND DISTRIBUTION OF CHILD PORNOGRAPHY

2. Title 18, United States Code, Section 2252A, prohibits knowingly receiving or distributing any child pornography that has been shipped or transported in interstate or foreign commerce, by any means, including by computer, or which was produced using materials which have been so mailed, shipped, or transported.

Title 18, United States Code, Section 2256(8), defines "child pornography" as used in section 2252A as follows:

any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where--

- (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
- (B) such visual image is a digital image, computer image, or computer generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or,
- (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

Title 18, United States Code, Section 2256(2), defines "sexually explicit conduct" as follows:

- (A) Except as provided in subparagraph (B), "sexually explicit conduct" means actual or simulated--
 - (I) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
 - (ii) bestiality;
 - (iii) masturbation;
 - (iv) sadistic or masochistic abuse; or
 - (v) lascivious exhibition of the genitals or pubic area of any person;
- (B) For purposes of subsection [2256] 8(B) . . ., "sexually explicit conduct" means--
 - (I) graphic sexual intercourse, including genital-genital, oral- genital, anal- genital, or oral-anal, whether between persons of the same or opposite sex, or lascivious simulated sexual intercourse where the genitals, breast, or pubic area of any person is exhibited;
 - (ii) graphic or lascivious simulated;
 - (I) bestiality;
 - (II) masturbation; or
 - (III) sadistic or masochistic abuse; or
 - (iii) graphic or simulated lascivious exhibition of the genitals or pubic area of any person[.]

Details of the Investigation

3. On August 22, 2007, FBI Special Agent Nicholas Savage, Orlando Resident Agency, was contacted by FBI Special Agent Jackie Dougher, FBI Headquarters, who advised that the Australian Federal Police OCSET team was working an undercover investigation involving an unknown individual claiming to reside in the central Florida area.

4. On August 23, 2007, SA Dougher called and advised Savage that the individual had been identified and all information would be sent via overnight mail. The following information was received the following day:

5. On or about August 21, 2007, an AFP undercover operative (UCO) detected a posting in a chat room by the user of email address: talon_fei@yahoo.com. The posting invited anyone who has pornography involving babies to contact him, at the screen name "gekiblue," on "Hello" Google.

According to Google, "Hello" Goggle is "A new way to look at pictures with friends and family. No email, no websites, no waiting. Send and receive digital photos instantly even through firewalls. See what your friend is viewing while you chat and browse through pictures together."

6. On August 28, 2007, FBI SA Nicholas Savage, along with other members of the Orlando FBI's Innocent Images Task Force, executed a Federal Search Warrant at 4492 Saint George's Court, Kissimmee, Florida. Contemporaneous with the search of the residence, SA Savage and TFA McElyea conducted an interview with Tony Guerra. During the interview, Guerra admitted to being "gekiblue" and to receiving and distributing images of child pornography.

7. Subsequent to the search, a forensic exam of Guerra's computer was conducted by Seminole County Sheriff's Office Sergeant Dan Purcell. The exam revealed over 7000 images of child pornography and numerous chat logs from "Hello" Google. Guerra was subsequently arrested on August 30, 2007. One of those screen names that Guerra chatted with and sent and received child pornographic images from was rainbow6432 on August 18, 2007.

8. During that chat, a total of 1142 images were distributed and received between the two individuals. Your Affiant has viewed those images and almost all are child pornography consisting primarily of infants, toddlers and preteen children who have penises in their mouths; semen on them; are having their genitalia exposed; and are being vaginally and anally penetrated. Some of the photographs depict defecation, and sadomasochistic themes in which children are tied up and bound.

9. The following is the Google Hello chat log between gekiblue and rainbow643:

8/18/2007 9:43:25 PM gekiblue: hi
8/18/2007 9:43:36 PM rainbow6432: hi
8/18/2007 9:43:38 PM gekiblue is sending 1 picture.
8/18/2007 9:43:52 PM gekiblue: how are you
8/18/2007 9:44:02 PM rainbow6432: good u
8/18/2007 9:44:26 PM gekiblue: same just looking for harrrd pics
8/18/2007 9:44:40 PM rainbow6432: same here
8/18/2007 9:45:32 PM rainbow6432 is sending 1 picture.
8/18/2007 9:45:41 PM gekiblue: you like babies
8/18/2007 9:45:54 PM rainbow6432: yep
8/18/2007 9:46:23 PM gekiblue is sending 5 pictures.
8/18/2007 9:46:46 PM rainbow6432: nice
8/18/2007 9:47:04 PM gekiblue: o yiu have any hard baby pics
8/18/2007 9:47:55 PM rainbow6432 is sending 11 pictures.
8/18/2007 9:48:15 PM rainbow6432: not many
8/18/2007 9:48:28 PM gekiblue: ok
8/18/2007 9:48:35 PM rainbow6432: would like more

8/18/2007 9:48:59 PM gekiblue: hld on
8/18/2007 9:49:09 PM rainbow6432: ok
8/18/2007 9:49:40 PM gekiblue is sending 3 pictures.
8/18/2007 9:50:11 PM rainbow6432: cool
8/18/2007 9:51:24 PM rainbow6432 is sending 3 pictures.
8/18/2007 9:52:21 PM gekiblue: if I culd id fuck a one yr old
8/18/2007 9:52:39 PM rainbow6432: ok
8/18/2007 9:52:51 PM gekiblue: if I culd
8/18/2007 9:53:11 PM rainbow6432: why not
8/18/2007 9:53:11 PM gekiblue: wat about you
8/18/2007 9:54:07 PM rainbow6432: that would be nice
8/18/2007 9:55:37 PM rainbow6432: now I could do that
8/18/2007 9:56:30 PM rainbow6432 is sending 3 pictures.
8/18/2007 10:00:17 PM gekiblue: wats the youngest you wuld fuck
8/18/2007 10:00:52 PM rainbow6432: 1or2 yr o
8/18/2007 10:01:43 PM gekiblue: I mihght try yunger
8/18/2007 10:02:14 PM gekiblue: depends
8/18/2007 10:02:16 PM rainbow6432: ever have the chance
8/18/2007 10:02:21 PM gekiblue: no
8/18/2007 10:02:38 PM rainbow6432: too bad for you
8/18/2007 10:02:42 PM gekiblue: do u kno where I can find pee pictures
8/18/2007 10:03:01 PM rainbow6432: let me see
8/18/2007 10:03:32 PM rainbow6432 is sending 7 pictures.
8/18/2007 10:03:34 PM gekiblue is sending 6 pictures.
8/18/2007 10:05:42 PM gekiblue is sending 6 pictures.
8/18/2007 10:06:07 PM rainbow6432 is sending 6 pictures.
8/18/2007 10:08:20 PM rainbow6432: thats all
8/18/2007 10:08:32 PM gekiblue: where did you find?
8/18/2007 10:08:34 PM rainbow6432: some more pee
8/18/2007 10:08:46 PM rainbow6432: sent to me
8/18/2007 10:09:28 PM rainbow6432: any more baby pics
8/18/2007 10:09:33 PM gekiblue is sending 1 picture.
8/18/2007 10:09:55 PM rainbow6432 is sending 3 pictures.
8/18/2007 10:10:51 PM gekiblue: where do u find your poop pcs
8/18/2007 10:11:32 PM rainbow6432: someone I been on here with
8/18/2007 10:11:53 PM rainbow6432: I'll pass you on if you want
8/18/2007 10:12:17 PM gekiblue: yeah
8/18/2007 10:12:44 PM rainbow6432: he's not on now but I will pass on
8/18/2007 10:13:17 PM rainbow6432: this is real nice
8/18/2007 10:13:40 PM gekiblue is sending 24 pictures.
8/18/2007 10:13:42 PM rainbow6432: what else do you like
8/18/2007 10:14:43 PM rainbow6432 is sending 15 pictures.
8/18/2007 10:17:23 PM rainbow6432: it's a lot do you want all
8/18/2007 10:17:29 PM gekiblue: yes
8/18/2007 10:17:46 PM rainbow6432: sent me something good

8/18/2007 10:19:14 PM rainbow6432 is sending 347 pictures.
8/18/2007 10:28:26 PM gekiblue: ill try
8/18/2007 10:30:45 PM rainbow6432: ok
8/18/2007 10:34:39 PM gekiblue is sending 21 pictures.
8/18/2007 10:36:47 PM rainbow6432: hot
8/18/2007 10:43:23 PM rainbow6432: what else do you like
8/18/2007 10:43:59 PM gekiblue: anything kid kid/animal
8/18/2007 10:44:54 PM rainbow6432: animal? I don't have any of those, u?
8/18/2007 10:45:40 PM gekiblue: no
8/18/2007 10:46:06 PM rainbow6432: too bad I would of like to see them
8/18/2007 10:51:23 PM gekiblue: ya me too
8/18/2007 10:52:02 PM rainbow6432: you have any more pics
8/18/2007 10:54:48 PM gekiblue: wats that guys name with poop/pee pic
8/18/2007 10:55:20 PM rainbow6432: awall
8/18/2007 11:07:20 PM gekiblue: ok
8/18/2007 11:07:37 PM rainbow6432: u know him
8/18/2007 11:07:43 PM gekiblue: no
8/18/2007 11:08:07 PM rainbow6432: ok I will pass on
8/18/2007 11:08:12 PM gekiblue: ok
8/18/2007 11:08:44 PM gekiblue is sending 1 picture.
8/18/2007 11:09:22 PM rainbow6432 is sending 4 pictures.
8/18/2007 11:09:50 PM gekiblue: hot
8/18/2007 11:11:53 PM gekiblue: "shove it deeper deeper"
8/18/2007 11:12:52 PM rainbow6432: lol
8/18/2007 11:14:06 PM gekiblue is sending 10 pictures.
8/18/2007 11:14:47 PM rainbow6432: wow
8/18/2007 11:15:08 PM rainbow6432: cool
8/18/2007 11:15:29 PM rainbow6432 is sending 41 pictures.
8/18/2007 11:17:02 PM gekiblue: nice
8/18/2007 11:18:18 PM rainbow6432: u like boys
8/18/2007 11:18:34 PM gekiblue: not so much do you
8/18/2007 11:18:57 PM rainbow6432: I like everything
8/18/2007 11:19:56 PM gekiblue: oh ok
8/18/2007 11:21:41 PM rainbow6432: what else do you have?
8/18/2007 11:22:44 PM gekiblue is sending 500 pictures.
8/18/2007 11:23:20 PM gekiblue: any more poop pics
8/18/2007 11:24:57 PM gekiblue: I just want more baby pics
8/18/2007 11:25:00 PM rainbow6432: no, but try these
8/18/2007 11:25:14 PM rainbow6432 is sending 479 pictures.
8/18/2007 11:34:45 PM gekiblue: would you ever drink pee from a lil girl
8/18/2007 11:35:23 PM rainbow6432: you bet I would
8/18/2007 11:36:18 PM rainbow6432: wow, wasn't thinking about that but yes I epuld
8/18/2007 11:36:32 PM rainbow6432: would
8/18/2007 11:37:44 PM rainbow6432: how about u
8/18/2007 11:38:43 PM gekiblue: yah

8/18/2007 11:39:31 PM rainbow6432: would you lick shit from her butt
8/18/2007 11:41:39 PM gekiblue: maybe
8/18/2007 11:42:01 PM rainbow6432: o yea
8/18/2007 11:42:50 PM gekiblue: ya
8/18/2007 11:43:42 PM rainbow6432: love to put my dick in her messy ass
8/19/2007 12:13:41 AM rainbow6432 logged off.

10. SA Savage subpoenaed Google for all screen names with whom Guerra had traded images of child pornography. Google identified the Internet Protocol Address for the date and time of the above captioned chat in which the child pornographic images were traded at that date and time as 72.91.198.210. IP address 72.91.198.210 is listed to Verizon.

11. Each time an individual accesses the Internet, the computer from which he or she initiates access is assigned an Internet Protocol ("IP") address, a unique identifying number, by the ISP. A central authority provides each ISP a limited block of IP addresses for use by that ISP's customers or subscribers. Most ISPs employ dynamic IP addressing, that is, they allocate any unused IP address to customer or subscriber at the time of initiation of an Internet session. The ISP logs the date, time and duration of the Internet session for each IP address and its records can help identify the user of that IP address for such a session. On the other hand, some ISPs, including most cable providers, employ long term static IP addressing, that is, a customer's or subscriber's computer is assigned one IP address, which stays the same for a period of time, and that is used to identify each and every Internet session initiated through that computer.

12. A subpoena was served on Verizon which identified the user of 72.91.198.210 during the period of August 15, 2007 through August 27, 2007 as an active account user:

Robert Metz
7119 83rd Drive East
Bradenton, FL 34201
secondary email address: pepsi6432@comcast.net

A subpoena served on Comcast identified the email address pepsi6432@comcast.net as a disconnected account of Robert Metz, which has been inactive since December 27, 2005. The address provided in the records of Comcast are 6040 Medici Court, Apt. 203, Sarasota, FL 34243. Public Records identify this as a previous address of Metz.

13. On October 15, 2007, your affiant spoke with Justin Manning, Verizon Internet Security. Manning advised that Metz connects to the internet through Verizon and a subscriber can list any secondary email address which Verizon does not verify. Your affiant will note that subpoenaed record's from google for Rainbow6432 lists the account creator as using pepsi6432@comcast.net.

Public record checks showed that Robert Leslie Metz's current address as 7119 83rd Drive E., University Park, FL 34201.

A check of Robert Leslie Metz's driver's license confirmed his current address of 7119 83rd Drive E., University Park, FL 34201.

14. Your affiant obtained a Federal Search warrant for 7119 83rd Drive E., University Park (Bradenton) FL signed by the Honorable Thomas Wilson, United States Magistrate Judge on October 18, 2007. On October 22, 2007 your affiant and

members of the FBI Sarasota Resident Agency, FBI Ft. Myers Resident Agency Innocent Images Task Force, and Detectives from the Manatee County Sheriff's Office executed the Federal Search Warrant and seized computers, computer media, CD's, DVD and removable electronic storage media commonly referred to as thumb drives from the residence. Metz was not home at the time of execution of the search warrant.

15. Metz was telephonically contacted at his workplace by your affiant and advised that the FBI had a search warrant for his residence for evidence of child pornography. Metz responded, "I know." In the telephone conversation, Metz was advised that he was not under arrest, that he would not be arrested that date, and that he was not detained. Metz agreed to come to the residence.

Shortly thereafter Metz arrived at the residence and provided a non custodial statement on his back patio to your affiant and Detective Brad Patterson, Manatee County Sheriff's Office. Metz likened his viewing and downloading of child pornography by quoting from the movie "Happy Gilmore", and said that it was a way that "he can go to a happy place." Metz said that he first saw child pornography online in the early 1990's when he had his first internet connection. Metz said he previously downloaded child pornography using word searches in Yahoo Groups. Metz used the search terms PTHC which he said meant "pre teen hard core", pre-teen, boys and girls. Metz said he has been using Google Hello to download and trade child pornography for the past 6 months. Metz advised that he used the screen name Rainbow6432. Metz admitted to trading child pornography with coolgirl2005 and reviewed the above captioned chat log dated August 21, 2007, and 1142 child pornographic images imbedded in the chat session. Metz acknowledged sending the images and engaging in the chat. Metz led

your affiant and Detective Patterson to his bedroom and identified a thumb drive located in a night stand drawer next to his bed which contained child pornography. Metz denied contact offenses with minor children to include his own children when they were minors. Metz was advised of his Miranda rights and he provided a taped statement to the same. The search was completed, the house was vacated and Metz was observed leaving the neighborhood.

16. On November 2, 2007, your affiant spoke to Victim 1 (V1 hereafter). V1 is the adult age daughter of Robert Leslie Metz. V1 advised that Metz divorced her mother when she was pre-school age. Metz had court ordered visitation of V1 and she spent weekends with him. V1 told your affiant that V1 underwent counseling as a result of sexual abuse perpetrated by Metz against her between the ages of three and eight years old. The counseling included psychotherapy and hypnotherapy. V1 advised that V1's first memories of the sexual abuse occurred in the shower. V1 advised that Metz would make her take a shower with him and he would put V1's hand on his penis and use both hands on his penis. Metz would touch her vaginally and say, "this is what daddies do to their daughters." Later at night, Metz would slither into bed with V1 and rub her vaginal area roughly. During these child rapes, Metz would say, "daddies do this" and "if you love your daddy you will do this." Metz would ejaculate on V1's back.

As V1 grew older he would have vaginal, anal and oral sex with her. All of the incidents occurred while living in York, PA.

V1 told your affiant of an incident that occurred when she was approximately six or seven years old. Metz made V1 and his step daughters, V2 and V3 touch his penis while they were in V2 or V3's bedroom.

17. On November 2, 2007, your affiant interviewed W1, who was Metz' first wife. W1 advised Metz was approximately 18 and W1 was 14 when they started having sex. W1 married Metz when she turned 16. W1 was married to Metz for 9 years. They divorced after Metz started having an extramarital affair with their 14 year old babysitter, W2. Metz later married W2 when she came of age. W1 told your affiant that Metz took showers with V1 and their other daughter V4. W1 stopped allowing V4 to take showers with Metz when, at the age of eight, she referred to his penis as "the ice cream cone."

18. On November 8, 2007, your affiant reviewed a partial forensic examination of Metz's computer media to include the thumb drive identified by Metz as containing child pornography. There are over 20,000 child pornographic images on the media. A vast number of images depict infants and toddler age children engaged in sex acts with adults. Your affiant has observed numerous images of real children known to law enforcement and identified in other investigations. Many of the images depict sadomasochistic themes, and the infliction of pain on small children.

One image depicted a infant age child on a green blanket with a distinct pattern with man's erect penis in the child's mouth. Your affiant had the image sanitized to remove the penis, showing only the head, blanket background. Your affiant showed a series of sanitized photo's from the forensic examination to W1 on November 8, 2007. W1 identified the above referenced image as her daughter V4 when she was a baby. W1 said that she recognized the blanket and returned to her home and obtained old family photographs. W1 provided your affiant with a photograph of a baby, circa 1978, which appears to be the same child with the same blanket.

19. On November 13, 2007, your affiant and Detective Brad Patterson interviewed Metz at the Sarasota FBI Office. Metz was interviewed in a non custodial setting. Metz provided a tape recorded post Miranda statement in which he said that he laid in bed with V5, his daughter from his marriage to W2 when V5 was approximately 8 years old. Metz advised that the incident occurred in a bedroom at his mother's residence in York, PA after his divorce from W2. Metz said that V5 was lying on her back and Metz was lying beside her. Metz said that V5 placed his hand on her vaginal area over his clothing. Metz told your affiant that he began to rub V5's clitoris over top her clothing and then put his fingers under her panties. Metz said that he digitally penetrated V5's vagina and was aroused by it. Metz said that he used to masturbate to the fantasy of having oral and vaginal intercourse with V5 and V1 when they were children. Metz denied any further contact offenses against V1 or V1.

Later in the afternoon of November 13, 2007, Metz provided a written statement to FBI SA Curtis Holleman and SA E. Leo Martinez in which he outlined in detail how he sexually abused V1, V4 and V5 over multi-year period's when they approximately six through eight years of age while taking showers together and in bed at night. In addition, Metz recalled taking a photograph of himself putting his penis in V4's mouth when she was an infant. Metz told SA Martinez and Holleman that he saved the picture for himself and kept it with him when he moved to different residences. Metz did not explain how the image ended up on his computer. ~~(The statement given by Metz is~~

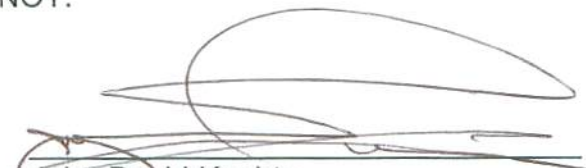
~~attached as Exhibit 1. For the purpose of protecting the privacy of the victims, their names have not been used in this affidavit and are redacted in the attached statement)~~

On the evening of November 13, 2007, V1 made a consensually recorded telephone call to Metz. In the call, Metz acknowledged the sexual acts he committed against her and V5 when they were children.

20. Based on the above information, I believe that probable cause exists to establish evidence of a violation of Title 18, United States Code, Section 2252A, which makes it a federal crime for any person to knowingly possess, receive or distribute child pornography that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer.

In consideration of the foregoing, your Affiant respectfully requests that this Court issue an arrest warrant for Robert Leslie Metz

FURTHER YOUR AFFIANT SAYETH NOT.



John David Kuchta
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed
before me this 16th day
of November, 2007.



Elizabeth A. Jenkins
United States Magistrate Judge