

**AFFIDAVIT FOR CRIMINAL COMPLAINT**

I, Alek Pacheco, being first duly sworn, do here by depose and state that:

**BACKGROUND**

1. I am employed as a Special Agent with the United States Immigration and Customs Enforcement (ICE), Department of Homeland Security, San Juan, Puerto Rico. I have been employed as a Special Agent since August 2004. As part of my daily duties as an ICE agent, I investigate criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, transportation, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252 and 2252A, therein.

2. I have attended the Criminal Investigator School at the Federal Law Enforcement Training Center and the Customs Basic Enforcement School Course. I also attended the Cyber Crimes Center Undercover School. I have received training in the area of child pornography and child exploitation and had the opportunity to observed and review numerous examples of child pornography (as defined in 18 USC 2256) in all forms of media. I have also been involved in the execution of more than 15 searches in relation to child pornography offenses.

3. Because this Affidavit is submitted for a limited purpose, I have not included details of every aspect of this investigation. I am thoroughly familiar with the information contained in this Affidavit, either through personal investigation or through discussions with other law enforcement officers who have interviewed individuals or personally have obtained information, which they in turn have reported to me.

**INVESTIGATION**

4. On August 11, 2009, Carlos SIMON-Timmerman arrived at the Luis Muñoz Marin International Airport in San Juan, Puerto Rico from Caracas, Venezuela aboard American

Airlines flight 1738. Carlos SIMON-Timmerman was selected for secondary inspection which was conducted by Customs and Border Protection Officer (CBPO) Ortiz.

5. An inspection of the black backpack being carried by SIMON-Timmerman revealed the existence of three DVD's each inside a black plastic case with labels. The titles of the DVDs were "Desflorando Virgenes Vol 3" (Deflowering Virgins Vol 3), "Desflorando Virgenes Vol 4" (Deflowering Virgins Vol 4) and "Little Lupe La Inocente- Que no te engañe su cara de bebe" (Little Lupe the Innocent- do not be fooled by her baby face). The labels on the DVD cases depict what appear to be minor females in sexually explicit poses and engaged in sexual acts. A review of the contents of the DVD's revealed the existence of video images of minors engaging in sexually explicit conduct, specifically minor females engaging in sexual intercourse and oral sex with adult males. One of the scenes in the DVD titled "Desflorando Virgenes Vol 3" (Deflowering Virgins Vol 3) depicts a white female who appears to be approximately 13-14 years of age being tied to a sofa arm-chair, knees on the ground, facing the couch, and subsequently being penetrated in the vaginal area by an adult male. The DVDs and the cases are being made available for the Court's review.

6. On August 11, 2009, at approximately 9:15pm, SIMON-Timmerman was advised of his Miranda Rights, which he voluntarily waived. During the interview SIMON-Timmerman stated that that he had purchased the DVD's in a Flea Market in Venezuela and that the DVD's were for his personal use.

7. Based upon my training, experience, and facts concerning this investigation I respectfully believe that sufficient probable cause exists to show that there is material evidence present of a commission of a violation of a Federal Law to wit: Transportation and Possession of Child Pornography in violation of Title 18 U.S.C. 2252(a)(1) and (a)(4)(B)

  
Senior Special Agent Alek Pacheco

Subscribed and sworn to before me this 12th day of August, 2009.

*The Court has reviewed portions of the DVDs in the presence of Special Agent Alek Pacheco.*

  
United States Magistrate Judge