

UNITED STATES DISTRICT COURT

FILED

for the

Eastern District of California

JAN 30 2015

CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA BY [Signature] DEPUTY CLERK

United States of America v.

Case No.

2:15 - MJ - 0020 KJN

Mark McLeod Wygant Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 17, 2011 to December 2014 in the county of El Dorado in the Eastern District of California, the defendant violated:

Code Section 18 U.S.C. §2252(a) (2)

Offense Description Receipt of Child Pornography

This criminal complaint is based on these facts:

(see attached affidavit)

[X] Continued on the attached sheet.

[Signature]

Complainant's signature

SA Glenn G. Norling Federal Bureau of Investigation Printed name and title

Sworn to before me and signed in my presence.

Date: January 30, 2015

City and state: Sacramento, California

[Signature]

Judge's signature

Kendall J. Newman, U.S. Magistrate Judge Printed name and title

**AFFIDAVIT IN SUPPORT OF ARREST WARRANT**

I, Glenn G. Norling, being duly sworn, depose and state:

1. I am a Special Agent with the Federal Bureau of Investigation, presently assigned to the South Lake Tahoe Resident Agency. I have been assigned to the South Lake Tahoe Resident Agency since September 2012. I have been employed by the FBI since February of 2000. As part of my daily duties as a Special Agent, I investigate a spectrum of Federal criminal violations. This includes criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2251 and 2252. I have received training in the area of child pornography and child exploitation and as part of my duties have observed and reviewed numerous examples of child pornography and visual depictions of minors engaged in sexually explicit conduct (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have attended courses in the investigation of child sexual exploitation, child pornography, and online child sexual exploitation.
2. This Affidavit is made in support of an application for a warrant to arrest Mark McLeod Wygant, residing at 2608 Duffy Road, Chico, CA 95973 (hereinafter "SUBJECT").
3. I believe that there is probable cause to believe that the SUBJECT has violated 18 U.S.C. § 2252(a)(2), which makes it a crime to knowingly receive matter containing any visual depiction that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce, or 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, if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct; 18 U.S.C. § 2252(a)(4), which makes it a crime to knowingly possess matter containing any visual depiction that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce, or 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, if the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such visual depiction was of such conduct; and 18 U.S.C. § 2251(a), which makes it a crime to use, persuade, induce or entice a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of the conduct if the depiction is produced using materials that have been transported in interstate or foreign commerce.

4. I am familiar with the information contained in this Affidavit based upon my experience and training, my conversations with other law enforcement officers who have engaged in numerous investigations involving child pornography, and the investigation I have conducted.
  
5. Because this Affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have not knowingly excluded any exculpatory evidence. I have set forth only those facts that I believe are necessary to establish probable cause to believe that the SUBJECT has violated 18 U.S.C. § 2252. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.

## **Definitions**

6. “Child Pornography” includes the definition found at 18 U.S.C. § 2256(8), and is any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.
  
7. “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. See 18 U.S.C. § 2256(5).
  
8. “Minor” means any person under the age of eighteen years. See 18 U.S.C. § 2256(1).
  
9. “Sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, genital-anal, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any persons. See 18 U.S.C. § 2256(2).
  
10. “Metadata” is data contained in a file that is not usually associated with the content of a file but is often associated with the properties of the application or device that created that file. For example, a digital camera

photograph often has hidden data that contains information identifying the camera that manufactured it and the date the image was taken.

**Probable Cause to Arrest the SUBJECT:**

11. On or about 01/12/15 I was informed by another law enforcement officer that a flash drive, found in a currently un-assigned locker located in a City of South Lake Tahoe Fire Station was found to contain a large amount of image and video files depicting child pornography. The flash drive is a SanDisk Cruzer flash drive. I am aware from this investigation and others that SanDisk Cruzer flash drives are generally produced in China.
12. A state search warrant for the contents of the flash drive had been obtained on 01/09/15 by the South Lake Tahoe Police Department, Warrant S15SW0006, issued by the Honorable Judge Suzanne N. Kingsbury, Superior Court of California, County of El Dorado, and initial investigation had been undertaken by the South Lake Tahoe Police Department.
13. An initial examination of the flash drive had found that it included over 5000 images of child pornography, along with over 50 video files also containing child pornography. Some of the files on the flash drive were:
  - a. Image IMG\_0509.jpg, saved to the flash drive on 01/24/2012, 5:30pm, depicts a young girl, appearing to be between 9-13 years old lying on a couch engaged in vaginal intercourse with a male. The male's penis is shown inside the female's vagina.
  - b. Image IMG\_0580.jpg, saved to the flash drive on 01/30/2012, 10:25pm, depicts the lower torso of a very young female, approximately 4-9 years

of age, with her vagina exposed. A penis is shown inserted into her anus.

- c. Image IMG\_4430.jpg, saved to the flash drive on 08/22/2011, 9:50pm, depicts a young female, approximately 6-10 years old, performing oral sex on a male. The image shows the males' penis in the female's mouth.

14. Several of the videos appeared to be of a known female minor (MINOR VICTIM #1) under the age of 18. Two South Lake Tahoe police detectives have since met MINOR VICTIM #1 and have compared the videos of MINOR VICTIM #1 and believe that the videos depict the minor. MINOR VICTIM #1 would have been approximately 12 years of age in 2011.

- a. Video file IMG\_1605.mov, created 04/25/11, 8:17pm, and lasting approximately 15 minutes, shows a young female, approximately 10-13 years of age, getting out of the shower. Her breasts and vagina were exposed. The SUBJECT is seen placing and apparently concealing the camera at the beginning of the video file.
- b. Video file IMG\_1529.mov, created 03/17/2011, 8:29pm, and lasting approximately 14 minutes, shows the young female in the bathroom showering. Her breasts and vagina are exposed. The SUBJECT is seen placing and apparently concealing the camera at the beginning of the video file.

15. The SUBJECT was interviewed on 01/29/2015, and he admitted to surreptitiously placing a camera (an iPhone 3 cellular phone) in a bathroom in MINOR VICTIM #1's residence numerous times to record MINOR VICTIM #1 nude for the purposes of the SUBJECT's sexual gratification. The SUBJECT also admitted to later purchasing 'spy cameras' via the internet website eBay to record additional videos. The SUBJECT estimated that he

had close to 100 videos of similar recordings of MINOR VICTIM #1. After he purchased the 'spy cameras', he placed four of them in the bathroom in MINOR VICTIM #1's residence for the purpose of recording her nude from multiple angles. The SUBJECT admitted that he had most recently recorded MINOR VICTIM #1 nude in the residence bathroom as recently as approximately one month ago, which he saved to a 1 terabyte external hard drive. Law enforcement has since seized that external hard drive from the SUBJECT. I am aware from this investigation and others that Apple iPhone 3 cellular phones are generally produced in China.

16. The undersigned Affiant submits that there is probable cause to believe that the SUBJECT, beginning on or around March 17, 2011 and continuing to on or around December 2014, has received child pornography images and videos onto a flash drive and onto an external hard drive. I believe that some of the child pornography was produced or attempted to be produced by the SUBJECT. This opinion is based upon the fact that hidden camera images that appear to have been taken by the SUBJECT were located on a flash drive possessed by the SUBJECT, and by the SUBJECT's own admission. Your Affiant also bases this opinion on his investigative experience gained during the execution of previous search warrants related to individuals identified as distributors, possessors and producers of child pornography in unrelated investigations.

### **Conclusion**

17. Based upon the above information, there is probable cause to believe that the SUBJECT has violated 18 U.S.C. § 2252(a)(2), which, among other things, make it a federal crime for any person to knowingly receive visual depictions of minors engaged in sexually explicit conduct.

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18. Based upon the foregoing, this Affiant respectfully requests that this Court issue an arrest warrant for the SUBJECT.



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GLENN G. NORLING  
Special Agent  
Federal Bureau of Investigation

Approved as to form.



\_\_\_\_\_  
MATTHEW MORRIS  
Assistant United States Attorney

Subscribed and sworn to before me this  
30 day of January 2015



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KENDALL J. NEWMAN  
United States Magistrate Judge  
Eastern District of California  
Sacramento, California