

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.
Matthew D. THOMAS

Case: 2:19-mj-30509
Judge: Unassigned,
Filed: 09-25-2019
USA v MATTHEW THOMAS (MAW)

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 November 1, 2018 - July 30, 2019 in the county of Lenawee County in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 U.S.C. § 2251	Production of child pornography
Title 18 U.S.C. § 2252A(a)(5)(b)	Possess material that contain image of child pornography that has been mailed
Title 18 U.S.C. § 2252A(a)(2)	Receive child pornography has been mailed/ship/transported

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature
Special Agent Raymond Nichols, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: SEP 25 2019

City and state: Detroit, Michigan


Judge's signature
Hon. Elizabeth Stafford, United States Magistrate Judge
Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION
FOR COMPLAINT AND ARREST WARRANT**

INTRODUCTION

I, Ray Nichols, having been first duly sworn, do hereby depose and state as follows:

1. I have been employed as a Special Agent of the FBI since February 2012, and am currently assigned to the FBI Detroit Division. While employed by the FBI, I have investigated federal criminal violations related to child exploitation, and child pornography. I have gained experience through training and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 2252A, and I am authorized by the Attorney General to request an arrest warrant.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **Matthew David Thomas** (DOB XX/XX/1975) for violations of: 18 U.S.C. §§ 2251 (production of child pornography), 2252A(a)(2) (receipt of child pornography), and 2252(A)(5)(b) possession of child pornography.

3. The statements contained in this affidavit are based in part on: written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation and analysis by law enforcement officers/analysts and computer forensic professionals; and my experience, training and background as a Special Agent with the FBI. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that Matthew D. Thomas has violated 18 U.S.C. §§ 2251, 2252A(a)(2), and 2252A(a)(5)(b).

PROBABLE CAUSE

4. On August 19, 2019, SmugMug-Flickr reported to the National Center for Missing and Exploited Children (NCMEC) that an account under the username “Martee T” contained images of suspected child pornography. SmugMug-Flickr is an online image and video hosting service. Users can upload images and videos to the site and then share them with other users. SmugMug-Flickr monitors the content uploaded to its service for potential contraband, such as images of child pornography, and allows other users to report abusive material as well.

5. According to SmugMug-Flickr CyberTipline Report 53705691, the last upload to the account “Martee T” occurred on August 17, 2019. The tipline report identified 93 suspect images.

6. SmugMug-Flickr records show that the 93 images were uploaded to the account for “Martee T” with the creation email address “mthomas3311@yahoo.com.” The account was created on July 30, 2019, at 2:12:18 (GMT) and was closed on August 17, 2019, at 14:52:17 (GMT). The uploads included the following images, many of which meet the federal definition of child pornography, under 18 U.S.C. § 2256(8)(A):

- a. 34 images of two girls approximately 5 and 8 years old (MV-1 and MV-2). In 18 of the images, there is a hand of an adult male pushing aside the skirt of one of the young girls to expose her naked buttocks. Other images depict a young girl removing her clothing to expose her bare chest and genitals.
- b. 18 images of photographs taken up the dress or skirt of a young blonde white female, approximately 3-5 years old (MV-2), at what appears to be a gymnasium. In 15 of these images, the focus appears to be on the girl’s genital area.

- c. 5 images of young females between the ages of 8-14, standing nude with their genitals clearly visible.
- d. 30 photographs of teenage girls, clothed, approximately 12-14 years old, who are wearing team jerseys or clothing, many of which are focused on the girls' genital area and buttocks.
- e. 2 photographs of a clothed teenage girl in which a naked vagina from an image described in paragraph (c) above is digitally imposed or photoshopped onto her pubic area (MV-4). The girl in this photo is also in one or more of the photos described in paragraph (d).
- f. 3 photographs depicting an approximately 8 year old girl (MV-5) standing in front of a house, also clothed but with a naked vagina from an image described in paragraph (c) above also digitally imposed or photoshopped onto her pubic area

7. According to Yahoo! records for the email address mthomas3311@yahoo.com, the account is registered to "Marty T" at phone number XXX-XXX-3311. The account has been logged into four times. The first time was to create the account on July 30, 2019, at 02:07:25 (GMT). There were two additional logins in the minutes after the initial registration, and one final login on

August 18, 2019. The Yahoo! records also identified the IP address for these login events.

8. On August 20, 2019, a subpoena was served to Comcast to provide information pertaining to the login events for this Yahoo! email address. Comcast records indicate that the IP address for the Yahoo! logins was assigned to subscriber Matthew Thomas at 3XXX Sapphire Drive, Adrian, MI, 49221

9. On August 28, 2019, Sprint Corporation responded to a subpoena for the phone number XXX-XXX-3311, which was listed on the SmugMug-Flickr account for Martee T. Sprint records show that the account has been registered to Matthew Thomas 3XXX Sapphire Dr, Adrian, MI, since at least 2007.

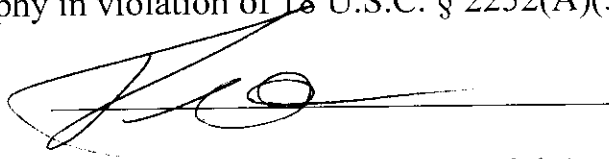
10. In summary, these records indicate that the Yahoo! email account mthomas3311@yahoo.com was created on July 30, 2019, at 2:07:25 (GMT) by “Marty T” using a phone number registered to Matthew Thomas. This email account was used to create the SmugMug-Flickr account “Martee T” on July 30, 2019, at 2:12:18 (GMT), where the suspect images were uploaded. The Yahoo! email account has only been logged into four times, three of which were from an IP address traced back to Matthew Thomas’s Comcast account at his residence, including two logins near the same time that the SmugMug-Flickr account was created.

11. FBI has been able to identify several of the minor victims in the images described above. The parents of MV-1 and MV-2 and a school official have identified them in the images and confirmed that they are members of Thomas's community. During the execution of a federal search warrant at Thomas's home on September 25, 2019, FBI agents were able to compare the background of the images of MV-1 and MV-2 and confirm that they were created in Thomas's living room. Thomas's wife stated that the images of MV-1 and MV-2 would have been taken around Thanksgiving 2018 based on when the living room was repainted. School officials have also identified the teenage girls from the sports team photographs, including MV-4, and confirmed that they are also members of Thomas's community.

12. During the execution of the search warrant, Thomas's wife identified his phone and that the phone number is XXX-XXX-3311. The phone rang when FBI officials placed a call to that number. The phone also sounded a notification and displayed an incoming email on the screen when FBI sent an email to the address mthomas3311@yahoo.com.

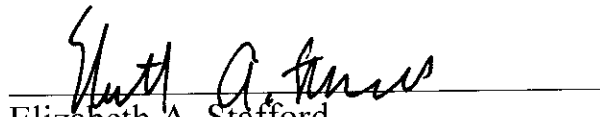
CONCLUSION

13. Based on the foregoing, there is probable cause to believe **Matthew Thomas** has produced child pornography, in violation of 18 U.S.C. § 2251, received child pornography in violation of 18 U.S.C. § 2252A(a)(2), and possessed child pornography in violation of 18 U.S.C. § 2252(A)(5)(b).

A handwritten signature in black ink, appearing to read 'Ray Nichols', is written over a horizontal line.

Special Agent Ray Nichols
Federal Bureau of Investigation

Sworn to me this 25th day of September 2019.

A handwritten signature in black ink, appearing to read 'Elizabeth A. Stafford', is written over a horizontal line.

Elizabeth A. Stafford
United States Magistrate Judge