

UNITED STATES DISTRICT COURT

Western District of Kentucky
FILED

for the

Eastern District of Kentucky

FEB 10 2017

United States of America
v.

AT LEXINGTON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

Case No.

5:17-MJ-5039-REW

Matthew Craig Fosson, DOB July 8, 1976, currently
incarcerated at the Fayette County Detention Center

Defendant(s)

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 August 28 & 30, 2016 in the county of Franklin in the
Eastern District of Kentucky, the defendant(s) violated:

Code Section	Offense Description
Title 18, United States Code, Sections 2251(a) and 2252(a)(2)	The Defendant used a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction would be transmitted using any means or facility of interstate or foreign commerce, and the Defendant knowingly received and distributed a visual depiction using a means and facility of interstate and foreign commerce, and the production of said visual depictions involved the use of a minor engaging in sexually explicit conduct and the visual depictions were of such conduct.

This criminal complaint is based on these facts:

See attached affidavit of Special Deputy U.S. Marshal Kathryn R. Reed

Continued on the attached sheet.

Kathryn R Reed
Complainant's signature

Kathryn R. Reed, Special DUSM, FBI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/10/2017

RW
Judge's signature

City and state: Lexington, Kentucky

Robert E. Wier, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Kathryn Ruth Reed, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of a criminal complaint for Matthew Craig Fosson for violations of Title 18, United States Code, Sections 2251(a), the use of a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction would be transmitted using any means or facility of interstate or foreign commerce, and 2252(a)(2), knowingly receiving and distributing any visual depiction using a means and facility of interstate and foreign commerce, and the production of said visual depictions involved the use of a minor engaging in sexually explicit conduct and the visual depictions were of such conduct. I previously submitted much of this same affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as 1056 Bittersweet Lane, Frankfort, KY 40601, hereinafter "PREMISES." This Court granted that application and issued a warrant to search the PREMISES on February 7, 2017, Case No. 5:17-MJ-5036-REW. Along with other law enforcement officers, I executed that warrant on February 9, 2017.

2. I am a Special Deputy United States Marshal, sponsored by the Federal Bureau of Investigation, and have been since February 2012. I am a Task Force Officer assigned to the Federal Bureau of Investigation's Child Exploitation Task Force. As such, I am a federal law enforcement officer authorized to investigate violations of federal law, and to apply for and execute warrants issued under the authority of the United States. Before becoming a Task Force Officer, I was (and continue to be) an Investigator employed by the Kentucky Attorney General's Office since June 1997. There I have specialized in conducting investigations of various state crimes, including child pornography and child exploitation. I have extensive law enforcement training in child exploitation crimes. Since September of 2008, most of my caseload consists of child exploitation crimes involving the internet, peer-to-peer file sharing, and computer equipment. I am a trained and certified digital forensic examiner, have conducted forensic examinations of digital evidence since May 2009, and have extensive experience in computer investigations.

3. The statements in this affidavit are based in part on information provided by Task Force Officer (TFO) Mark Baker of the Violent Crimes Against Children Unit of the Philadelphia Division of the FBI, located in Pennsylvania, and on my investigation of this

matter. Because this affidavit was previously submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believed were necessary to establish probable cause to believe that evidence of violations of 18 U.S.C. § 2251 and 2252 were located at 1056 Bittersweet Lane, Frankfort, KY 40601, the PREMISES.

CHILD PORNOGRAPHERS AND THEIR USE OF COMPUTERS

4. Based upon Affiant's knowledge, training, and experience in child exploitation and child pornography investigations, and the experience and training of other law enforcement officers with whom Affiant has had discussions, Affiant is aware of the following:

a. Individuals involved in the sexual exploitation of children often possess and maintain records, documents and material which depict child pornography for many years. They may receive sexual gratification from viewing children engaged in sexual activity or in sexually suggestive poses. Because of the stigma attached to child pornography and its nature as contraband, these individuals often retain such materials in the privacy of their home, often for many years. Affiant is aware that child pornography is therefore generally not a fleeting crime, but one carried out in the secrecy of the home over a long period of time.

b. Computers and computer technology have revolutionized the way in which child pornography is produced, distributed, stored and communicated as a commodity and a further tool of online child exploitation. Computers and related storage devices such as external hard drives and flash drives serve a number of functions in connection with child pornography, to include advertisement, distribution, and storage. These devices are very small and portable. As such, they can easily be hidden in a person's residence, vehicle or on their body.

c. Child pornography is not readily available in retail establishments in the United States because it is illegal. Accordingly, individuals who wish to obtain child pornography often do so by ordering it from abroad or by discreet contact with other individuals who share their interests and have it available. The use of computers to traffic in, trade or collect child pornography has become one of the preferred methods of obtaining these materials. An individual familiar with a computer can use it in some private location to interact with another individual or a business offering such material.

The use of the computer offers individuals interested in obtaining child pornography a sense of anonymity, privacy and secrecy not available elsewhere, as well as the added benefit of speedy transmissions and communications.

d. One of the most efficacious ways to expand a collection of child pornography is to offer another collector, via a trade over the Internet, images the trading partner does not already possess. Accordingly, it may be necessary to keep a great number of images in storage so as to have adequate material to allow participation in this informal barter system. Thus, collectors involved in sending or receiving child pornography often retain it for long periods of time. This tendency is enhanced by the increased sense of security that a computer and peripherals provides. In addition to the emotional value the images have to the collector, child pornography images are intrinsically valuable to trade and/or sell and are therefore rarely destroyed or deleted by a collector. Individuals may also visit free or pay web sites, and repeatedly view child pornography images and movies that need not be saved or downloaded to their computer. Even if the images are not downloaded, viewing such images leaves forensic footprints, often allowing computer forensics technicians the ability to extract the images and movies that were viewed at these web sites or traded via the Internet. Individuals who procure child pornography often keep such material in their residence or other secure locations to ensure convenient and ready access.

e. Today, laptop computers, smart phones, e-readers, tablets, notebooks, and flash or “thumb” drives can have very large storage capacity and/or fast processing systems. These devices are designed to be mobile and allow the user to perform computer activity in places not normally used for computing. When a person interested in child pornography is utilizing any of these devices for any child pornography activity, the user will frequently take the device with him/her and in his/her vehicle when he/she leaves the residence.

f. **Kik Messenger** is an instant messaging application for mobile devices from Kik Interactive. The app. is available on iOS, Android, and Windows Phone operating systems free of charge. Kik uses a smartphone's data plan or Wi-Fi to transmit and receive messages. Kik also allows users to share photos, videos, sketches, mobile webpages, and other content. Kik Messenger requires users to register a username.

g. **KIK Messenger** is not limited to smartphones with the introduction of BlueStacks App. Player, which is designed to enable Android applications to run on Windows PCs and Macintosh computers.

h. **KIK Messenger** transfers data between users by use of an Internet Protocol (IP) address. This address, expressed as four sets of numbers separated by decimal points, is unique to a particular computer during an online session. The IP address provides a unique location making it possible for data to be transferred between computers.

PROBABLE CAUSE

5. In October of 2016, the Pennsylvania State Police conducted an investigation involving a 51-year old male identified as Patrick Reachard who lives in York County, PA. for having inappropriate communications with a local juvenile female. On October 19, 2016, Trooper Krystal Dugan executed a search warrant for Reachard and his Apple iPhone 6s. On October 20, 2016, the examination of Reachard's phone revealed images were found of his step-granddaughter, who is 2 years old. The images were taken while he was changing her diaper and were focused on her vagina. The chat messages on Reachard's phone were also examined and multiple communications were found where he was actively trading child pornographic images with other people. The communications were all contained within the Kik Messenger application. Four user accounts were noted to be involved in trading with Reachard. The conversations were all deleted on his phone. Some of the images that were traded were not able to be recovered.

6. TFO Mark Baker examined Reachard's iPhone using forensic software that allowed him to recover some of the deleted Kik messages, including chats, videos, and images. One of those Kik message conversations recovered was between Reachard and a user identified as mcf767 which was complete with images and videos. Reachard was using Kik username Trouble0265 and started the conversation with mcf767 on 8/28/16, indicating he was from "Shush" under the user name "The toddler who plays with herself". The user mcf767 sent a message on 8/28/16 at 9:30 p.m., which stated "Here's my girl now". User mcf767 then sent two images of what appears to be a 4-year old female clothed. Reachard then reciprocated by sending two images of his 2-year old step-granddaughter clothed. Below are chats between Reachard and mcf767 between 8/28/16 and 8/30/16:

FROM	Message	Timestamp	Attachment
Trouble0265 Pat R	Good morning. I'm from shush. The toddler who plays with herself.	8/28/2016 7:55:27 AM(UTC-4)	
Trouble0265 Pat R	Hey. I'm from shush	8/28/2016 9:10:16 PM(UTC-4)	
mcf767 Mf	Hey! Sorry wasn't online today was out with the kid lol	8/28/2016 9:27:17 PM(UTC-4)	

mcf767 Mf .	So was that the first time she touched herself with the diaper off?	8/28/2016 9:27:58 PM(UTC-4)	
mcf767 Mf .	Here's my girl now	8/28/2016 9:30:06 PM(UTC-4)	
mcf767 Mf .		8/28/2016 9:30:06 PM(UTC-4)	cd900426-85b5-4f16-93c6-b5b5edb88830.jpg
mcf767 Mf .		8/28/2016 9:30:10 PM(UTC-4)	0ce16ae1-b51d-49dd-9433-00eeb8bd3d1b.jp
Trouble0265 Pat R	She's a cutie.	8/28/2016 9:57:48 PM(UTC-4)	
Trouble0265 Pat R	Here's my granddaughter	8/28/2016 9:58:31 PM(UTC-4)	
Trouble0265 Pat R		8/28/2016 9:58:31 PM(UTC-4)	02dfdef1-076b-47f8-92b7-65466ef69449
Trouble0265 Pat R		8/28/2016 9:58:38 PM(UTC-4)	19de809b-e000-442b-a546-38c5a8af5d88
mcf767 Mf .	Wow she reminds me of my girl at that age. Did she act like she enjoyed touching herself?	8/28/2016 10:00:13 PM(UTC-4)	
mcf767 Mf .	She's very cute	8/28/2016 10:01:11 PM(UTC-4)	
Trouble0265 Pat R	She did. Had a big smile on her face. Seemed to like that I was watching her.	8/28/2016 10:07:14 PM(UTC-4)	
mcf767 Mf .	Mine started doing it at one, only did it in front of me. She kept doing it, then this past summer she started rubbing herself to orgasm in front of me. I touched her when she was really little like 2-5 months so I might have made her horny lol	8/28/2016 10:08:47 PM(UTC-4)	
mcf767 Mf .	This was her tonight being silly, she only lets me bath her	8/28/2016 10:10:50 PM(UTC-4)	
mcf767 Mf .		8/28/2016 10:10:50 PM(UTC-4)	3cff8e99-e5f4-4933-9387-a74c6a8114c4
Trouble0265 Pat R	Lol. Do you play with her often?	8/28/2016 10:13:32 PM(UTC-4)	
mcf767 Mf .	I did more when she was a baby, now she's way tickleish, but she likes having her pussy licked. Do you get any alone time with your granddaughter?	8/28/2016 10:14:40 PM(UTC-4)	

Trouble0265 Pat R	Rarely. I'd love to get more. I managed to sneak a couple pics of her this time.	8/28/2016 10:16:34 PM(UTC-4)	
mcf767 Mf .	I'd love to see I can take many pics since my girl is always with me	8/28/2016 10:17:17 PM(UTC-4)	
Trouble0265 Pat R	Want to trade?	8/28/2016 10:19:03 PM(UTC-4)	
mcf767 Mf .	Yes I'll go up and take a live vid of changing her pull up for urs	8/28/2016 10:19:43 PM(UTC-4)	
Trouble0265 Pat R	Cool	8/28/2016 10:21:10 PM(UTC-4)	
mcf767 Mf .		8/28/2016 10:22:23 PM(UTC-4)	dbf5f67b-bf50-4176-bd47-babae5c5f867
mcf767 Mf .		8/28/2016 10:23:03 PM(UTC-4)	108507f6-c64c-4632-9c36-4c7ef072660e
Trouble0265 Pat R		8/28/2016 10:25:52 PM(UTC-4)	2341bd8c-517a-4120-8ee7-02b2a7247904
Trouble0265 Pat R		8/28/2016 10:25:58 PM(UTC-4)	964508dd-80fa-4a05-97db-708e42ec821a
Trouble0265 Pat R		8/28/2016 10:26:05 PM(UTC-4)	1dc096a2-6105-4bb1-99e4-cfa4e2987364
mcf767 Mf .	Her pussy is perfect	8/28/2016 10:27:00 PM(UTC-4)	
Trouble0265 Pat R	I tried to get her with her fingers on it but she pulled away every time.	8/28/2016 10:27:58 PM(UTC-4)	
Trouble0265 Pat R	Your daughter is great too.	8/28/2016 10:28:25 PM(UTC-4)	
mcf767 Mf .	I hope you can get her alone more we can trade some good private pics just between us.	8/28/2016 10:28:42 PM(UTC-4)	
mcf767 Mf .	Did she like you touching her pussy?	8/28/2016 10:28:52 PM(UTC-4)	
Trouble0265 Pat R	So do I.	8/28/2016 10:29:02 PM(UTC-4)	
Trouble0265 Pat R	She seemed to. She sure smiled.	8/28/2016 10:29:28 PM(UTC-4)	
mcf767 Mf .	That's very good. Some girls yell and scream. It sounds like she's very receptive like how my daughter was and still is. The more time you get with her the better the pay off when she's older to suck	8/28/2016 10:30:25 PM(UTC-4)	

Trouble0265 Pat R	Does yours play with you?	8/28/2016 10:31:10 PM(UTC-4)
mcf767 Mf .	Yes she started playing with my dick over the summer but she won't suck it. Babies are better age to suck because the suck anything	8/28/2016 10:32:46 PM(UTC-4)
mcf767 Mf .	She likes it when I put lotion on her pussy and then rub my dick up against it	8/28/2016 10:33:10 PM(UTC-4)
Trouble0265 Pat R	Now I could go for that. ☺👍☐	8/28/2016 10:33:36 PM(UTC-4)
Trouble0265 Pat R	I'd love to see a pic of that.	8/28/2016 10:34:13 PM(UTC-4)
mcf767 Mf .	(no I'm not gay lol) You are lucky be sure to offer to babysit her often lol even stay overs so you can sneak in her room	8/28/2016 10:34:35 PM(UTC-4)
mcf767 Mf .	Did you show her your dick?	8/28/2016 10:34:58 PM(UTC-4)
Trouble0265 Pat R	When she stays over she sleeps with her aunt. ☐	8/28/2016 10:35:17 PM(UTC-4)
mcf767 Mf .	That sucks	8/28/2016 10:35:31 PM(UTC-4)
Trouble0265 Pat R	No. Not yet. Too risky.	8/28/2016 10:35:34 PM(UTC-4)
Trouble0265 Pat R	Yeah.	8/28/2016 10:35:50 PM(UTC-4)
mcf767 Mf .	I'm in KY it'd be awesome if you were close lol	8/28/2016 10:36:19 PM(UTC-4)
Trouble0265 Pat R	I'm in pa.	8/28/2016 10:36:47 PM(UTC-4)
mcf767 Mf .	Damn. You could have fun with my girl	8/28/2016 10:37:03 PM(UTC-4)
Trouble0265 Pat R	And I would.	8/28/2016 10:37:29 PM(UTC-4)
mcf767 Mf .	She makes me want another baby girl lol	8/28/2016 10:38:55 PM(UTC-4)
mcf767 Mf .	Your granddaughter	8/28/2016 10:39:15 PM(UTC-4)
Trouble0265 Pat R	Yeah, really. Her moms pregnant now. Crossing my fingers.	8/28/2016 10:40:52 PM(UTC-4)
Trouble0265 Pat R	I'd love to see your daughter finger herself	8/28/2016 10:41:08 PM(UTC-4)
mcf767 Mf .	Omg that would be amazing. I'll get video of her doing it	8/28/2016 10:41:19 PM(UTC-4)

Trouble0265 Pat R	These two made me hard. 🍆☐ Thanks	8/28/2016 10:41:59 PM(UTC-4)
mcf767 Mf .	Good your granddaughter made me hard I'm going to cum to her lol	8/28/2016 10:42:25 PM(UTC-4)
Trouble0265 Pat R	Lol. I did last night.	8/28/2016 10:44:25 PM(UTC-4)
Trouble0265 Pat R	While I fucked her grandma. Lol	8/28/2016 10:44:57 PM(UTC-4)
mcf767 Mf .	Were you imagining that little pussy?	8/28/2016 10:46:11 PM(UTC-4)
Trouble0265 Pat R	Omg yes!	8/28/2016 10:47:22 PM(UTC-4)
Trouble0265 Pat R	Fucked her gma silly lol	8/28/2016 10:47:41 PM(UTC-4)
mcf767 Mf .	Yea that's the only way I can cum with my wife lol	8/28/2016 10:47:47 PM(UTC-4)
Trouble0265 Pat R	I don't have any problem but that made it awesome. I lasted longer than normal.	8/28/2016 10:48:40 PM(UTC-4)
mcf767 Mf .	Nice	8/28/2016 10:48:51 PM(UTC-4)
mcf767 Mf .	After I started cumming on my girl I prefer her over the wife lol	8/28/2016 10:49:12 PM(UTC-4)
Trouble0265 Pat R	Damn!! You got me wanting to see more of her.	8/28/2016 10:49:23 PM(UTC-4)
Trouble0265 Pat R	I can see why. She's cute as hell	8/28/2016 10:49:37 PM(UTC-4)
mcf767 Mf .	☺	8/28/2016 10:49:39 PM(UTC-4)
mcf767 Mf .	Thanks lol	8/28/2016 10:49:44 PM(UTC-4)
Trouble0265 Pat R	I'll have to tell her mom I'm stealing her for a day soon.	8/28/2016 10:50:38 PM(UTC-4)
mcf767 Mf .	Yes!! I have to get mine up at 6:30am for school so I'm going to crash but Let's chat more tomorrow	8/28/2016 10:51:29 PM(UTC-4)
Trouble0265 Pat R	Ok. I work 3-11 and I have a thrift shop I'm at 9-2. My service sucks there but message anytime.	8/28/2016 10:53:11 PM(UTC-4)
mcf767 Mf .	Sounds good!	8/28/2016 10:53:37 PM(UTC-4)

Trouble0265 Pat R	Ttyl	8/28/2016 10:53:58 PM(UTC-4)	
Trouble0265 Pat R	Damn, I just masturbated to your girl. 😊	8/29/2016 8:41:19 AM(UTC-4)	
mcf767 Mf.	Nicel	8/29/2016 8:35:02 PM(UTC-4)	
Trouble0265 Pat R	Can't wait to see her with her fingers in there.	8/29/2016 9:16:43 PM(UTC-4)	
mcf767 Mf.		8/30/2016 6:22:31 PM(UTC-4)	4cb2c328-8218-456c-b44b-010c6d2d6f55
mcf767 Mf.	Bath time	8/30/2016 6:22:36 PM(UTC-4)	
mcf767 Mf.		8/30/2016 6:24:30 PM(UTC-4)	a69442b8-fd86-4c67-a1ba-d3b414ec7517
mcf767 Mf.		8/30/2016 6:34:22 PM(UTC-4)	a1fb1f3b-f6bb-4e14-aec5-d7ae3c6949d8
Trouble0265 Pat R	Cute little ass. 🍑	8/30/2016 7:19:50 PM(UTC-4)	
mcf767 Mf.	Yes lol	8/30/2016 7:20:52 PM(UTC-4)	
Trouble0265 Pat R	You keep teasing me.	8/30/2016 7:20:56 PM(UTC-4)	
mcf767 Mf.	Had to get some while her mom was in other room lol	8/30/2016 7:21:19 PM(UTC-4)	
Trouble0265 Pat R	I hear ya there.	8/30/2016 7:21:52 PM(UTC-4)	
Trouble0265 Pat R	When do you get alone time with her?	8/30/2016 7:22:28 PM(UTC-4)	
mcf767 Mf.	Usually between 3 and 6 depending on what time the wife gets home. She was home all summer with me I wish we met before she started school lol	8/30/2016 7:23:15 PM(UTC-4)	
mcf767 Mf.	I take her to kindergarten every day there's so many sexy little girls there I die every day	8/30/2016 7:23:51 PM(UTC-4)	
Trouble0265 Pat R	I know what you mean. I used to drop off and pick up a girlfriends daughter.	8/30/2016 7:24:31 PM(UTC-4)	
Trouble0265 Pat R	Made for some good sex later lol	8/30/2016 7:25:06 PM(UTC-4)	
mcf767 Mf.	Oh yea those little girls are flirty to they give the looks walking down the hallway	8/30/2016 7:26:16 PM(UTC-4)	
Trouble0265 Pat R	She stayed for daycare after school. Watching them play. 🍑	8/30/2016 7:28:17 PM(UTC-4)	

mcf767 Mf .	Nice how old was she?	8/30/2016 7:29:49 PM(UTC-4)
Trouble0265 Pat R	6	8/30/2016 7:30:08 PM(UTC-4)
Trouble0265 Pat R	Her mom was a whack job. Had to send her packing. But I got plenty of eyes full before she went.	8/30/2016 7:31:02 PM(UTC-4)
mcf767 Mf .	Most women are insane lol my wife is but mainly about one week out of the month lol	8/30/2016 7:33:12 PM(UTC-4)
mcf767 Mf .	Did you get any pics of her daughter?	8/30/2016 7:33:26 PM(UTC-4)
Trouble0265 Pat R	I did but they are long gone. □ That was 5 years ago.	8/30/2016 7:34:09 PM(UTC-4)
Trouble0265 Pat R	I'd love to know where I could find more. Little girls are the best.	8/30/2016 7:35:07 PM(UTC-4)
Trouble0265 Pat R	I'd give her s bath. And most nights she'd be in my bed when I woke up. Her mom started work at 5 and I was laid off. Like a dumb ass I never tried anything with her. Just enjoyed the view.	8/30/2016 7:37:47 PM(UTC-4)
mcf767 Mf .	I know I regret I didn't do more with mine when she was a baby lol I did quite a bit but I would have done more between 2 weeks old and 1 year. The first time I tasted her pussy she was 5 days old.	8/30/2016 7:40:58 PM(UTC-4)
Trouble0265 Pat R	Oh god! Is it good?	8/30/2016 7:41:25 PM(UTC-4)
mcf767 Mf .	Yes it was the best pussy ever. Like the most purest best tasting pussy	8/30/2016 7:42:04 PM(UTC-4)
Trouble0265 Pat R	Damnit my cocks hard!	8/30/2016 7:46:10 PM(UTC-4)
mcf767 Mf .	You need to taste your granddaughter. Is she your sons daughter?	8/30/2016 7:46:49 PM(UTC-4)
mcf767 Mf .	I swear that one pic of ur granddaughter looks like she has cum on her chin lol	8/30/2016 8:01:48 PM(UTC-4)
Trouble0265 Pat R	No. My step daughters	8/30/2016 8:01:55 PM(UTC-4)

Trouble0265 Pat R	Lol	8/30/2016 8:02:02 PM(UTC-4)
mcf767 Mf .	I wonder if her dad has messed around with her	8/30/2016 8:02:18 PM(UTC-4)
Trouble0265 Pat R	I'm thinking he has just by the way she acts.	8/30/2016 8:31:30 PM(UTC-4)
mcf767 Mf .	Yea probably if she's running her pussy	8/30/2016 8:47:40 PM(UTC-4)
Trouble0265 Pat R	She was damn near pushing her fingers in.	8/30/2016 8:48:26 PM(UTC-4)
mcf767 Mf .	Damn that's nice Def probably had daddy teach her	8/30/2016 8:48:57 PM(UTC-4)
Trouble0265 Pat R	She sat up. Fingers on her pussy and rocked back and forth. She was st rallying my leg at the time v	8/30/2016 8:59:34 PM(UTC-4)
mcf767 Mf .	That's what mine does even still does. Puts her fingers on her pussy and then rocks back and forth on them like she's humping them	8/30/2016 9:03:31 PM(UTC-4)
mcf767 Mf .	Were you able to pull your dick out?	8/30/2016 9:03:47 PM(UTC-4)
Trouble0265 Pat R	I wish. My wife was to close for comfort.	8/30/2016 9:39:00 PM(UTC-4)
Trouble0265 Pat R	Does yours ride your cock?	8/30/2016 9:39:17 PM(UTC-4)

7. On November 11, 2016, Trooper Krystal Dugan sent Kik Messenger a preservation request for the account known as mcf767. On December 6, 2016, Kik was sent an Emergency Disclosure Request (EDR) and in return KIK provided Trooper Dugan with an Emergency Disclosure Response (EDR) for mcf767, which included Internet Protocol (IP) address transaction logs for dates and times used to access the account. The information provided by Kik Messenger showed the account mcf767 was registered on April 25, 2014, and that account remained active at least through November 22, 2016. The last IP address used to access the KIK account known as mcf767 was identified as 63.131.219.10 on November 22, 2016 at 03:42:32 a.m. UTC. The IP address was leased by the Frankfort Plant Board in Frankfort, Kentucky. On January 17, 2017, a federal grand jury subpoena was issued for The Frankfort Plant Board. Because the legal process was addressed to the incorrect corporate name, no subscriber information was disclosed by the Frankfort Plant Board on January 17, 2017. Thus, on January 24, 2017, a second federal grand jury subpoena was issued with the correct corporate name, Frankfort Plant Board, to determine subscriber information corresponding with the use of IP address 63.131.219.10 on November 22, 2016 at 03:42:32 a.m. UTC. On January 24, 2017, the

Frankfort Plant Board queried their records reporting that the subscriber account in use of IP 63.131.219.10 on November 22, 2016 at 03:42:32 a.m. UTC, was their customer Elizabeth Fosson at 1056 Bittersweet Lane, Frankfort, KY (PREMISES). Your Affiant was notified upon receipt of subscriber information by TFO Mark Baker to conduct further investigation in the Eastern District of Kentucky.

8. On January 24, 2017, your Affiant conducted a review of KIK messages shown above and observed the two pictures listed with file names cd900426-85b5-4f16-93c6-b5b5edb88830.jpg and 0ce16ae1-b51d-49dd-9433-00eeb8bd3d1b.jpg sent from mcf767, in which the message stated, "Here's my girl now." While reviewing Facebook page for Beth Goodlett Fosson, your Affiant observed pictures visually depicting the same blond haired child from the KIK messages referenced by mcf767.

9. On January 24, 2017, your Affiant conducted a review of publicly available information on Facebook page for Beth Goodlett Fosson, which search revealed a December 31, 2016, posting on the page stating Beth Goodlett Fosson updated her profile picture, which appears to be a wedding photo of Elizabeth and Matthew Fosson. Comments on the profile picture update state "Happy Anniversary".

10. On January 25, 2017, a check of publicly available databases by the Louisville FBI office and known to your Affiant as reliable sources of information in past investigations revealed that Matthew C. Fosson and Elizabeth Fosson, as well as their adult son, James Thomas, live at 1056 Bittersweet Lane in Frankfort, Kentucky 40601. Additionally, Affiant discovered a birth announcement published in "The Anderson News", a newspaper based in Anderson County, Kentucky, announcing the birth of E. M. F., whose date of birth is XXXX XX, 2011, to Beth and Matt Fosson.

11. On January 25, 2017, your Affiant observed the residence at 1056 Bittersweet Lane in Frankfort, Kentucky 40601, and confirmed the Zillow.com photo for the residence is accurate. Your Affiant included a photograph of the PREMISES from Zillow.com as Attachment A1. Your Affiant observed a maroon minivan parked in front of the residence; however, the license plate was not visible from the street. The residence is a three story, single family home of wood frame construction with a basement. It has a red brick exterior and black shingle composite roofing material. Three windowed dormers exist on the third level. The front entrance is a single door with side windows. There is a white marker with black numerals "1056" above the main front entrance, designating the street number of the residence. A light fixture exists on each side of the entrance. The entrance is covered with a roof and two columns support the structure. There are two windows on each side of the entrance on the first level. Five windows exist across the front of the house on the second level above the front entrance. An inset with a tan wood

railing exists on the left side of the house with a single door entrance. A concrete drive loops from Bittersweet to the front entrance and back to Bittersweet, with a drive leading to the basement level two car garage on the right side of the residence. There is a black mailbox encased in a red brick column in front of the lot bearing the numerals "1056."

12. On January 25, 2017, a check of publicly available databases known to your Affiant as reliable sources of information in past investigations indicate the residence located at 1056 Bittersweet Lane in Frankfort, Kentucky is owned by the C. Michael Davenport Irrevocable Trust. C. Michael Davenport is a well-known developer in Franklin County, Kentucky. Based on this information, your Affiant believes the Fossons lease or rent the PREMISES from the developer.

13. On January 26, 2017, your Affiant reviewed the images and videos sent and received by KIK account known as mcf767. The first video sent by mcf767 on 8/28/2016 at 10:22 p.m., listed with file name "dbf5f67b-bf50-4176-bd47-babae5c5f867", is eleven (11) seconds in length, and depicts a female under the age of 5 exposing her vagina. The second video sent by mcf767 on 8/28/2016 at 10:23 p.m., listed with file name "108507f6-c64c-4632-9c36-4c7ef072660e", is ten (10) seconds in length, and depicts a female under the age of 5 exposing her vagina with a pull-up diaper on her left leg. The camera zooms closer to her vagina during the video capture. The third video sent by mcf767 on 8/30/2016 at 6:22 p.m., listed with file name "4cb2c328-8218-456c-b44b-010c6d2d6f55", is fourteen (14) seconds in length, and depicts a female child under the age of 5 in the bathtub with only the child's head visible. The fourth video sent by mcf767 on 8/30/2016 at 6:24 p.m., listed with file name "a69442b8-fd86-4c67-a1ba-d3b414ec7517", is fourteen (14) seconds in length, and depicts a female child under 5 years of age standing in the bathtub with full frontal nudity. The camera then changes focus from capturing full body to include the face to capturing the body between the shoulders and thighs. The child's face is visible in the third and fourth video and your Affiant believes the child resembles the same child in the Facebook page belonging to Beth Goodlett Fosson. The fifth video sent by mcf767 on 8/30/2016 at 6:34 p.m., listed with file name "a1fb1f3b-f6bb-4e14-aec5-d7ae3c6949d8", is seven (7) seconds in length, and depicts a female child under 5 years of age bending over in a bathtub with the camera focusing on her buttocks. Mcf767 received three images of a female confirmed to be 2-years old by Pennsylvania State Police. The first picture was sent to mcf767 on 8/28/2016 at 10:25 p.m., with file name listed as "2341bd8c-517a-4120-8ee7-02b2a7247904", and depicts the 2-year old's vagina. The second picture was sent to mcf767 on 8/28/2016 at 10:25 p.m., with file name listed as "964508dd-80fa-4a05-97db-708e42ec821a", and depicts the same 2-year old's vagina with a diaper visible. The third

picture was sent to mcf767 on 8/28/2016 at 10:26 p.m., with file name listed as "1dc096a2-6105-4bb1-99e4-cfa4e2987364", and depicts the same 2-year old's vagina with an adult hand visible in the picture on a diaper.

14. On January 26, 2017, a check of law enforcement databases known to your Affiant as a reliable source of information in past investigations for driver's license information reported that Matt Craig Fosson, Elizabeth Goodlett Fosson and James Robert Thomas all reside at 1056 Bittersweet Lane in Frankfort, Kentucky 40601. Vehicle registration records indicate that Matt Fosson owns a 2016 KIA Soul, with Kentucky license plate 973WFT, and 1056 Bittersweet Lane, Frankfort, Kentucky 40601, is the listed registration address. Elizabeth Fosson also has a red Dodge Caravan with Kentucky license plate 7804FH registered at 1056 Bittersweet Lane, Frankfort, Kentucky.

15. On January 27, 2017, a check of private database records known to your Affiant as a reliable source of information in past investigations revealed that Matthew Fosson is receiving mail at 1056 Bittersweet Lane in Frankfort, Kentucky.

16. On January 27, 2017, physical surveillance of 1056 Bittersweet Lane, Frankfort, Kentucky by your Affiant revealed the same maroon mini-van (referenced in paragraph 11) parked in front of the residence at 8:24 a.m.

17. On January 30, 2017, a review of publicly available database records known to your Affiant as a reliable source of information in past investigations revealed a marriage record for Matthew C. Fosson and Elizabeth M. Thomas, and that they were married on December 31, 2005. No divorce record was found for Matthew C. Fosson and Elizabeth M. Thomas in any county in Kentucky. No records were discovered when conducting a nationwide divorce record search for Matthew C. Fosson.

18. On February 2, 2017, physical surveillance of 1056 Bittersweet Lane, Frankfort, Kentucky by your Affiant revealed the same maroon mini-van parked in front of the residence at 7:15 a.m. with a small light colored SUV parked behind it and a dark colored compact car. At 7:20 a.m., the small SUV was gone from the residence. At 7:52 a.m., your Affiant observed a white KIA Soul parking beside the dark colored compact car at 1056 Bittersweet Lane. Lights were on inside the house during all observation times. At 8:25 a.m., your Affiant observed only the maroon mini-van parked in front of the residence at 1056 Bittersweet Lane.

19. On February 7, 2017, physical surveillance of 1056 Bittersweet Lane, Frankfort, Kentucky by Louisville Division FBI personnel revealed the same maroon mini-van departing the residence at 7:15 a.m. The KIA Soul departed the residence at 7:50 a.m. being driven by a white female. The maroon mini-van returned to the residence shortly thereafter and a large white male exited the van and entered the residence. As of 8:20 a.m. the white male was still in the residence.

20. On February 9, 2017, along with other law enforcement officers, I executed that search warrant at 1056 Bittersweet Lane in Frankfort, Ky. I recognized Matthew Craig Fosson from having previously viewed his driver's license photograph. He appeared to be the same person depicted in Attachment A2. He also identified himself as Matthew Craig Fosson. He admitted that the Kik account known as mcf767 belonged to him and he recalled having had communications with the Kik account known as Trouble0265. Mr. Fosson stated that he participated in the sexually explicit chats on Kik with Trouble0265; however, he clarified that the chat in which he described sexually manipulating his daughter was his fantasy. He denied ever sexually abusing his daughter. He admitted that he used his cell phone to produce the videos of his daughter as identified in the Kik messages and that he sent them to Trouble0265 through Kik. He also admitted receiving images from Trouble0265 via Kik. Mr. Fosson described the images he received as depicting the changing of a diaper of a female child around 4 years old or younger. He also admitted that he masturbated while viewing the images he received from Trouble0265.

21. The information set forth above establishes that Matthew Craig Fosson used his cell phone at the PREMISES to distribute and obtain files of child pornography on 8/28/2016 and 8/30/2016 through the use of his KIK Messenger account known as mcf767.

TECHNICAL TERMS AND STATUTORY AUTHORITY

22. Based on my training and experience, I use the following technical terms to convey the following meanings:

a. IP Address: The Internet Protocol (IP) address is a unique numeric address used by computers on the Internet. An IP address looks like a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses, and keep records of which of

its customers use which IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.

b. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

c. Storage medium: A storage medium is any physical object upon which computer data can be recorded. Examples include hard disks, RAM, floppy disks, flash memory, CD-ROMs, and other magnetic or optical media.

d. "Child Pornography," or "CP," as used in this affidavit, is defined in Title 18, United States Code, Section 2256(8), as 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 was 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. "Minor" means any person under the age of 18 years pursuant to Title 18, United States Code, Section 2256(1). "Child Erotica" is defined as materials which are sexually arousing to pedophiles but that are not in and of themselves obscene or which do not necessarily depict minors in sexually explicit poses or positions.

e. "Sexually Explicit Conduct" means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, 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 person.

f. "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. Section 2256(5)).

23. This investigation concerns alleged violations of 18 U.S.C. §§ 2251(a) and 2252(a)(2), which prohibit the production, distribution, and receipt of child pornography.

a. 18 U.S.C. § 2251(a) prohibits the use of a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that

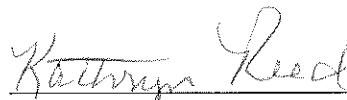
such visual depiction would be transmitted using any means or facility of interstate or foreign commerce.

b. 18 U.S.C. § 2252(a)(2) prohibits knowingly receiving or distributing any visual depiction, using a means or facility of interstate commerce, if the production of the visual depiction involves the use of a minor engaging in sexually explicit conduct and the visual depiction is of such conduct.

CONCLUSION

I submit that this affidavit supports probable cause for an arrest warrant for Matthew Craig Fosson for violations of Title 18, United States Code, Sections 2251(a), the use of a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction would be transmitted using any means or facility of interstate or foreign commerce, and 2252(a)(2), knowingly receiving and distributing any visual depiction using a means and facility of interstate and foreign commerce, and the production of said visual depictions involved the use of a minor engaging in sexually explicit conduct and the visual depictions were of such conduct.

Respectfully submitted,



Kathryn Reed

Special Deputy United States Marshal

Subscribed to and sworn before me on this 10th day of February, 2017, at Lexington, Kentucky:



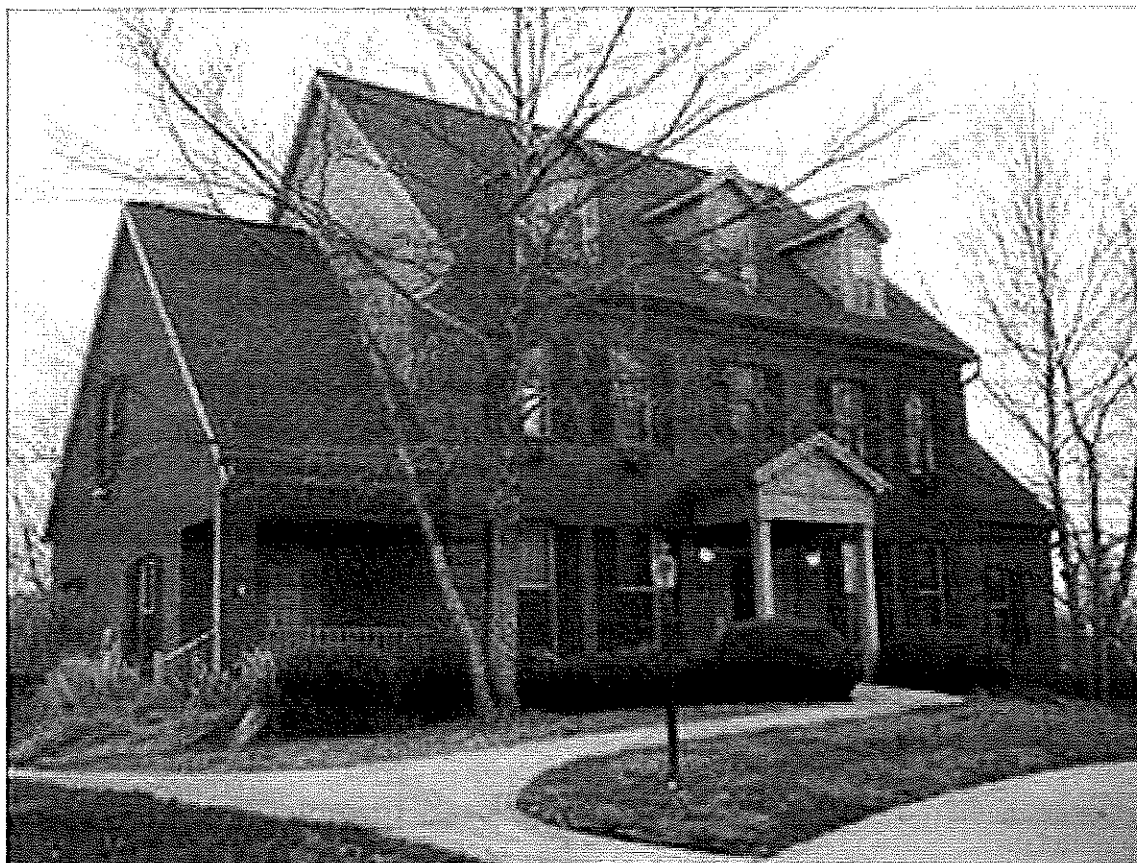
Robert E. Wier

United States Magistrate Judge

ATTACHMENT A1

Property to be searched

The PREMISES to be searched is 1056 Bittersweet Lane, Frankfort, Kentucky 40601. The residence is a three story, single family home of wood frame construction on a basement with red brick exterior and black shingle composite roofing material. Three windowed dormers exist on the third level. The front entrance is a single door with side windows. Above the main front entrance, a white marker with black numbers "1056" exists designating the street number of the residence. A light fixture exists on each side of the entrance. The entrance is covered with a roof and two columns support the structure. Two windows exist to each side of the entrance on the first level. Five windows exist across the front of the house on the second level above the front entrance. An inset with tan color wood railing exists on the left side of the house with a single door entrance. A concrete drive loops from Bittersweet to the front of entrance back to Bittersweet with a drive leading to the basement level two car garage on the right side of the residence. A black mailbox exists in red brick column in front of the lot designating 1056.



ATTACHMENT A2

Person to be searched

DESCRIPTION OF PERSON AND COMPUTERS TO BE SEARCHED

The person to be searched, Matthew Craig Fosson, is described as a white male, approximately 5'9" tall, and approximately 220 pounds. Fosson's date of birth is 7/8/1976. His social security number is [REDACTED]. Any computers located on Fosson's person include any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device. This includes a cellular phone.

