

United States Courts
Southern District of Texas
FILED

MAY 25 2010

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

Robert Antolo PABILLAR

CRIMINAL COMPLAINT

Case Number: C-10-567M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 5/18/2010 in Nueces County, in the

(Date)

Southern District of Texas defendant, **Robert Antolo PABILLAR**

outside of the United States, knowingly transported a visual depiction of a minor engaging in sexually explicit conduct, which the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, intending that the visual depiction would be imported into the United States or into waters within a distance of 12 miles of the coast of the United States.

in violation of Title 18 United States Code, Section(s) 2260.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

See attached affidavit.



Signature of Complainant

John B. DeJohn

Printed Name of Complainant

Sworn to before me and signed in my presence,

May 25, 2010

Date

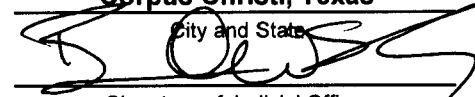
Brian L. Owsley U.S. Magistrate Judge

Name and Title of Judicial Officer

at

Corpus Christi, Texas

City and State



Signature of Judicial Officer

AFFIDAVIT

On May 18, 2010, Special Agents (SA) Jamie Tracy and Alejandro Ramirez, Coast Guard Investigative Service (CGIS) interviewed Robert Antolo PABILLAR regarding his report of a Maritime Pollution (MARPOL) incident onboard the MT Wilmina. The MT Wilmina arrived in the Port of Corpus Christi, Texas, on or about May 04, 2010.

According to the vessels notice of arrival, primarily the crew manifest, PABILLAR embarked on the vessel on or about March 11, 2010, in Tenerife Spain. Prior to any questioning relating to the pollution case, PABILLAR was advised of his Miranda warnings as a witness to a MARPOL investigation. During the interview with CGIS agents, PABILLAR stated he remembered he had taken a few pictures of some oil "slop" around the ship's incinerator. PABILLAR showed SA Tracy the images on his cell phone. SA Tracy advised PABILLAR those images would need to be copied by a computer forensic examiner, so they could be admitted into evidence for the pollution investigation. PABILLAR agreed to take his cell phone to the Corpus Christi Police Department's Computer Crimes Unit for imaging.

PABILLAR was asked by agents if there was anything illegal on the cell phone's memory card, because the forensic technician would find it, and he could be criminally charged. PABILLAR stated "no" and was transported to the Corpus Christi Police Department's Computer Crimes unit by SA Tracy and SA Ramirez.

PABILLAR was asked again prior to giving consent to search his phone's memory card, if he had any illegal images to include child pornography on the phone's memory.

PABILLAR initially reported to SA Tracy there were no illegal images on his phone's memory. However, prior to signing the "Consent to Search Electronic Data" consent form provided by the Corpus Christi Police Department computer forensic specialist Kenneth Patterson, PABILLAR reported there might be an illegal video. PABILLAR started playing the video in SA Tracy's and Kenneth Patterson's presence. PABILLAR then handed his cell phone over to SA Tracy while the video was playing. SA Tracy observed the video depicting a young female, who appeared to be under the age of 18 undressing and exposing her breast and vaginal area to the camera video recording her. SA Tracy advised PABILLAR the video was questionable and a forensic examiner would need to certify if the video was illegal to possess. PABILLAR voluntarily consented in writing to a search of his phone's memory. After PABILLAR gave consent, SA Tracy notified SA John DeJohn, Immigration and Customs Enforcement (ICE) about the video in question. SA DeJohn advised SA Tracy he would initiate an investigation into PABILLAR's illegal importation of child pornography.

On May 18, 2010, PABILLAR voluntarily turned over his Sony Ericsson Cybershot K800i (Serial Number CB5A0C616E) phone and its memory card (Scandisk M-2 512 megabyte, still docked in the phone's memory slot) over to the Corpus Christi Police Department's computer forensic specialist Kenneth Patterson.

On May 19, 2010, SA Tracy transported PABILLAR to the Corpus Christi Police Department's Computer Crimes Unit to pick up his cell phone from the forensic technician. SA Tracy informed PABILLAR in the presence of Kenneth Patterson, the

memory card from his cell phone contained a video which appeared to contain child pornography. PABILLAR said he thought it might have been illegal, and he downloaded the video by utilizing the cell phone's Bluetooth function while in the Philippines.

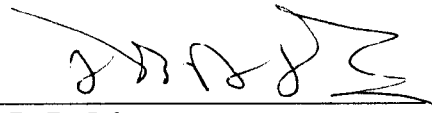
PABILLAR stated he had the video for awhile, and it was illegal in the Philippines, but it was a well known video which was readily available. PABILLAR'S cell phone was returned to him without the memory card.

On May 20, 2010, Corpus Christi Police Department computer forensic specialist Kenneth Patterson advised SA Tracy, the file "THE VIRGIN!.3GP" contained on the memory card in PABILLAR'S cell phone had been created on May 26, 2008. The Scandisk M-2 512 megabyte memory card was docked in PABILLAR'S Sony Ericsson Cybershot K800i (Serial Number CB5A0C616E) cell phone memory slot. Patterson also stated the video on the memory card depicted a minor female engaged in sexually explicit conduct to include the lascivious exhibition of the genitals and pubic area, as well as sexual intercourse, specifically vaginal penetration by an adult male penis.

On May 21, 2010, upon mirror imaging of PABILLAR'S cell phone memory card, the video titled "THE VIRGIN!.3GP" was recovered. A forensic copy of the file "THE VIRGIN!.3GP" was transferred to CD for examination and evaluation as evidence by Sonja Eddleman, RN, CA/CP SANE, CMI-III, CFN. Eddleman is an individual who has been clinically trained in "Sexual Maturation Assessment." The video titled "THE VIRGIN!.3GP" was provided to Eddleman for her clinical evaluation to determine if the female depicted in the video was a minor child. Sonja Eddleman provided SA Tracy a signed memorandum on May 21, 2010, stating the following: In her professional opinion concerning the age of the children in the images provided by SA Tracy by utilizing

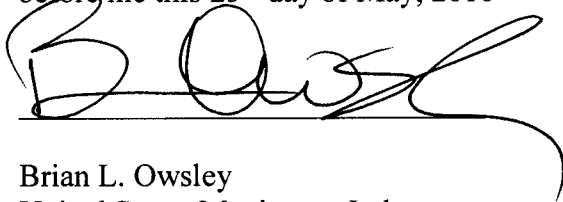
sexual maturation assessment, “the girl contained in this image is between 0-15 years of age.”

On May 24, 2010, the above information was presented to AUSA Lance Duke, who accepted prosecution of PABILLAR for violation of Title 18 USC, Section 2260, production of sexually explicit depictions of a minor for importation into the United States.



John B. DeJohn
Special Agent
U.S. Immigration & Customs Enforcement

SUBSCRIBED and SWORN
before me this 25th day of May, 2010



Brian L. Owsley
United States Magistrate Judge