

AO 91 (Rev. 08/09) Criminal Complaint

AUSA Douglas C. Salzenstein (313) 226-9196  
Special Agent Justin Daniel Givhan (586) 416-1239

**UNITED STATES DISTRICT COURT**  
for the  
Eastern District of Michigan

United States of America  
v.  
MARK MITCHELL

Case: 2:13-mj-30269  
Judge: Unassigned,  
Filed: 05-01-2013 At 10:00 AM  
CMP USA v MITCHELL (LCB)

**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 January 29, 2013 and April 4, 2013 in the county of Macomb in the  
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. Sections 2252A(a)(2) and (a)(5)	possession, receipt and distribution of child pornography

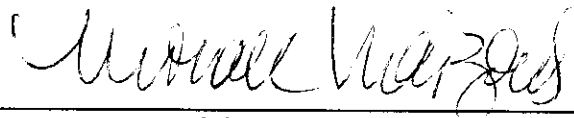
This criminal complaint is based on these facts:  
See Attached Affidavit

Continued on the attached sheet.

  
\_\_\_\_\_  
*Complainant's signature*  
FBI Special Agent Justin Daniel Givhan  
\_\_\_\_\_  
*Printed name and title*

Sworn to before me and signed in my presence.

Date: April 30, 2013 **MAY 01 2013**

  
\_\_\_\_\_  
*Judge's signature*  
Honorable Mona K. Maizoub, United States Magistrate Judge  
\_\_\_\_\_  
*Printed name and title*

City and state: Detroit, Michigan

**AFFIDAVIT**

I, Justin Daniel Givhan, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Detroit Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since July 2010, and am currently assigned to the FBI Detroit Division. While employed by the FBI, I have investigated federal criminal violations related to Internet fraud, computer intrusions, and the FBI's Innocent Images National Initiative, which investigates matters involving the online sexual exploitation of children. I have gained experience through training at the FBI Academy, post Academy training, and everyday work related to conducting these types of investigations.
2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
3. On January 29, 2013, a Special Agent working in an undercover capacity, logged into a Peer-to-Peer (P2P) file-sharing network. The enhanced P2P client allows downloads from a single source and collects session data relating to direct connections between the undercover and subject computer. The session was conducted from a computer in the Federal Bureau of Investigation (FBI) Office, Detroit, Michigan.
4. Using an enhanced P2P file sharing software, the Agent located a computer using IP address 75.118.251.95 on the P2P network sharing video files. The Agent viewed the list of files available for download from the computer using IP address 75.118.251.95, which displayed numerous file names consistent with child pornography (CP), and subsequently downloaded 7 complete video files and 1 incomplete video file. Upon review, all of the downloaded files contained images which were consistent with the federal definition of child pornography. Two of the downloaded files had the following names and are briefly described (only a portion of the file names are shown to prevent the further dissemination of file names associated with CP):
  - a. **8 yo little girl...**(Video of an adult male inserting his penis into a pre-pubescent girl's vagina. The adult male ejaculates on the girl at the conclusion of the video.)

- b. **!new pthc...**(Video of a pre-pubescent female performing oral sex on an adult male.)
5. Results from an administrative subpoena sent to Wide Open West, for the date and time the files were downloaded revealed that, at that day and time, IP address 75.118.251.95 was assigned to the account registered to Mark Mitchell, XXXXX XXXXX Avenue, Warren, Michigan 48089 (the "Warren Address").
  6. On April 04, 2013 a search warrant was executed on Mitchell's residence located at the Warren Address. During the search Mark Mitchell was interviewed by FBI Agents. During the interview Mitchell admitted that he searched for, downloaded, and viewed images of child pornography from the file sharing network Ares using the computer located in the basement of his residence. Mitchell advised that he coaches youth coed sports at the Warren Police Athletic League. The computer was seized from Mitchell and is currently awaiting forensic review.
  7. On April 23, 2013 Mitchell was interviewed by an FBI Agent. During the interview Mitchell advised that he downloaded approximately 200 child pornography videos onto his computer from the file sharing software Ares. Mitchell advised that the reason he downloaded child pornography videos was to see if he could identify any of the children in the videos as being a child that he coached or knew. Mitchell advised that if he identified a child in a video he was going to report it to law enforcement.
  8. Based upon the facts set forth in this affidavit, there is probable cause to believe that Mark Allen Mitchell received, possessed, and/or distributed child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A.

  
Special Agent Justin Daniel Givhan  
Federal Bureau of Investigation

Sworn and subscribed before me this <sup>30</sup>30th day of April, 2013.

  
HONORABLE MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE