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AO 91 (Rev. 08/09) Criminal Complaint

AUSA April Russo, 313-226-9129
Special Agent Amy Hirina, 248-879-6090

WJL

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America
v.
VIRGIL NAPIER, JR.

Case:2:15-mj-30537
Judge: Unassigned,
Filed: 11-16-2015 At 02:45 PM
RE: VIRGIL NAPIER, JR. (EOB)

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 2, 2014 - November 16, 2015 in the county of Oakland County in the Eastern District of Michigan, the defendant(s) violated:

| <i>Code Section</i> | <i>Offense Description</i> |
|------------------------------------|---------------------------------|
| 18 U.S.C. Section 2252A(a)(2) | Receipt of Child Pornography |
| 18 U.S.C. Section 2252(A)(a)(5)(b) | Possession of Child Pornography |

This criminal complaint is based on these facts:
See attached affidavit.

Continued on the attached sheet.



Complainant's signature

Special Agent Amy Hirina, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: 11/16/15

City and state: Detroit, Michigan


Judge's signature

David R. Grand U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

INTRODUCTION

I, Amy Hirina, Special Agent of the Federal Bureau of Investigation (FBI), currently assigned to the Detroit Division, Oakland County Resident Agency, being duly sworn, depose and state as follows:

1. I have been employed with the FBI as a Special Agent for approximately 10 years. I have been involved in, and/or investigated federal criminal violations related to high technology or cyber crime, child exploitation, and child trafficking. During the course of these investigations, my duties have included writing search warrants, complaints and arrest warrants, participating in the execution of search warrants, the collection of evidence, interviewing subjects and witnesses of these cases, and testifying at various court proceedings in Federal Court. One of my duties is to investigate criminal violations of both federal and state child pornography and child exploitation laws. I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in multiple forms of media including computer media.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **VIRGIL NAPIER, JR.** for violations of 18 U.S.C. § 2252A(a)(2) and (a)(5)(B), which prohibit the receipt, and possession of child pornography.
3. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, 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 the necessary foundation for the requested warrant.
4. Through an investigation conducted by the FBI, on November 16, 2015, a federal search warrant was executed at NAPIER's residence in Waterford, Michigan. The search warrant was obtained based on information that led investigators to believe that either NAPIER or his wife were accessing files from a website known to contain child pornography. The website also facilitated anonymous communication among its users. During the search warrant, investigators learned from NAPIER that he had in fact accessed this website. In order to access this website, NAPIER stated that he used a particular username.¹ Using

¹ This username is known to law enforcement, but not included in this criminal complaint in order to protect an ongoing investigation.


this username, NAPIER accessed multiple website postings that included depictions and discussions of sexual acts involving children. Specifically, NAPIER accessed one post that contained a link to an image that depicted thumbnails of a video in which a prepubescent girl, approximate age 5 years old, performs oral sex on an adult male penis. He also accessed another post that depicted thumbnails of a video in which a prepubescent girl, approximate age 12 years old, poses in front of a camera displaying her vagina.

5. NAPIER was present at his home during the execution of the federal search warrant. He was interviewed by your affiant and FBI Special Agent Dave Kotal. During the interview, NAPIER made the following statements:
 - a. He started collecting child pornography over five years ago;
 - b. He admitted to downloading and possessing child pornography;
 - c. He admitted that he became sexually aroused by child pornography and that he masturbated to the images/videos;
 - d. He views child pornography images and/or videos on a daily basis;
 - e. His age preference is girls, ages 10 to 14;

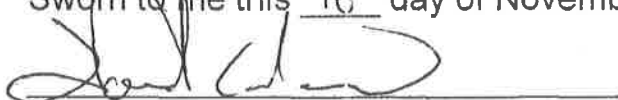
- f. He has used chat rooms to meet girls in this age group, convinced these girls to pose in sexually explicit positions and/or expose themselves, and recorded videos of them on Camtasia;
 - g. He has broadcast these videos to others;
 - h. He has created approximately 100-200 of these videos.
6. During the execution of the search warrant, NAPIER directed law enforcement to a computer that he used to download and view child pornography. A brief review of the My Documents folder of that computer revealed numerous child pornography thumbnails that appeared to be links to longer videos.

CONCLUSION

7. Based upon the foregoing, there is probable cause to believe that VIRGIL NAPIER, JR. has knowingly received and possessed child pornography in violation of 18 U.S.C. §§ 2252A(a)(2) and (a)(5)(B). Accordingly, your Affiant respectfully requests that this Court issue an arrest warrant.


AMY HIRINA
Special Agent, FBI

Sworn to me this 16th day of November, 2015


United States Magistrate Judge
David L. Grand