

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT  
for the  
Southern District of Ohio

17 OCT 13 AM 11:35

United States of America  
v.

DAN FUERST

*Defendant(s)*

)  
)  
)  
)  
)  
)

Case No.

1:17MJ -788

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 21, 2017 in the county of HAMILTON in the  
Southern District of Ohio, the defendant(s) violated:

*Code Section*

*Offense Description*

18 U.S.C. 2252(a)(2) and 2252A(a)  
(4)(B)

RECEIPT AND POSSESSION OF CHILD PORNOGRAPHY

This criminal complaint is based on these facts:

See Attached Affidavit.

Continued on the attached sheet.



*Complainant's signature*

TFO MARY BRAUN, FBI

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 10/18/17



*Judge's signature*

City and state: CINCINNATI, OHIO

HON. KAREN L. LITKOVITZ

*Printed name and title*

AFFIDAVIT

I, Mary P. Braun, being duly sworn, depose and state:

1. I have been employed as a Police Specialist with the Cincinnati Police Department since 2004, and for the past seven years have been assigned to the Regional Electronics Computer Investigations (RECI) Task Force working on crimes involving computers and computer based crimes against children and others. I have become familiar with the methods and schemes employed by persons who trade and collect child pornography as well as the manner in which adults seduce children for hands-on offenses. I have investigated federal criminal violations related to crimes against children, child pornography, and human trafficking. I have received formal training in the investigation of these matters at the Cincinnati Police Academy, the Federal Bureau of Investigation, and the National Center for Missing and Exploited Children, through other in-service training, and through private industry. As part of the Federal Bureau of Investigation's Violent Crimes Against Children/Child Exploitation Task Force, in 2011, I was deputized by the United States Marshals Service as a Special Deputy United States Marshal, thereby authorized to seek and execute arrest and search warrants supporting a federal task force. This affidavit is submitted in support of a finding of probable cause, and is therefore a summary of facts known to me via reports and the statements of other law enforcement officers.
2. The information contained in this affidavit is not a complete account of everything

known to me about this case. The affidavit contains the facts and circumstances I believe are necessary to establish probable cause that Dan E. Fuerst violated Title 18 United States Code Section 2252(a)(2) and (b)(1) and Title 18 United States Code Section 2252A(a)(4)(B).

STATUTORY AUTHORITY

3. This Complaint is based on alleged violations of Title 18, United States Code, §§ 2252(a)(2) (distribution and receipt in interstate commerce of a visual depiction involving the use of a minor engaging in sexually explicit conduct), and 2252(a)(4)(B) (possession of a visual depiction involving the use of a minor engaging in sexually explicit conduct with an interstate nexus).

Title 18, United States Code, §2252(a)(2) provides in pertinent part that:

Any person who knowingly receives, or distributes, any visual depiction using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which has been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, if (A) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (B) such visual depiction is of such conduct...shall be punished...

Title 18, United States Code, §2252(a)(4)(B) provides in pertinent part that:

Any person who knowingly possesses, or knowingly accesses with intent to view, one (1) or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if (i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and (ii) such visual depiction is of such conduct; shall be punished...

DETAILS OF THE INVESTIGATION

4. On August 21, 2017, the affiant received information from the Cincinnati Police Department, after several officers responded to a radio run involving child pornography. Witness #1 was asked by Dan Fuerst to take care of his dog while he was unexpectedly in the hospital. She agreed and went to the hospital to pick up the key to get into the house at 361 Thrall Street, Cincinnati, Ohio 45220.
5. Witness #1 went into the home to check on the dog. When she went in, she found that the dog had gotten out of the kitchen and went upstairs. The dog would not come downstairs after being called several times, so she went up to get her. The dog was in a room with a bed, dresser and computer. When witness #1 looked towards the dresser, she noticed numerous stacks of what appeared to be photographs that had been printed out. She estimated that there were thousands of images in the stacks. She looked at the images on the top and notices that the images were of naked, prepubescent boys. Several were looking at their penises, others were holding onto their penises and there was one photograph that had two young boys engaged in sexual activity with each other. After seeing those photographs, witness #1 ran from the room and left the house.
6. Witness #1 told another neighbor, witness #2, what she saw and asked if she would go into the room to see if what she saw was really child pornography. Both witnesses went back into the home and the room with the photographs. Witness #2 described seeing "stacks and stacks" of photographs that looked as if they were printed or copied. She saw three images, all prepubescent boys, naked and holding their genitals. She also saw boxes of VHS tapes that did not have regular stickers on them and appeared to be homemade. Both witnesses left the house and called 911.

7. Based on the information provided by the witnesses, your affiant obtained a search warrant from the Hamilton County Municipal Court to seize any evidence of child pornography, computers on which the child pornography can be distributed or received and any other electronic equipment that child pornography can be stored on.
8. After entering the house, your affiant seized 8000 to 9000 images printed on 8 1/2 x 11" paper. The images found were of prepubescent boys, naked, and in various states of sexual contact including:
  - a. A prepubescent boy naked from the waist down laying on his back. He is video recording an adult male performing oral sex on him.
  - b. A naked, prepubescent boy laying on his back. There is an adult male holding onto the boy's penis.
  - c. A naked, adult male holding a naked, prepubescent boy on his lap. The adult is penetrating the boy's anus with his penis.
  - d. Two naked boys who appear to be prepubescent, laying on a bed. One boy has his mouth on the other's penis.
  - e. Two naked, prepubescent boys laying on a bed. Both have their mouths on the other's penis.
  - f. Two naked, prepubescent boys laying on their sides, facing each other. Both have their mouths on the other's penis.
  - g. A naked, prepubescent boy laying on a bed. His arms and legs are tied to each corner of the bed.
  - h. This paper has what appears to be screenshots from a website. Printed on top are the words "Erotic boys bondage series" and has 4 individual images on it. Each

image is of the same naked, prepubescent boy. In three of the images he is tied to a bed, in one he is tied to a chair.

9. On August 21, 2017, the affiant queried Dan E. Fuerst in RCIC and the Ohio Law Enforcement Gateway (OHLEG). Both indicated that Dan E. Fuerst had a valid Ohio driver's license and his residence was listed as 361 Thrall Street, Cincinnati, Ohio 45220. RCIC provided the following information on a valid Ohio driver's license.

Name: Dan E. Fuerst  
Date of Birth: XX/XX/1948  
Height: 5'10"  
Weight: 225  
Hair: Brown  
Eyes: Brown  
Driver's License #: RS16XXXX  
Issue Date: September 2, 2015  
Expiration: July 21, 2019  
Address: 361 Thrall Street, Cincinnati, Ohio 45220

10. On August 21, 2017, the affiant queried Fuerst in the Consolidated Lead Evaluation and Reporting (CLEAR) database system. CLEAR is a public record data investigative platform available exclusively to law enforcement and other government investigators about people and businesses. CLEAR indicated that Fuerst's current address and personal identification information was the same as the aforementioned information from OHLEG in paragraph 9.
11. In addition, based on interviews with neighbors and the information found in the computer searches, Fuerst is the only person residing at 361 Thrall Street, Cincinnati, Ohio ~~45102~~.

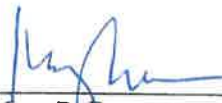
45220  
MB

**CONCLUSION**

12. Based on the evidence described in this affidavit and my experience and training, and the experience and training of law enforcement personnel with whom I have discussed this case, I believe that probable cause exists to believe that Dan E. Fuerst knowingly Received and Possessed Child Pornography, in violation of Title 18 United States Code Section 2252(a)(2) and 2252A(a)(4)(B).

**REQUEST FOR SEALING**

13. Further request that the Court order that all papers in support of this complaint, including the affidavit, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation.

  
\_\_\_\_\_  
Mary P. Braun  
Task Force Officer  
FBI/Cincinnati Police Department

Subscribed and sworn  
before me this 18 of Oct., 2017

  
\_\_\_\_\_  
HON. KAREN L. LIKOVITZ  
United States Magistrate Judge