

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 17-MJ- 606

ROLAND YOCKEL, II
Defendants

CRIMINAL COMPLAINT

I, NICHOLAS MELCHIORRE, Special Agent with the United States Department of Homeland Security, Criminal Investigations Unit, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about and in between May 22, 2017 through the PRESENT, in the Western District of New York, the defendant ROLAND YOCKEL, II violated 18 U.S.C. § 2252A(a)(2)(A) & 2252A(a)(5)(B), an offense described as follows:

the defendant knowingly received child pornography that has been mailed or, using any means or facility of interstate or foreign commerce, been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer in violation of Title 18, United States Code, Section 2252A(a)(2)(A); and possession of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

SEE ATTACHED AFFIDAVIT OF NICHOLAS MELCHIORRE, S.A., H.S.I.


This Criminal Complaint is based on these facts:

Continued on the attached sheet.

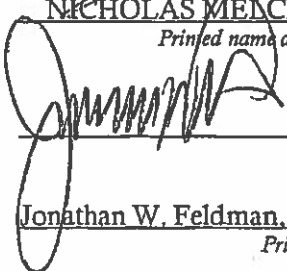
Sworn to before me and signed in my presence.

Date: November 21, 2017

City and State: Rochester, New York



Complainant's signature
NICHOLAS MELCHIORRE, S.A. U.S. H.S.I.
Printed name and title



Judge's signature
Jonathan W. Feldman, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:
CITY OF ROCHESTER)

NICHOLAS MELCHIORRE, being duly sworn, deposes and states:

1. I have been employed as a Special Agent (SA) with Homeland Security Investigations (HSI), within the Department of Homeland Security (DHS), since 2010. As a Special Agent, I am a federal law enforcement officer within the meaning of Rule 41(a) of the Federal Rules of Criminal Procedure, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, federal criminal offenses.

2. I have participated in investigations involving the receipt, distribution and possession of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(2)(A) and Title 18, United States Code, Section 2252A(a)(5)(B). I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous images and videos of child pornography, as defined in Title 18, United States Code, Section 2256.

3. This affidavit is submitted for the limited purpose of establishing probable cause to believe that ROLAND YOCKEL, II, born xx/xx/1987, did knowingly receive and distribute child pornography that had been transported in and affecting interstate or foreign commerce by computer, in violation of Title 18, United States Code, Section 2252A(a)(2)(A), and did knowingly possess and access with intent to view child

pornography that had been transported in and affecting interstate or foreign commerce by computer, in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

4. The statements contained in this affidavit are based upon my investigation, information provided to me by other law enforcement personnel, and on my experience and training as a Special Agent of HSI. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that ROLAND YOCKEL, II did knowingly violate Title 18, United States Code, Section 2252A(a)(2)(A) and Title 18, United States Code, Section 2252A(a)(5)(B).

BACKGROUND OF THE INVESTIGATION

5. In October 2016, HSI Phoenix agents became involved in an ongoing child pornography investigation with investigators from the New Zealand Department of Internal Affairs Te Tari Taiwheuna, Digital Child Exploitation Team (NZDCET). That investigation identified individuals who utilized the Internet based application "Chatstep.com" to receive and distribute child pornography.

6. Chatstep operates a website, which contains an anonymous online network allowing users to post images directly into the site, or post hyperlinks that direct the user to images and videos stored elsewhere on the Internet. Chatstep operates chat rooms in which users have been observed to trade in child pornography. Users have also been observed discussing techniques to distribute child pornography while masking their identity, and how

to avoid Chatstep reporting protocols while trading child pornography. Chatstep allows files and images to be shared among groups of people by dragging the files and/or images into the chat window; the content is then instantly available to anyone in the chat room. If the attached media is a file, a hyperlink to download the attachment is provided.

7. On May 22, 2017 and July 24, 2017, a NZDCET investigator, acting in an undercover capacity, observed multiple individuals accessing Chatstep chat rooms. On those dates, the NZDCET investigator further observed one of those individuals, user name "Ryancba," post links to image files depicting suspected child pornography. The NZDCET investigator clicked on each of the links, downloaded the image files, and captured screenshots of the chatrooms to document his observations.

8. NZDCET investigators obtained IP address records from Chatstep for user "Ryancba" for the above stated dates. Chatstep's records indicated that user "Ryancba" accessed the Chatstep website via IP address 69.207.98.221 (hereinafter the "SUBJECT IP ADDRESS"). After determining that the SUBJECT IP address was located in the United States, NZDCET forwarded the findings of their investigation to HSI Phoenix.

9. HSI Phoenix agents submitted administrative summonses to Time Warner Cable d/b/a Spectrum requesting subscriber and IP address information for the SUBJECT IP ADDRESS for May 22, 2017 and July 24, 2017. Time Warner provided responses to the summonses, indicating that on May 22, 2017 and July 24, 2017, the SUBJECT IP ADDRESS was assigned to [REDACTED] and registered in the name of ROLAND YOCKEL. Based on this information, the case was referred to HSI Buffalo on or about October 19, 2017.

10. On November 2, 2017, I reviewed the materials provided by NZDCET, which were posted by "Ryancba" to Chatstep on May 22, 2017, including the suspected child pornography images. I have described two of those image files below:

- a. **Filename:** <http://picpaste.com/12-gFAM0VNR.jpg>: A photograph of a pre-pubescent blonde-haired female approximately 4-7 years of age. She is wearing a red/pink shirt with green polka dot long sleeves. Her hands are at her side and her [REDACTED] are exposed. Her [REDACTED] are partially covered by her hair and her bare torso is exposed. She has a red/pink skirt on that is pulled down exposing her [REDACTED] area. No other individuals are depicted in this image.
- b. **Filename:** <http://picpaste.com/1459733730757-yM9GEuhn.jpg>: A photograph of a pre-pubescent brown-haired female approximately 4-7 years of age. She is bent over a computer desk looking at a computer monitor. She is only wearing a pink shirt and is nude from the waist down. Her legs are slightly spread and her [REDACTED] areas are fully exposed. Additionally, depicted on the computer monitor on the desk, is an image that appears to depict a pre-pubescent child approximately 4-7 years who is nude from the waist down.

11. On November 14, 2017, I reviewed the materials provided by NZDCET, which were posted by "Ryancba" to Chatstep on July 24, 2017, including the suspected child pornography images. I have described 2 of those image files below:

- a. **Filename:** <http://picpaste.com/kluyki7jy6-FiLwjmHe.jpg>: A photograph of a pre-pubescent blonde-haired female approximately 4-7 years of age. She is wearing a short-sleeved shirt, light pink skirt, and two-tone pink socks. She is outdoors squatting down in the grass with a wooded area behind her. She is facing the camera and her [REDACTED] is exposed. No other individuals are present in the image.
- b. **Filename:** <http://picpaste.com/1498687208-yqOM0t25.jpg>: A photograph of a pre-pubescent blonde-haired female approximately 4-7 years of age. She is completely nude sitting on a blue area rug facing the camera with what appears to be a wooden television stand behind her. She is facing the camera smiling, leaning backwards, and holding her body weight up with each of her hands. The front of her nude body is completely exposed to the viewer,

including her [REDACTED] area. No other individuals are present in the image.

12. Based on my training and experience, the above described image files meet the federal definition of child pornography, as defined in Title 18, United States Code, Section 2256(8), as they depict the lascivious exhibition of the genitals or pubic areas of a minor child.

13. On October 30, 2017, your deponent obtained information from the New York Department of Motor Vehicles (DMV) related to the SUBJECT PREMISES. The DMV identified several individuals, including ROLAND YOCKEL, II (DOB XX/XX/1987) as residing at [REDACTED].

14. Based on the above, I obtained a search warrant for the premises at [REDACTED] [REDACTED] Hilton, NY, 14468, which is a single family home on the west side of [REDACTED]. The warrant was executed on November 21, 2017 with members of HSI Buffalo and the New York State Police, during which time ROLAND YOCKEL, II was present.

15. During the execution of the search warrant, I interviewed ROLAND YOCKEL, II. YOCKEL advised that he is a Kindergarten teacher in the Brockport Central School District and has been employed as a full time teacher since August 2017. Prior to his full time employment, YOCKEL served as a substitute teacher for several years. YOCKEL stated that he resides in the basement of [REDACTED] with his parents and siblings and that he accesses the internet using the home's wifi connection. YOCKEL stated that he owns a cellular phone and a grey HP laptop that he keeps

within the home, and indicated that he used both devices to access the internet. When asked about his interest in child pornography, YOCKEL admitted that he has both received and distributed child pornography at [REDACTED] using Chatstep.com and Yahoo messenger. YOCKEL stated that he used his HP laptop in his basement bedroom to distribute and receive child pornography via the internet, and that he saved child pornography to two external hard drives as well as several DVD's.

16. An HSI Computer Forensic Agent (CFA) conducted an on-site preview of two (2) DVD's discovered on the nightstand in YOCKEL's bedroom. Both DVD's contained numerous video files with titles consistent with child pornography, including "PTHC" which is an acronym for "Pre-teen hardcore." The CFA viewed several videos on each disc, all of which depicted female children, approximately 5-8 years old, engaged in sexually explicit conduct to include [REDACTED] of female children by adult males. The DVD's and numerous other electronic media/storage devices, including the two hard drives and HP laptop were seized. These items will be forensically analyzed by HSI Buffalo in the coming weeks.

17. When asked about his involvement in distributing child pornography, YOCKEL admitted that he used the Chatstep website under username "Ryancba" to distribute child pornography over the internet. When asked, YOCKEL stated that he used "Ryancba" rather than "Roland" to mask his identity. YOCKEL further stated that he was addicted to pornography and began to trade child pornography at some point in the past using his HP laptop, Chatstep, and Yahoo messenger. YOCKEL stated that he [REDACTED] to child pornography and that it sexually aroused him.

18. During the execution of the search warrant, HSI agents located children's underwear underneath YOCKEL's mattress. YOCKEL admitted that he stole the underwear from childrens' backpacks who were participating in a Summer camp where YOCKEL worked as a camp coordinator. YOCKEL stated that he used the childrens' underwear as a prop to facilitate [REDACTED]. YOCKEL denied ever touching his Kindergarten students or children in his care at Summer camp, but stated that he actively watched children in their bathing suits in the hope that they may expose intimate areas. When asked if he touched his students, YOCKEL stated that he "had sexual thoughts of his school kids, but his job meant too much to him." YOCKEL further admitted that he exchanged an online video of himself [REDACTED] in the shower with an unknown person, who identified herself as a fifteen year old female. YOCKEL stated that the fifteen year old also sent YOCKEL nude images of herself. YOCKEL told agents that he wants to educate children and that he is fighting his addictions.

19. In addition to the above, YOCKEL told agents that his mother used to babysit a 5 to 7 year old female child at his house ([REDACTED]) and that he "liked" the way she looked and found her voice to be "cute." When asked about possible contact with the child, YOCKEL admitted that he played "games" with the child. YOCKEL stated that over time, YOCKEL began to purposely place the child in his lap so that her [REDACTED] were in contact with YOCKEL'S [REDACTED] over clothing. YOCKEL also admitted to manipulating the child's clothes so that he could see her "private parts" when he picked her up. YOCKEL stated that this aroused him and that he later would [REDACTED] while thinking about his interactions with the child.

YOCKEL stated that he wanted to physically touch the child, but that other people were usually in the room. YOCKEL admitted that if he had the opportunity to be alone with the child, he would have touched [REDACTED].

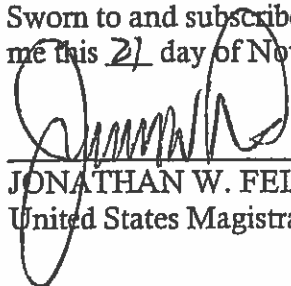
CONCLUSION

Based upon the foregoing, your affiant respectfully submits that there is probable cause to believe that ROLAND YOCKEL, II has violated Title 18, United States Code, Section 2252A(a)(2)(A), knowingly receiving and distributing child pornography that had been transported in and affecting interstate or foreign commerce by computer; Title 18, United States Code, Section 2252A(a)(5)(B), knowingly possessing and accessing with intent to view child pornography that had been transported in interstate or foreign commerce by computer.



NICHOLAS MELCHIORRE
Special Agent
Homeland Security Investigations

Sworn to and subscribed before
me this 21 day of November 2017.



JONATHAN W. FELDMAN
United States Magistrate Judge