

AUSA Marcia S. Cohen

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	: <u>SEALED COMPLAINT</u> 24mj1534
	:
-v-	: Violations of 18 U.S.C. § 2251(a)
	: and (e), 2252A(a)(5)
	:
JOHN TOWERS,	: COUNTY OF OFFENSE:
	: Putnam
Defendant.	:
	:
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SOUTHERN DISTRICT OF NEW YORK, ss.:

MATTHEW TUNNEY, being duly sworn, deposes and says that he is a Task Force Officer with the Federal Bureau of Investigation ("FBI") and charges as follows:

COUNT ONE
(Sexual Exploitation of a Child)

1. From at least on or about July 24, 2018, up to and including at least on or about December 9, 2019, in the Southern District of New York and elsewhere, JOHN TOWERS, the defendant, knowingly employed, used, persuaded, induced, enticed, and coerced, and attempted to employ, use, persuade, induce, entice, and coerce, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct and for the purpose of transmitting a live visual depiction of such conduct, and the defendant knew and had reason to know that such visual depiction would be transported and transmitted using any means and facility of interstate and foreign commerce and in or affecting interstate and foreign commerce and mailed, and the visual depiction was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means including by computer, and such visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce and mailed, to wit, TOWERS placed hidden cameras in a public bathroom in Putnam County, New York, to surreptitiously record prepubescent minors in order to capture sexually-explicit images of the minors, and then transferred the recordings to a hard drive.

(Title 18, United States Code, Sections 2251(a) and (e).)

COUNT TWO

(Possession of Child Pornography)

2. On or about March 29, 2024, in the Southern District of New York and elsewhere, JOHN TOWERS, the defendant, knowingly possessed, and knowingly accessed with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material containing an image of child pornography that had been mailed, and shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, TOWERS, while in Putnam County, New York, possessed DVDs containing video files he downloaded from the internet depicting prepubescent minors engaging in sexually explicit activity.

(Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2).)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

3. I am an investigator with the Putnam County Sheriff's Office ("PCSO") and a Task Force Officer with the Federal Bureau of Investigation ("FBI"), currently assigned to the FBI's Field Office in Westchester County, New York. I have been a Task Force Officer with the FBI since October 2020. During that time, I have participated in numerous investigations involving crimes against children, including the production, receipt, possession, and/or distribution of child pornography. I have gained expertise in these areas through training and daily work related to conducting these types of investigations.

4. I have been personally involved in the investigation of this matter. This affidavit is based upon my conversations with law enforcement agents and others, and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. In or about February 2024, PCSO received materials from the National Center for Missing and Exploited Children ("NCMEC") indicating that NCMEC had received Cybertips, numbered 182304174, 182304612, and 182359651, from a cloud-based service provider ("Provider-1") that provides cloud storage for a telecommunications company ("Company-1"). I reviewed the materials provided with the Cybertips. These materials indicated that, between on or about December 11, 2023 and December 12, 2023, phone number XXX-XXX-1134 ("1134-Number") uploaded approximately 57 files depicting children engaging in sexually explicit activity to the cloud maintained by Provider-1 associated with the 1134-Number.

6. I have reviewed Company-1 records which indicate that the subscriber of the 1134-Number is "John Towers" with an address in Mahopac, New York ("Residence-1").

7. On or about March 19, 2024, a Putnam County Court Judge issued search warrants authorizing a search of Residence-1 and a search of the cloud maintained by Provider-1 associated with the 1134-Number.

8. On or about March 19, 2024, I began reviewing the materials received from Provider-1 in response to the search warrant. These materials included over 6000 images and videos that had been uploaded to the cloud associated with the 1134-Number. The materials I reviewed included a number of photos that depict female adults and female children using a bathroom with blue and white tile walls ("Bathroom Images"). One of these images, an image that was uploaded to the cloud associated with the 1134-Number on or about June 26, 2023, is a close-up of a prepubescent vagina. The materials also included an image ("Image-1") of what appears to be a sink in the same bathroom with the blue and white tile walls. Image-1 contains embedded GPS data which indicates that the image was taken in a privately owned, public park in Putnam County, New York ("Park-1").

9. The materials received from Provider-1 also included numerous other images of prepubescent children engaging in sexually explicit activity. Based on information I have obtained from NCMEC concerning these images, I am aware that many of the children who appear in these images have been previously identified by NCMEC. Among these images are the following:

a. File name ending in 4e5b58.jpg: This is an image file depicting a prepubescent girl, who is naked from the waist down, lying on a bed. The child's vagina is visible and the child is holding an adult male's penis with her hand.

b. File name ending in cd4e06.jpg: This is an image file depicting a prepubescent girl, naked from the waist down, lying down with her eyes closed. She appears to be wearing a black jacket that is open to expose her bare chest and breasts. A male penis is inserted into the child's vagina.

10. On or about March 29, 2024, I and other law enforcement officers executed the search warrant for Residence-1. When we arrived at Residence-1, JOHN TOWERS, the defendant, was pulling up to the Residence-1 in a car. I asked TOWERS if he would speak privately with me in my vehicle, which was parked in the driveway of Residence-1. TOWERS agreed. After waiving his *Miranda* rights, JOHN TOWERS, the defendant, who is approximately 53 years old, stated, among other things, in substance and in part that:

a. Residence-1 is his residence and that he lives there with his elderly father.

b. Initially, TOWERS denied any knowledge of child pornography. Later, in the interview, TOWERS said that he has looked at child pornography, including images of girls in their early teens, and has received gratification by looking at these images.

c. Initially, TOWERS denied any knowledge of cameras hidden in bathrooms. Later in the interview, TOWERS said that he had used an old cellphone to record an adult female he identified by name ("Female-1") using the bathroom at Park-1. TOWERS

stated that he had been attracted to Female-1. TOWERS hid the cellphone in the bathroom in a garbage can lid. TOWERS said that, later, he stored the pictures and videos on an old computer.

11. The search of JOHN TOWERS', the defendant's, residence, Residence-1, resulted in the recovery of numerous computers, digital storage devices, and cameras. The recovered cameras included approximately 10 "spy" cameras. Based on my experience and training, I am aware that spy cameras are designed to be used surreptitiously so that the person who is recorded does not know that they are being recorded. Three of the recovered spy cameras look like ballpoint pens. The others contain a battery pack, wireless antennae, and a tiny camera that looks just like a button. Among the computers recovered in the search was a desktop computer ("Computer-1"), recovered from the office attached to TOWERS' bedroom in Residence-1. In addition, approximately 20 DVDs were recovered from the office attached to TOWERS' bedroom. Many of these DVDs have handwriting that indicates various female first names.

12. While I was speaking with JOHN TOWERS, the defendant, I showed him several of these DVDs. TOWERS stated that about 10 of them probably had child pornography on them. He stated that he had downloaded the child pornography from the internet and placed it on the DVDs.

13. During my conversation with JOHN TOWERS, the defendant, on March 19, 2024, TOWERS consented to a search of his cellphone, a Samsung Galazy S23+ ("Phone-1"). On or about April 15, 2024, I conducted a search of Phone-1. Phone-1 contained an application called "Secure Folder." Based on my experience, I am aware that Secure Folder is an application that permits Samsung users to store photos, videos and other files in a private and encrypted location on the phone. Within the Secure Folder app on Phone-1, I discovered approximately 190 photos that all appear to be of either teenage females or preteen females who are either naked or wearing swimsuits. Within these photos, there are approximately seven photos that depict prepubescent females whose genital areas are exposed. Among these photos are the following:

a. File title 20240302_164120.jpg: This file is an image of a prepubescent female whose face is visible to the camera. She is lying on her back with her legs spread and her genitals exposed to the camera. Based on data embedded in the file, I am aware that this file was created on March 2, 2024 at 4:41 p.m. by a Samsung Galazy S23+. The GPS coordinates indicate that that file was created at Residence-1. Based on my experience and training, my review of other images found on Phone-1 and my observations with respect to the resolution of this file, I believe that this image is a photo that was taken with the Samsung Galazy S23+ of the same image on another electronic device.

b. File title 20240302_164202.jpg: This file is an image of prepubescent female whose face is visible to the camera. She is lying on her back with her legs spread in the air. She is wearing a white shirt. She is naked below the waist. Her legs are spread in the air and open, revealing her genitals. Based on data embedded in the file, I am aware that this file was created on March 2, 2024 at 4:42 p.m. by a Samsung Galazy S23+. The GPS coordinates indicate that

the file was created at Residence-1. Based on my experience and training, my review of other images found on Phone-1 and my observations with respect to the resolution of this file, I believe that this image is a photo that was taken with the Samsung Galazy S23+ of the same image on another electronic device.

14. Beginning on or about April 4, 2024, I began examining the DVDs recovered from the office attached to JOHN TOWERS', the defendant's, bedroom. One of the DVDs, with handwriting on the disk that says "Sndr," contains a folder marked "Sandra." Within that folder, there are a series of folders, including one containing the words "Sandra" and "nude." Within this folder, there are dozens of images of what appears to be the same prepubescent female. These images include the following:

a. File title 124361548973.jpg: This file is an image depicting a prepubescent female posing outdoors. She is squatting down and holding her underwear to the side, exposing her genitals.

b. File title 74648899.jpg: This file is an image depicting the same prepubescent child. She is naked and lying on her back holding an apple. Her genitals are visible.

15. On or about April 2, 2024, I removed the hard drive from Computer-1. The hard drive is a 2-terabyte Toshiba hard drive with marking indicating that the drive is a product of China and was manufactured in Germany. After I removed the hard drive, I created a forensic image of it. On or about April 4, 2024, I began reviewing the forensic image of the hard drive. There are approximately 816 videos in a folder titled "New Folder (2)" with file titles that include the word "visitor" and a numerical date ("Visitor Videos"). The dates in these titles range from "071818" (July 18, 2018) to "101919" (October 19, 2019). Based on my analysis, I am aware that the Visitor Videos were uploaded to the hard drive of Computer-1 from on or about July 18, 2018 to on or about December 9, 2019. I have reviewed the Visitor Videos. Each of them depicts a female using a toilet in a bathroom with blue and white tile walls. The bathroom looks like the bathroom that appears in the Bathroom Images and the bathroom depicted in Image-1. Based on my experience and training and my review of the Visitor Videos, I believe that the Bathroom Images are screenshots (*i.e.*, still images) taken from the Visitor Videos. In the Visitor Videos, the camera appears to be focused on the toilet. In some instances, there are multiple videos with the same date but slightly different file titles. Based on the fact that these videos appear to capture the same female from different angles, I believe that, on some occasions, TOWERS used multiple hidden cameras at the same time.

16. Of the 816 Visitor Videos, approximately 78 videos also include the word "yung" in the file title ("Yung Videos"). For example, the Yung Videos include videos titled "visitor052419yungarse.avi" and "visitor082319yungpnice." At least 11 of the Yung Videos depict prepubescent children using the toilet. The dates referenced in the titles of the Yung Videos are from "052419" (May 24, 2019) to "090119" (September 1, 2019). Based on my analysis, I am aware that these 11 files were uploaded to the hard drive of Computer-1 from on or about May 24, 2019 to on or about December 9, 2019.


17. Of the 738 Visitor Videos that do not have the word “yung” in the file title, there are at least four videos that depict a prepubescent female using the bathroom. One of these videos is titled “visitor072418(4)” (“Video-1”). Video-1 was uploaded to the hard drive of Computer-1 on July 24, 2018. Video-1 is approximately 3 minutes and 6 seconds. When Video-1 begins, an adult female is standing and she pulls up her pants and exits the video frame. A few seconds later, a child (“Victim-1”) appears. Victim-1 is wearing a white tank top that says “SUMMER” in a various colors. Victim-1 pulls down her pants and underwear, exposing her vagina to the camera. After sitting on the toilet for a few moments, she stands up, exposing her vagina to the camera again. She wipes herself and then pulls her pants up. The same adult female reappears and assists Victim-1 with her pants.

18. On or about April 9, 2024, I spoke to the mother of Victim-1 and showed her a screenshot from Video-1 in which Victim-1’s face and shirt were visible. Victim-1’s mother identified Victim-1 as the child in the video and said that, on July 24, 2018, she visited Park-1 with Victim-1 and her mother. Victim-1 was seven years old at the time of the visit. Victim-1’s mother showed me a photo on her cellphone that was taken on July 24, 2018 at Park-1. In the photo, Victim-1 is wearing the same shirt that she is wearing in Video-1. There is a woman in the photo that I recognize as the woman who appears in Video-1 with Victim-1.


19. Based on my conversation with an employee who works at Park-1, I am aware that, from approximately 2004 to March 2024, JOHN TOWERS, the defendant, worked at Park-1.

20. On or about March 29, 2024, I went to Park-1 and went inside the two bathrooms that are used by visitors to Park-1. Both of the bathrooms have blue and white tile walls and look like the bathroom that appears in the Visitor Videos, the Bathroom Photos, and Image-1.

WHEREFORE, the deponent respectfully requests that JOHN TOWERS, the defendant, be arrested and imprisoned or bailed, as the case may be.


Matthew Tunney
Task Force Officer
Federal Bureau of Investigation

Sworn to before me this
17th day of April, 2024


THE HONORABLE ANDREW E. KRAUSE
United States Magistrate Judge
Southern District of New York