

AO 106 (Rev. 01/09) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the Northern District of Mississippi

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address))
America Online, 22000 AOL Way,)
Dulles, VA 20166)

Case No. 4:09 MJ 1007-DAS

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Eastern District of Virginia (identify the person or describe property to be searched and give its location): America Online, 22000 AOL Way, Dulles, VA 20166

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized): e-mail account of ceodoctor@aol.com, including all e-mails sent, received, deleted or saved as drafts, including attachments to the e-mails

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- [x] evidence of a crime;
[] contraband, fruits of crime, or other items illegally possessed;
[x] property designed for use, intended for use, or used in committing a crime;
[] a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. § 2422, and the application is based on these facts: see attached affidavit

- [] Continued on the attached sheet.
[] Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[Handwritten signature of Justin K. Newsome]

Applicant's signature

Justin K. Newsome, Special Agent, F.B.I.

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/04/2009

[Handwritten signature of David Sanders]

Judge's signature

City and state: Greenville, Mississippi

David Sanders, United States Magistrate Judge

Printed name and title

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

In the Matter of the Search of
America Online, 22000 AOL Way, Dulles, VA 20166
As further described in ATTACHMENT A

I, Justin K. Newsome, being duly sworn, do hereby depose and state:

1. Your affiant is a Special Agent with the Federal Bureau of Investigation [hereinafter FBI] currently assigned to the Jackson Field office, Greenville Resident Agency. Your Affiant has been employed as a Special Agent with the FBI since November, 2003. As part of your affiant's law enforcement duties, your affiant is statutorily charged with investigating federal criminal violations, including the coercion and enticement of individuals to travel in interstate commerce to engage in prostitution as outlined in 18 U.S.C. §§ 2422.
2. As a federal agent, your affiant is authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
3. This Affidavit is being made in support of an application for a search warrant for the below listed Internet Service Provider ("ISP") or "Web Host" and within the computer servers and related peripherals found at this ISP or "Web Host" located at America Online, 22000 AOL Way, Dulles, VA 20166, listed in Attachment A, for the items specified in Attachment B hereto.
4. The statements in this Affidavit are based in part on my investigation of this matter and on the expertise of other law enforcement investigations and cases. Your affiant has probable cause to believe that evidence of violations of 18 U.S.C. §§ 2422, involving the coercion or enticement of any individual to travel in interstate or foreign commerce to engage in prostitution, or in any sexual activity for which any person can be charged with a criminal

offense is located in and within the computer servers and related peripherals found at this Web Host located at 22000 AOL Way, Dulles, VA 20166.

5. Based upon the following information, there is probable cause to believe that the above-identified premises currently contains evidence, fruits, and instrumentalities of the coercion and enticement of individuals to travel in interstate commerce to engage in prostitution, or in any sexual activity as described below and in Attachment B. I have set forth facts that I believe necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 2422 are present at the location described above.

LEGAL AUTHORITY

6. The legal authority for this search warrant application is derived from Title 18, United States Code, chapter 121, §§ 2701-11, entitled, "stored wire and electronic communications and transactional records access."

7. Title 18 United States Code 2703(c)(A) allows for nationwide service of process of search warrants for the contents of electronic communications. Pursuant to 18 U.S.C. § 2703, as amended by the USA PATRIOT Act, Section 220, a government entity may require a provider of an electronic communication service or a remote computing service to disclose a record or other information pertaining to a subscriber or customer of such service pursuant to a warrant issued using procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation (emphasis added by your affiant).

8. This investigation involves offense(s) within the jurisdiction and proper venue of the United States District Court for the Northern District of Mississippi, as more fully articulated below, because the Web Host, America Online, contains evidence of the coercion or enticement

of individuals to travel in interstate commerce to engage in prostitution or any sexual activity maintained on America Online servers by America Online user "ceodoctor@aol.com" who is believed to work, reside, and electronically access email within the boundaries of the Northern District of Mississippi. Accordingly, the Northern District of Mississippi has proper venue over this case. Additionally, this Court is a "court with jurisdiction over the offense under investigation," and has the authority under the USA PATRIOT ACT, to issue such a warrant.

9. Title 18 U.S.C. § 2703 further states in part:

(a) Contents of Wire or Electronic Communications in Electronic Storage. – A governmental entity may require the disclosure by a provider of electronic communication services of the contents of a wire or electronic communication, that is in electronic storage in an electronic communications system for one hundred and eighty days or less, only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation or equivalent State warrant. A governmental entity may require the disclosure by a provider of electronic communication services of the contents of a wire or electronic communication that has been in electronic storage in an electronic communication system for more than one hundred and eighty days by the means available under subsection (b) of this section.

(b) Contents of Wire or Electronic Communications in a Remote Computing Service. – (1) A governmental entity may require a provider of remote computing service to disclose the contents of any wire or electronic communication to which this paragraph is made applicable by paragraph (2)1 of this subsection –

1 Paragraph (2) of Title 18 U.S.C. § 2703 states, "[p]aragraph 1 is applicable with respect to any wire or electronic communication that is held or maintained on that service."

(A) without required notice to the subscriber or customer, if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation or equivalent State warrant.

10. This investigation concerns alleged violations of 18 U.S.C. §§ 2422, which prohibits an individual from knowingly attempting to persuade, induce, entice, or coerce any individual to travel in interstate commerce to engage in prostitution, or in any sexual activity for which a person can be charged with a criminal offense.

FACTS

11. In December 2008, a previous co-worker of Doctor Roger Weiner of Clarksdale, Mississippi met with your affiant and surrendered electronic communications of Weiner's recovered from a work computer in which Weiner and the co-worker both utilized during business hours. The electronic communications were "chats" between Weiner and various female individuals utilizing the web site SugarDaddyForMe.com. As background information, Sugardaddyforme.com is a website primarily set up to assist wealthy men, termed "Sugardaddies" on the website, find females, termed "Sugarbabies" on the website, for companionship and entertainment.

(A) on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communications received by means of electronic transmission from), a subscriber or customer of such remote computing service; and

(B) solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing."

12. A review of the communications by your affiant revealed Weiner repeatedly engaging in conversations with female members of the SugarDaddyForMe.com web site in which Weiner attempts to solicit sexual acts and companionship from the female members in exchange for gifts and monetary payments. After chatting with the female members on the SugarDaddyForMe.com website, Weiner often directed the females to send additional photographs and details of themselves to him utilizing email account "ceodoctor@aol.com."

13. On a February 16, 2008 chat with SugarDaddyForMe.com member "CACTN1," Weiner wrote "Dinner and a nite at the Peabody.....what would you like as your consulting fee.?.....is it negotiable. I would suggest that the more adventuresome you are, the higher the fee. What are your boundaries?.....What is the 'kinkiest' thing you ever did?"

14. On a January 6, 2008 chat with SugarDaddyForMe.com member imani23, Weiner wrote "I am free later today or tonite....what did you have in mind.....lets get together.....email me at ceodoctor@aol.com.....would love to spoil you."

15. On a December 24, 2007 chat with SugarDaddyForMe.com member "Kamaria," who listed Cordova, Tennessee as her city and state of residence, Weiner wrote "send a photo to ceodoctor@aol.com and maybe santa will start ur gifts tonight."

16. On a November 16, 2007 chat with SugarDaddyForMe.com member "msright78," who listed Houston, Texas as her city and state of residence, Weiner wrote "if you drive to Helena u cabn get first installment....lets chat." Your affiant is aware Helena is a city located in Western Arkansas. Therefore, "msright78" would have to travel in interstate commerce to travel from Texas to Arkansas to meet with Weiner.

17. On a December 28, 2007 chat with SugarDaddyForMe.com member "Nurseclb," who advised Weiner she lived in Memphis, Weiner wrote "would you happen to

have any photos all decked out?...u can send to ceodoctor@aol.com." On December 29, 2007 "Nurseclb" responded "No, none all decked out, maybe you can help me out with that." On December 30, 2007, Weiner responded to member "Nurseclb," "If you would like to drive down to Clarksdale we could have a real time 'interview'You could bring down your Cache or VS catalogue with you and we could 'help you out' with a few outfits." Your affiant is aware Clarksdale is a city located in Northwest Mississippi. Therefore, "Nurseclb" would have to travel in interstate commerce to travel from Tennessee to Mississippi to meet with Weiner.

18. On a January 12, 2008 chat with SugarDaddyForMe.com member "painnomore," who listed Bartlett, Tennessee as her city and state of residence, Weiner wrote "do you have any other full length photos that you could send to me at ceodoctor@aol.com.....then we could plan on getting together and giving you a well reimbursed interview." Weiner also tells member painnomore "yes you have to prepare for the interview....victoria secret undies." In a later communication, Weiner tells painnomore "If you are bored and would like to use your cute little body to get your first allowance we could meet in a motel on 61 in robinsonville." Your affiant is aware Robinsonville is a city located in Northwest Mississippi in close vicinity to Highway 61. Therefore, "painnomore" would have to travel in interstate commerce to travel from Tennessee to Mississippi to meet with Weiner. Weiner also inquires of member "painnomore," "how much do you think the first meeting is worth.....i think it depends upon your performance....but certainly no less than 500."

19. On a November 12, 2008 chat with SugarDaddyForMe.com member "stephine00," who listed Tennessee as her state of residence, Weiner wrote "would you like to meet at key west motel in robinsonville for you first installment of your allowance."

20. On a January 15, 2008 chat with SugarDaddyForMe.com member "tishten," who listed Tennessee as her state of residence, Weiner wrote "are you ready to get spoiled?.....my email is ceodoctor@aol.com."

21. In January, 2009, your affiant requested the assistance of FBI Agents, assigned to the Memphis field office that are certified with the FBI to conduct electronic communications in an undercover capacity, with approaching Weiner on the website SugarDaddyForMe.com. An Undercover Agent (UCA) for the FBI assigned to the Memphis field office created a profile on SugarDaddyForMe.com for a thirty-two year old white female from Memphis, Tennessee with the member name of "wild_ginger." On January 23, 2009 Weiner and the UCA engaged in a chat on the SugarDaddyForMe.com website in which Weiner gave the email address of ceodoctor@aol.com to allow the UCA to contact him. Weiner later wrote "if you are truly interested in what we are talking about....email me there later.... and we can chat over the weekend on the phone, then go from there."

22. On January 23, 2009, the UCA sent an email to Weiner using email address ceodoctor@aol.com and began electronic correspondence with Weiner. The UCA utilized the name of "Ginger" and the aforementioned email address on all subsequent email correspondence with Weiner. On January 24, 2009, Weiner wrote "if you are so inclined you can drive down later and 'visit'.....look forward to hearing from you". On a subsequent email to the UCA on February 6, 2009 Weiner wrote "you just may have to drive down here to meet". After additional email and telephonic correspondence, Weiner and the UCA agreed to meet in Tunica, Mississippi on a later date.

23. On February 20, 2009, in an email to Weiner, the UCA wrote "I know the money is probably nothing to you but it is a big deal to me...and you can expect to be treated

like a king but this princess can only meet if she knows she is getting at least \$500." Weiner responded to the email on the same day writing "500 is no problem.....if you are sexy and good looking as you claim.....then you can be treated like a queen as well!....Would love to see some candid photos of you dressed up or even casual.....If you would like to get that bonus or even more asap...you may want to drive down later tonight or more likely tomorrow after my lecture. If you are truly 'wild' and good looking your potential for spoiling is enormous."

24. Due to Weiner being informed the UCA lived in Memphis, Tennessee on the SugarDaddyForMe.com website and in email correspondence, Weiner's request on two separate occasions to have the UCA "drive down" to meet him at locations in Mississippi is evidence of Weiner enticing the UCA to travel in interstate commerce to engage in prostitution.


25. After several phone calls and emails, Weiner and the UCA planned to meet at a casino in the Tunica, Mississippi area on February 21, 2009. At the time of the meeting the UCA requested a cooperating female, who had conducted the telephonic conversations with Weiner, to call Weiner and advise she would not be able to make the meeting due to her grandfather's health. Later the same night Weiner sent the following email on February 21, 2009, "very sick woman.....its not your grandfather that is 'ill'wonder if your husband knows that you are soliciting.....we shall see".

CONCLUSION

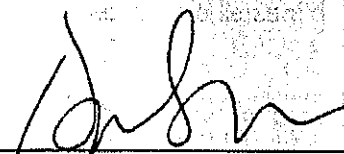
26. Based upon the information above, I respectfully submit that there is probable cause to believe that violations of 18 U.S.C. §§ 2422 have been committed and that evidence of those violations is located at the Internet Service Provider's location in Dulles, Virginia. This evidence, listed in Attachment B to this affidavit, which is incorporated herein by reference, is

evidence of a crime, contraband, the fruits of crime, or things otherwise criminally possessed, or property which is or has been used as the means of committing the foregoing offenses.

27. Therefore, I respectfully request that the attached warrant be issued authorizing the search and seizure of the items listed n Attachment B.


Justin K. Newsome
Special Agent, Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 4TH DAY OF MARCH 2009.


David Sanders
United States Magistrate Judge
Northern District of Mississippi

ATTACHMENT A

America Online is an internet service provider or "Web Host" with its primary computer information systems and other electronic communications and storage systems, records and data located at 22000 AOL Way, Dulles, Virginia 20166.

ATTACHMENT B
ITEMS TO BE SEARCHED FOR AND SEIZED

All electronic communications, including attachments, associated with America Online email account "ceoductor@aol.com." Provide all email communications and attachments maintained in the inbox, sent, and deleted folders.