

AFFIDAVIT

I, Stephanie D. Benitez, being duly sworn, do hereby depose and say:

I. INTRODUCTION

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI"), and have been so employed for approximately six years. I am currently assigned to the Los Angeles Field Office/West Covina Resident Agency, Violent Crimes Squad. In addition, I also am assigned to a multi-agency child exploitation task force known as the Southern California Regional Sexual Assault Felony Enforcement Team ("SAFE Team"). As a SAFE Team member, I am responsible for enforcing federal criminal statutes involving the sexual exploitation of children pursuant to Title 18, United States Code, Section 2251, et seq., and have conducted numerous investigations involving the possession, receipt, production and distribution of child pornography. I have also received training for the Investigation of On-line Child Exploitation, Internet Crimes, Sex Crimes, and Sexual Offenders through the FBI as well as through other Federal, State, and Local agencies. In addition, I am a police instructor for the FBI and have provided instruction to other federal and state law enforcement personnel on a variety of topics, including the possession, receipt, and production of child pornography.

II. PURPOSE OF THE AFFIDAVIT

2. This affidavit is made in support of a complaint and arrest warrant charging RICHARD MICHAEL WELTON ("WELTON") with violating Title 18, United States Code, Section 2252A(a)(2)(A), which makes it a crime for any person to knowingly receive child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer.

3. The information contained in this affidavit is based on my personal observations and training, and where noted, information related to me by other law enforcement officers and/or Agents. This affidavit is intended to show that there is sufficient probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of the investigation into this matter.

III. BRIEF SUMMARY

4. On August 22, 2007, child pornography was found hidden in a church in Covina, California. Richard WELTON's fingerprints were discovered on the pages. WELTON has previous convictions for both possession of child pornography and burglary of churches. When interviewed, WELTON admitted breaking into the church and hiding the child pornography there. He also admitted returning to the church to view the child pornography on a number of occasions.

IV. PROBABLE CAUSE

A. Child Pornography Was Found Hidden in a Covina Church

5. On August 23 , 2007, I was contacted by Covina Police Detective Robert Bobkiewicz. He told me that on August 22, 2007, the First Presbyterian Church, 310 N. Second Street, Covina, was having their nursery re-carpeted. While preparing for the job, a worker pulled a changing table away from the nursery wall and discovered a plastic bag containing a number of papers. some of the paper contained images of child pornography.

6. On August 23, 2007, I met with Detective Bobkiewicz and took custody of the plastic bag. When reviewing the contents of the bag, I found numerous pages containing child pornography. For example:

a. One image depicts a girl, approximately four years old, orally copulating an adult male penis. In another image, the same child is being vaginally penetrated by an adult male penis. According to the National Center for Missing and Exploited Children (NCMEC), this child is a known, identified victim of child molestation. NCMEC also informed me that the image was taken in England.

b. One image depicts a girl, approximately seven years old, orally copulating an adult penis. According to NCMEC, this child is a known, identified victim of child molestation. NCMEC also informed me that the image was taken in Florida.

c. One image depicts a girl, approximately six years old, orally copulating an adult male penis. According to NCMEC, this child is a known, identified victim of child molestation. NCMEC also informed me that the image was taken in Illinois.

7. In addition to the child pornography, I also found the following:

a. Multiple images of child erotica - that is, images of children that are sexual in nature, but do not necessarily meet the legal definition of child pornography.

b. Multiple cartoons with the theme of child rape, bestiality involving children, and incest involving children.

c. Images depicting pornography that appear to be young adults pretending to be children or teens.

d. Several pages had what appeared to be writing, stains, and possible fingerprints.

e. The majority of the pages have a date and time printed at the right lower corner of the page. Thirteen different dates imprinted on the images, ranging from August 30, 2005 to March 3, 2006.

B. Identification of Richard WELTON

8. On or about September 14, 2007, I photocopied all 95 pages of documents found in the plastic bag and sent the originals to the FBI Laboratory in Quantico, Virginia, for further analysis. On or about August 28, 2008, I was contacted

by FBI Forensic Research Scientist (FRS) Kathryn H. Suchma. She told me that she had reviewed some of the pages, and had recovered 3 latent fingerprints. FRS Suchma submitted these fingerprints to the Integrated Automated Fingerprint Identification System (IAFIS) and discovered a match to RICHARD MICHAEL WELTON, "WELTON", year of birth May 16, 1961. On September 15, 2008 FRS Suchma informed me that she reviewed more of the pages, and found six additional latent fingerprints, all returning to WELTON. Each of the nine fingerprints was on a different piece of paper. FRS Suchma informed me that these are only preliminary findings and that not all the items of evidence have been reviewed.

9. On August 29, 2008 I performed a criminal records check for WELTON, and learned the following:

a. WELTON is currently residing in the city of Covina, the same city as First Presbyterian Church.

b. WELTON is a registered sex offender who has been on parole since April 18, 2005. The sex offender registration stems from a November 3, 2000 conviction for violating California Penal Code, Section 311.11(A), "possession of obscene matter of a minor in sex act."

c. WELTON has been arrested approximately 18 times since 1980. Those arrests have included burglary, obscene phone calls, possession of child pornography, and failure to register

as a sex offender.

10. On or about August 30, 2008, I spoke with WELTON's Parole Agent, Eric Carreon. Carreon confirmed that WELTON is a registered sex offender, currently on parole, and residing in Covina. WELTON's parole conditions state that he is subject to search at anytime. While he is allowed to possess a computer, he is not allowed to access the Internet.

11. On or about August 30, 2008, I spoke with Detective Bobkiewicz. Through interviews of individuals connected with the First Presbyterian Church, Detective Bobkiewicz learned that WELTON was not a member of the church nor had anyone observed him at the church. However, Detective Bobkiewicz learned that First Presbyterian Church had been burglarized in the past. No individual had been arrested for that burglary.

12. On or about August 30, 2008 I reviewed several police and probation officers reports regarding WELTON. I learned the following:

a. In 1999, Covina Police Department investigated approximately 16 instances where an unidentified male had burglarized area churches. While inside the church, the burglar made obscene phone calls to local or national businesses. In these calls, the burglar would claim to have found a lost child, specifically a 10-year-old little girl named "Jessica". The caller would then describe Jessica's clothing and underwear,

indicate he gave her valium, had sex with the her, and state a location where he would leave her. On September 1, 1999, Covina Police Department received a call from a Baskin Robbins employee reporting that an unidentified male had called, asking if she knew where 10 year-old Jessica was located. The police traced the call to the Holy Trinity Church, 100 N. Third, Covina, California. Officer responded and found WELTON in the interior courtyard of the church. He was seated on a bench, holding a brown paper bag. The brown paper bag contained a pornographic magazine titled "Just Come of Age." The subtitle on the cover read, "younger would be a crime." The magazine contained a pictorial feature titled "Jessica." During a subsequent search of WELTON, officers located a master key to the church which was later determined to be stolen or duplicated by WELTON without permission by the church.

c. In 2002, the Rolling Hills Covenant Church suffered a number of incidence where someone broke into the building and used the church computers to look up child pornography sites. After one such incident, on June 27, 2002, deputies recovered human semen and excrement near the computers, as well as multiple Xerox printed pages depicting the computer history of web sites, links and unidentified female minors associated with the church computer system. On or about July 29, 2002, deputies responded to the Rolling Hills Covenant Church regarding a burglary suspect. When they arrived, they discovered WELTON. He attempted to flee, but was apprehended.

d. WELTON was arrested on March 16, 2006 for a parole violation and served six months.

C. WELTON Confessed to Downloading and Printing the Child Pornography, and Hiding it in the Church

13. WELTON lives and works at Sornoso Auto Repair, located in Covina, California. On September 18, 2008, TFO Bernell Trapp and I interviewed WELTON at work.¹ I informed WELTON that we were there to discuss an investigation, that he was not in custody, and that he was free to leave. Furthermore, I read WELTON his Miranda Rights from an FBI FD-395 Advice of Rights form, to make sure he was clear that he did not have to talk to us. WELTON said that he understood his rights. WELTON was then read the waiver portion of the Advice of Rights form and WELTON advised he was willing to talk to us without an attorney present. WELTON signed the Advice of Rights form and then told us the following:

a. WELTON was arrested on a parole violation on March 16, 2006 and served six months in jail. When WELTON was released from jail, he moved into Sornoso Auto Repair, where he lives and works.

b. WELTON acknowledged his history of burglarizing churches. He said that in 2002, he got into trouble when he was

¹At the same time, Parole Agents and Covina Police conducted a parole search at WELTON's residence. Detective Trapp and I did not participate in the parole search. We were present only to interview WELTON, and we conducted the interview in his employer's office, away from the search.

living in the City of Lomita for breaking into a church and using a computer there to look at child pornography on the Internet.

c. WELTON admitted to hiding hard copies of child pornography in the First Presbyterian Church nursery. He chose the nursery because the door was unlocked. Also, the stash of child pornography was hard to locate there, because it was hidden in the furniture in a hollow spot.

d. After stashing the child pornography in the church nursery, WELTON repeatedly returned to the church at night to look at the images and masturbate to them. WELTON said that he had done this on more than a few occasions, but he did not want to admit to the exact number, because each occasion constituted a count of burglary. However, WELTON acknowledged that each time he broke into the church to view the child pornography, he would add to the stash of images.

e. WELTON was shown photo copies of some of the child pornography found in the church nursery, specifically the pages that displayed the images of known child victims. WELTON stated those images "were from a long time ago" and "I'm probably going to get in trouble for putting it there, going in there."

f. WELTON said that the pictures were left at the First Presbyterian Church prior to his last term in jail on his parole violation. However, he later admitted that after he was last released from jail, he returned to the church to look for the child pornography. However, he discovered that the images were gone.

g. Although some of the pages displayed headers that indicated the images came from commercial child pornography sites, WELTON said that he had not paid for any of these images. Instead, he went to the sites and was able to download the pictures while "previewing" the site, prior to making a purchase.

g. WELTON broke into other churches, in addition to the First Presbyterian Church, to stash child pornography, but he later returned to those churches and threw the child pornography away. WELTON printed the images found in the First Presbyterian Church nursery from computer at these other churches.

e. If the phone was working while he was in the church, he would use the church phone to make obscene phone calls to girls. These phone calls usually included role playing, making the girls aware that they should know where their children. WELTON made the obscene calls about "Jessica", but said that he does not do that anymore.

f. WELTON initially said that he looked at child pornography featuring junior high school and high school aged children, as well as adult pornography. However, when reminded that the images he put in the church contain children aged 2-to-6-years-old, he stated that he did not know why he looked at these kind of images, that he was trying to figure it out himself, and he is just not going to look at it anymore.

VI. CONCLUSION

14. Based on the foregoing, there is probable case to believe that RICHARD MICHAEL WELTON violated Title 18, United

States Code, Section 2252A(a) (2) (A), which makes it a crime for any person to knowingly receive child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer.

Stephanie D. Benitez
Special Agent
Federal Bureau of Investigation

Subscribed and Sworn to before
me this _____day of October, 2008.

UNITED STATES MAGISTRATE JUDGE