

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

AUSTIN JONES

CASE NUMBER:

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Count One – Production of Child Pornography

On or about May 4, 2017, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant violated:

Code Section

Title 18, United States Code,
Sections 2251(a)

Offense Description

knowingly employed, used, persuaded, induced, and enticed a minor, namely Victim A, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction defendant knew and had reason to know would be transported and transmitted using any means and facility of interstate and foreign commerce, and which visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce

Count Two – Production of Child Pornography

From on or about on or about August 12 through on or about August 14, 2016, at Bloomingdale, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant violated:

Code Section

Title 18, United States Code,
Sections 2251(a)

Offense Description

knowingly employed, used, persuaded, induced, and enticed a minor, namely Victim B, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction defendant knew and had reason to know would be transported and transmitted using any means and facility of interstate and foreign commerce, and which visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

MICHAEL PLOESSL
Special Agent, Homeland Security
Investigations (HSI)

Sworn to before me and signed in my presence.

Date: June 13, 2017

Judge's signature

City and state: Chicago, Illinois

MICHAEL T. MASON, U.S. Magistrate Judge

Printed name and Title

AFFIDAVIT

I, MICHAEL PLOESSL, being duly sworn, state as follows:

1. I am a Special Agent with Homeland Security Investigations, and have been so employed for eleven years. My current responsibilities include the investigation of child exploitation and child pornography.

2. This affidavit is submitted in support of a criminal complaint alleging that Austin JONES has violated Title 18, United States Code, Sections 2251(a). Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging JONES with production of child pornography, 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 the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge, information provided to me by other law enforcement agents and from persons with knowledge regarding relevant facts, including JONES.

I. FACTS SUPPORTING PROBABLE CAUSE

4. As described more fully below, defendant Austin JONES, a 24-year-old male, used the social networking site Facebook to communicate online with underage females for the purpose of producing child pornography. Specifically, as

outlined further below, JONES used Facebook and Apple's iMessage service to request and receive videos depicting the genitalia of minor females, knowing that they were only 14 or 15 years old. These minor females are identified below as Victims A and B. JONES conducted online conversations where he persuaded and enticed the minor females to send him child pornography using electronic devices connected to the Internet from his residence.¹

5. As described more fully below, on or about June 12, 2017, HSI arrested JONES and searched his residence. HSI conducted a video taped interview of JONES, during which he waived his *Miranda* rights and agreed to speak with HSI. During that interview, JONES admitted that he has been in communication with a number of teenage girls via Facebook. He admitted that he had used Facebook to have sexually explicit chats with the girls; that he directed them to make videos of themselves dancing in a sexually explicit way and instructed them on what to wear, say, and do in the videos, including performing sexual acts, knowing that they were fourteen to fifteen years old; that he requested that they send the sexually explicit videos to him, either via Facebook or Apple's iMessage service; and that he received the videos, viewed them, and masturbated while watching them.

¹ Due to the potential child exploitation matters discussed throughout this complaint, Facebook shut down JONES's Facebook Account on or about May 15, 2017.

Background

6. JONES is an Internet personality who has accumulated hundreds of thousands of followers on various social media platforms and some level of celebrity by posting music videos online in which he performs covers of other artists' songs. JONES's YouTube page has dozens of videos in which he performs other artist's songs, as well as some of his own original music. His videos have been viewed on the Internet millions of times. Additionally, JONES has approximately 228,000 followers on Twitter. Based on a review of his social media platforms, JONES's primary fan base appears to be teenage girls.

JONES's Interactions with the Victims and Production of Child Pornography

Victim A

7. On or about May 4, 2017, JONES participated in Facebook online chats with Victim A. As detailed below, during her communications with JONES, Victim A stated that she was 14 years old. Additionally, at the time Victim A's Facebook account was registered, the user provided a birth date that would make Victim A 14 years old at the time of the exchange.

8. During their conversation, which JONES referred to as a "try out," "hard work," and an "opportunity," and Victim A referred to as an "audition," JONES instructed Victim A to make videos of herself dancing in a sexual manner and performing sexual acts, and directed her on what to do and say in the videos. JONES

explicitly instructed Victim A to send the videos to his Apple iMessage account.² However, for all of the videos mentioned throughout their chat below, Victim A in fact sent the videos through Facebook, and not through iMessage. These videos are summarized after the discussion of the chat.

9. Victim A and JONES had the following exchange:

JONES: If I give you my iMessage to text videos to, can I trust you with it?

JONES: We'll talk here. It will just be to text videos on

VICTIM A: Sure I have never done that though

JONES: It's like texting a phone number

JONES: [JONES's iCloud email account address]

JONES: Now you need an intro to the video. At the beginning, get super close and say these lines: hey Austin, it's (name) and this butt is (age) years old and then make it clap³ for 30 seconds. Got it?

VICTIM A: Ok so this is a real thing and you won't post this anywhere

JONES: Right. I delete them after I score them.

VICTIM A: K thank you

² Apple's iMessage is a messaging service provided by Apple to its users, who can send messages to one another and their Apple devices using iMessage. One of the features of iMessage is that it allows a user to sync all of his compatible devices (*i.e.*, iPhones, iPods, iTouches, iPads, iMacs, etc.) using an email address.

³ Based on the context of the communications, as well as the content of the videos I have reviewed, JONES is using the term "clap" to refer to dancing involving Victim A shaking her buttocks repeatedly.

10. Shortly after receiving those instructions, Victim A sent JONES a video via the Facebook messaging service. JONES and Victim A continued their Facebook chat, during which JONES instructed Victim A to speak more, and specifically, to state “yea, it’s (age) years old” while she was “in the middle of clapping.” He also told her “You must be so happy right now!” and that “we should spice up your outfit!” Victim A sent JONES another video. JONES then instructed her to wear “A hotter top. Maybe hotter bottoms,” and inquired if Victim A had a particular type of winter boots. When Victim A said that her sister owned some, JONES instructed her to wear the boots, a different top and bottoms, and to “[t]hen redo the video. Stand your phone up on the floor and lean it against the wall. So I can see you from head to toe.”

11. After Victim A indicated that she had to get up early the following morning, JONES encouraged her to continue for “1 more hour for tonight.” After Victim A wrote that “Ok idk I might pass out,” JONES asked if she was “giving up” and pressed her to continue and “take this seriously.” Throughout the chat, Victim A expressed that she was tired and wanted to stop, and JONES continued to press her to continue and to “work really hard.” Victim A repeatedly expressed discomfort to JONES with “showing you everything,” and JONES repeatedly encouraged her to continue.

12. At one point in the exchange, JONES indicated that he could not hear any “clapping,” and Victim A responded that it was likely because her “underwear are really thick in between.” Victim A said “Maybe I should get a thong tomorrow,” but that “My moms a little over protective.”

13. JONES and Victim A then had the following exchange:

JONES: In your honest opinion, do you think your butt is good enough to give guys boners?

VICTIM A: Yes I have given guys boners with it many times

JONES: It hasn't given me a boner yet. That's why I'm concerned.

VICTIM A: Damn it

JONES: I guess try harder!! Add more lines while you bounce if you think that will help

VICTIM A: Is somehow how about I try no underwear I won't show anything

JONES: You can try that

14. Throughout the conversation, Victim A continued to ask JONES if he had an erection and if she should position herself in different ways; acknowledged that JONES is 24 years old; and expressed that she was tired and did not want to continue. JONES continually encouraged her to "go give me a boner," asked her if she wanted to "try out more" and provided directions regarding how she should dance, what she should wear, how she should adjust the camera in the videos, and that she should talk about her age "the whole time." He explicitly instructed her as follows:

JONES: Okay. Go make it clap super loud and talk about your age the whole time. Got it?

JONES: Clap it super loud. And say these lines: I'm only (age), yeah only (age) years old, this ass is only (age) years old

15. During the course of this chat, and using the Facebook chat feature, Victim A sent JONES approximately 15 videos of her dancing. Of the approximate 15 videos, approximately 10 videos depict Victim A exposing her anus.

16. JONES also instructed Victim A to delete all the Facebook messages that she exchanged with JONES, so that Victim A's sister, with whom Victim A shared a phone, would not see the messages.

17. I have reviewed a video sent to JONES by Victim A on or about May 4, 2017, that is approximately 00:41 seconds in length. Victim A begins the video by saying, "Hey Austin, my name is [Victim A's first name] and my butt is 14 years old." Victim A proceeds to stand up and is nude from the waist down, with her buttocks exposed. Victim A places her hands against the wall and begins to dance. While dancing, Victim A states, "it's 14."

18. I have reviewed a video sent to JONES by Victim A on or about May 4, 2017, that is approximately 00:20 seconds in length. Victim A starts the video recording and then proceeds to turn around and get down on her hands and knees with her buttocks exposed. The camera is focused on Victim A's buttocks as she begins to dance and exposes her genitals. Victim A states, "only 14".

19. I have reviewed a video sent to JONES by Victim A on or about May 4, 2017, that is approximately 00:39 seconds in length. In the video, Victim A is wearing high heeled shoes, a tank top shirt, and no pants or underwear. Victim A places her hands on the wall and begins to dance with the camera pointed up towards her

buttocks. Throughout the video, Victim A is heard stating, “I’m only 14 years old”, “yeah only 14 years old” and “this ass is only 14.”

Victim B

20. From approximately August 12, 2016 through August 14, 2016, JONES participated in a Facebook online chat with Victim B. As detailed below, during her communications with JONES, Victim B stated that she was 14 years old. Additionally, at the time Victim B’s Facebook account was registered, the user provided a birth date that would make Victim B 14 years old at the time of the exchange.

21. JONES and Victim B had the following exchange regarding Victim B’s age:

JONES: Wait.... you’re 14?

VICTIM B: Yea I’m a youngster

JONES: [Victim B’s first name], do you realize how lucky you are?!?!

JONES: I seriously shouldn’t even be talking to you....

VICTIM B: Why

JONES: Because you’re young

VICTIM B: You’re young too tho

JONES: I’M 23!!

22. During the conversation, Victim B stated that she was JONES’s biggest fan. JONES repeatedly told her that she was “so lucky” to have his attention and that she needed to “prove” that she was his biggest fan. JONES stated that he wanted

to “spank” Victim B, and told her to “[t]hink about how amazing that would be for you!! To have your favorite singer spanking your ass!” He then said, “If you’re lucky, maybe I’d let you suck my dick.” He then instructed her that she would “have to keep proving your my biggest fan though!!!”

23. Victim B then stated to JONES that she wanted to “make you happy an all but I don’t was either of us getting inn trouble over it,” to which JONES responded “Of course you can keep making videos! You’re doing a great job! and nothing is going to happen.” JONES then stated that “I guess you really aren’t my biggest fan.....ok then.” He then threatened to leave the chat unless Victim B would do as he said. She responded that she would “do as much as I can.”

24. JONES and Victim B then had the following exchange:

JONES: Bounce again and smile at the camera while you bounce. And while you bounce, say “I’m only 14” 3 times throughout the video

VICTIM B: That works too. I went ahead and put my Nike pros back on so that itd also be easier and I’ll just have to have major wedgies for a few minutes lol

JONES: Exactly! Haha. Or you could just take them off . . . whatever is easier

25. Using Facebook’s chat function, Victim B then sent JONES a video.

26. JONES responded to Victim B and stated that “. . . in the next one, you have to prove you’re my biggest fan. I know you can do it!” JONES and Victim B then had the following exchange:

JONES: Bend over halfway (doesn't have to be all the way), put your left hand on your left butt cheek, and then your right hand on your right butt cheek, and then clap them together!! Repeatedly . . . got it?!"

JONES: Instead of clapping them, how about you just spread your cheeks for 10 seconds then. Would that be easier?

JONES: Your wedgie has to be good enough so that when you spread your cheeks, it shows the edges of your butthole . . . OMG that would be so funny!

JONES: Did your butthole show???

VICTIM B: Not sure lol

VICTIM B: But this wedge is very uncomfortable!!

JONES: Omg then just take them off!!

JONES: Should you just not wear any bottoms at all? Your butthole would look much better then

JONES: I'm just trying to help you! I know you're trying your hardest to prove you're my biggest fan. And I don't want to have to find someone else

27. Victim B then sent JONES a video using Facebook's chat function. Thereafter, Victim B stated that she "wouldn't be comfortable doing it without bottoms on," but offered to make videos to send to JONES the following day while wearing different undergarments, "so you'll be able to see through even the lining in the back." The conversation continued as follows:

JONES: [Victim B's first name], I still couldn't see

JONES: If you really are my biggest fan, you would do it! You're doing so good I need my biggest fan to be confident. It'll be so funny if you do it without them! Like as soon as you spread them, omg. We'll both laugh

JONES: I'm trying to help you so much

JONES: I have to see your butthole to know for sure that you care 100%

VICTIM B: Can I just keep the underwear on until I get to where I bend over and spread my cheeks and then just pull them back up before I stop the video?

JONES: Yes! But spread for a good 15 seconds

JONES: I bet you had NO IDEA when you met me that just 1 day later you'd get to show me your butthole how special do you feel?!

JONES: Is there any way you can show your butthole and get it closer to the camera??

28. Victim B then sent JONES multiple videos using Facebook's chat function. In response, JONES told Victim B that she had done a "good job," and continued to press for Victim B to send her more videos showing her anus.

JONES: Do you know how to flex your butthole??

VICTIM B: Okay lol and no

JONES: Try it! Squeeze your butthole and then unsqueeze it and repeat it a bunch!

VICTIM B: Okay I will try lol, and I will try to get it a little closer too

29. Throughout the text conversation with JONES, Victim B sent to JONES approximately 25 videos depicting Victim B dancing. Of the approximately 25 videos,

approximately 8 videos depict Victim B pulling her underwear down and using her hands to spread her buttocks and expose her anus and genitals.

30. I have reviewed a video sent to JONES by Victim B on or about August 14, 2016 that is approximately 00:33 seconds in length. In the video, Victim B is seen wearing a yellow sports bra and black underwear. Victim B proceeds to pull down her underwear, exposing her buttocks. The video then depicts Victim B spreading her buttocks to expose her anus and genitals, and then using one of her hands to rub her anus and genital region.

The IP Address

31. HSI has reviewed the Internet Protocol (“IP”) addresses⁴ utilized to log in to JONES’s Facebook account during the time periods associated with the chats described above. One of the IP addresses Facebook identified as associated with JONES’s account was 73.111.146.250 (“IP Address 1”).

⁴ An IP address is unique to a particular Internet subscriber during an online session. The IP address provides a unique locator, making it possible for data to be transferred between computers. Each time an individual accesses the Internet, the computer from which that individual initiates access is assigned an IP address. A central authority provides each Internet Service Provider (“ISP”) a limited block of IP addresses for use by that ISP’s customers or subscribers. Many ISPs employ dynamic IP addressing; in other words, they allocate an unused IP address each time a customer or subscriber accesses the Internet. The ISP logs the date, time, and duration of the Internet session for each IP address and can identify the user of that IP address for a particular session from these records. Typically, home users will be assigned an IP address from a pool of IP addresses for the duration of a session. In the case of cable modems or DSL service, an IP address is commonly held by a user for a longer period of time, from days to months, until the provider chooses to change it. Some services use static addressing, where an IP address is permanently assigned to a specific computer and is difficult to change.

32. According to an open source records query, the ISP for IP Address 1 is Comcast. On May 19, 2017, an HSI summons was issued to Comcast requesting subscriber information for IP Address 1. Comcast responded to the summons and provided that in May 2017 (during the time period of the chat with Victim A), IP Address 1 was subscribed to Individual A, at an address of Location A, a residence in Bloomingdale, Illinois.⁵

33. On or about May 24, 2017, an HSI Summons was issued to Facebook, requesting IP login information for JONES's Facebook Account, from April 1, 2017 through May 22, 2017. Facebook responded to the summons and provided the following information:

a. IP Address 1 was used to log in to JONES's Facebook Account 15 times between April 8 and May 9, 2017.

b. The information provided by Facebook pursuant to the summons only provides IP login information reflecting when a Facebook user logged into his or her account after having logged off. A Facebook user can remain logged in to his or her Facebook account for an extended period of time, spanning days or weeks. The records produced by Facebook indicated that JONES's Facebook Account was accessed using IP Address 1 on May 1, 2017, and again on May 6, 2017. The records did not reflect that any other IP address was used to log in to JONES's Facebook Account during that time period.

⁵ As discussed in further detail below, JONES resides at Location A.

34. On or about May 26, 2017, an HSI Summons was issued to Apple, requesting subscriber information and IP address connection logs for the previous 30 days. Apple responded to the summons and provided the following information:

a. For JONES's iCloud Account, between April 25, 2017 and May 24, 2017, over 6,000 IP addresses were captured. IP Address 1 was captured by Apple on each of those days except for one: April 26, 2017. On two occasions during that time period, the "device type" used when IP Address 1 was captured was an iPhone 7.

b. IP Address 1 was the only IP address captured during the time JONES was participating in the Facebook chat with Victim A, described above.

35. According to database queries conducted with the Illinois Secretary of State, the address of Location A is the address that appears on JONES's Illinois driver's license.

36. On or about June 8, 2017, a United States Postal Inspector verified that JONES is currently receiving mail at Location A.

37. In 2014, a United States Passport Number was issued in the name of Austin JONES, bearing JONES's date of birth. The address listed on the passport application is Location A.

38. According to records provided by Apple in response to an HSI summons, JONES's Apple iCloud account was created on November 20, 2010, and at the time it was registered, the subscriber provided the address of Location A as the address associated with the account. Additionally, JONES signed up for an Apple iTunes

account on January 4, 2007, and provided the address of Location A as the address associated with the account.

Production of Child Pornography

Victim A

39. As described above, on multiple occasions, Austin JONES requested that Victim A make videos qualifying as child pornography and that she send them to him.

40. One such example was the video of Victim A dancing and displaying her genitals, which Victim A sent to JONES's Facebook account, on or about May 4, 2017, as described in paragraph 18.

41. According to the records provided by Facebook, the user of JONES's Facebook account was logged into IP Address 1 at the time of the transmission of the video.

42. As noted above, according to Comcast, IP Address 1 is assigned to JONES's residence in Bloomingdale, Illinois.

43. Victim A is located outside of Illinois, and thus the video described above was transported and transmitted using a means and facility of interstate and foreign commerce, namely, the Internet.

Victim B

44. As described above, on multiple occasions, Austin JONES requested that Victim B make videos qualifying as child pornography and that she send them to him.

45. One such example was the video of Victim B dancing and displaying her anus and genitals, which Victim B sent to JONES's Facebook account, on or about August 14, 2016, as described in paragraph 30.

46. During an interview with law enforcement on June 12, 2017, JONES admitted that he used his Facebook account to conduct these chats and to receive the video, while using the internet at Location A.

47. Victim B is located outside of Illinois, and thus the video described above was transported and transmitted using a means and facility of interstate and foreign commerce, namely, the Internet.

Arrest of JONES

48. On or about June 9, 2017, a United States Magistrate Judge signed a search warrant for JONES's residence in Bloomingdale, Illinois. On or about June 12, 2017, HSI executed that search warrant.

49. On June 12, 2017, JONES was stopped by Customs and Border Patrol and HSI at O'Hare International Airport. JONES consented to a search of his phone and signed a written consent form. HSI arrested JONES and advised him of his *Miranda* rights. HSI then transported JONES to its offices to conduct a videotaped interview. JONES signed a written *Miranda* waiver. During the recorded interview, JONES admitted to having used his Facebook account to have sexually explicit chats with minor females; admitted to requesting and receiving videos from those females, including Victims A and B, depicting Victims A and B displaying their genitals; and admitted viewing those videos for the purpose of sexual pleasure. He admitted that

he used the internet while at Location A to conduct the chats, either from his iPhone or his iMac computer, using his Facebook account, and that he directed the Victims to provide the videos to him via Facebook or Apple's iMessage service.

II. CONCLUSION

50. Based on the above information, there is probable cause to believe that JONES knowingly employed, used, persuaded, induced, and enticed minors, namely Victims A and B, to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, which visual depiction defendant knew and had reason to know would be transported and transmitted using any means and facility of interstate and foreign commerce, and which visual depiction was transported and transmitted using any means and facility of interstate and foreign commerce.

FURTHER AFFIANT SAYETH NOT.

MICHAEL PLOESSL
Special Agent, Homeland Security
Investigations

SUBSCRIBED AND SWORN to before me on June 13, 2017.

MICHAEL T. MASON
United States Magistrate Judge