

AO 91 (Rev. 11/11) Criminal Complaint

NOV 06 2019

UNITED STATES DISTRICT COURT

for the
 District of New Mexico

MITCHELL R. ELFERS
 CLERK

United States of America

v.

Rodymar LELIS
 Year of Birth: 1989

Case No.

19mj 3990

 Defendant(s)

CRIMINAL COMPLAINT

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

On or about the date(s) of September 7, 2019 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section


Offense Description

18 U.S.C. § 2252A(a)(5)(B)

Possession and/or Access with Intent to View Child Pornography.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


 Complainant's signature

Zachary Mark Soudar, HSI SA
 Printed name and title

Sworn to before me and signed in my presence.

Date: Nov. 6, 2019


 Judge's signature

City and state: Albuquerque, NM

John F. Robbeshaar, USMJ
 Printed name and title

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT FOR
RODYMAR LELIS**

I, Zachary Mark Souder, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND OF THE AFFIANT

1. I make this affidavit in support of the arrest of Rodymar Lelis (year of birth 1989, Student and Exchange Visitor Information System (SEVIS) ID #N0030920969) (hereafter LELIS), for violation of 18 U.S.C. § 2252A(a)(5)(B), which makes it a federal crime for any person to knowingly possess or access with the intent to view any visual depiction of a minor engaging in sexually explicit conduct through the use of any means or facility affecting interstate or foreign commerce.

2. I have been a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations (“HSI”) since September 2018 and am currently assigned to the Albuquerque, New Mexico office. While employed by HSI, I have assisted with cases regarding criminal investigations for violations of federal laws including, but not limited to, high technology or cybercrime, child exploitation, and child pornography. I have gained experience through completing the Criminal Investigator Training Program and HSI Special Agent Training at the Federal Law Enforcement Training Center located in Glynco, Georgia, and through everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have observed and reviewed examples of child pornography (as defined in 18 U.S.C. § 2256) in various forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing criminal laws, including 18 U.S.C. § 2252A, and I am authorized by law to request a search warrant. Prior to my employment with HSI I received a Graduate Certificate in Digital Forensics from American Military University in 2017, a Master of Science in Public Administration of

Criminal Justice degree from Trine University in 2012, and a Bachelor of Arts in Economics from Hillsdale College in 2010.

3. The statements contained in this affidavit are based upon my investigation, training and experience, as well as information provided by other law enforcement officers or from other reliable sources. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and I have not included each and every fact known to me concerning this investigation. I have set forth only the facts which I believe are necessary to establish probable cause to support a criminal complaint against LELIS, for a violation of 18 U.S.C. § 2252A(a)(5)(B).

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

4. The National Center for Missing and Exploited Children ("NCMEC") is an organization that, among other things, tracks missing and exploited children, and serves as a repository for information about child pornography. Companies that suspect child pornography has been stored or transmitted on their systems can report that information to NCMEC in a CyberTipline Report.

5. On 09/09/2019, the internet service provider Facebook ("ISP"), submitted CyberTipline Report 54944315 to NCMEC. The incident type was: Child Pornography (possession, manufacture, and distribution), and the incident time was listed as 09/23/2018, 13:45:39 UTC.

6. The ISP reported the following additional information regarding the account user:
- a. Name: Rod Lagdameo;
 - b. Date of Birth: 12/13/1991;

- c. Email Addresses: ramedn_style@yahoo.com (Verified) and
rql11890@qisoa.com (Verified);
- d. Screen/User Name: dorypalmalandicho;
- e. ESP User ID: 100000095865848;
- f. Profile URL: <https://www.facebook.com/dorypalmalandicho>;
- g. IP Address: 63.225.9.50 (Login) 09/07/2019 07:37:30; and

7. The ISP uploaded six files in connection with the report. The ISP reviewed one of the files and classified it as “B1”, which is indicative of a pubescent minor engaged in a sex act¹. Following the ISP’s review, NCMEC also reviewed this file, which is more fully described as:

- a. Filename:
9ugzoippo0sg8ww16847568_208788819597347_9150988459094048768_n.
mp4
- b. Hash Value (MD5): 2cac2bd7cae9c572eac97dc85df75df1

I also viewed the file and observed that it was a color video, approximately 2 minutes and 52 seconds in length. The video depicted two clothed, apparent minor boys. Their pants appear lowered and one of the minor boys is forcefully thrusting his genitals into the anal area of the other minor boy, who appears distressed. While there is no visible nudity, the video depicts a simulated sexual act within the definition of sexually explicit conduct. Based on my training and experience, I estimate the ages of the minor boys in this video to be between 10 and 14 years old.

8. The CyberTipline Report indicates that the above described child pornography was uploaded and sent in Messenger. I know from training and experience that Facebook

¹ The categorization system identifies a “sex act” as “any image of sexually explicit conduct (actual or simulated sexual intercourse including genital-genital, oral-genital, anal-genital, or oral-anal whether between person of the same or opposite sex), bestiality, masturbation, sadistic or masochistic abuse, degradation, or any such depiction that lacks serious literary, artistic, political, or scientific value.”

Messenger is a chat feature that allows users to send and receive instant messages, including file attachments.

9. The remaining five files in Report 54944315 were not reviewed by the ISP, NCMEC, or myself, but were flagged by the ISP due to being sent immediately before or after the confirmed child pornography.

10. On November 1, 2019, I obtained a search warrant to view the remaining images from CyberTipline Report 54944315.

11. After obtaining the search warrant, on November 1, 2019, I viewed the files as authorized. The additional files from **CyberTipline Report 54944315** are described as follows:

a. Filename:

77brc3i6qeww0oko36602197_140188840193193_9076011245072547840_n.mp4

i) Hash Value (MD5): 0f07acb675a3596599d898cde36be7d5

ii) I viewed the file and observed that it was a color video, approximately 1 minutes and 3 seconds in length. The video depicts an approximately 10-13 year old boy standing completely naked in front of a mirror and masturbating. The boy later moves the video recording device and focuses the video on the genital region while continuing to masturbate.

The remaining four (4) files did not contain child pornography.

12. The information provided by Facebook in CyberTipline Report 54944315 included IP addresses associated with access to the pertinent Facebook user account. Specifically, IP address 63.225.9.50 was used by user “dorypalmalandicho” on September 7, 2019, to log into the account that was flagged on September 23, 2018, as sharing child exploitation imagery. Records checks using the American Registry for Internet Numbers (ARIN)

on IP address 63.225.9.50 determined it was assigned to “GUEST HOUSE INN, 2601 MULBERRY ST SE, ALBUQUERQUE, NM 87106.” The “GUEST HOUSE INN” at that address is the Baymont by Wyndham Albuquerque Airport Hotel.

13. Open source findings from reviewing the Facebook profile of dorypalmalandicho indicated that the user was likely a national of the Philippines who had traveled to the Albuquerque, New Mexico area in September of 2019. HSI law enforcement personnel in Manila, Philippines, determined that Facebook user “dorypalmalandicho” was likely Rodymar Pedrano LELIS with date of birth December 13, 1989, a citizen and national of the Philippines who entered the United States on a J-1 non-immigrant visa, currently living in the Española, New Mexico area.

14. I issued a summons for subscriber information relating to Facebook for username dorypalmalandicho. Facebook returned the subscriber information for Facebook user dorypalmalandicho as follows:

- a. First Name: Rod;
- b. Middle Name: Pengson;
- c. Last Name: Lagdameo;
- d. Registered Email Addresses: rql11890@qisoa.com, ramedn_style@yahoo.com, and rodpalmalandicho@facebook.com;
- e. Phone numbers: +639994766705 Cell Verified and +639289177001 Cell Verified.

15. I issued a summons for guest information relating to LELIS to the Baymont by Wyndham Albuquerque Airport Hotel. The hotel returned information regarding LELIS and his stay at the Baymont hotel, including:

- a. A photocopy of the identity document provided by LELIS, a Republic of the Philippines passport #P3582035A, with name Rodymar Pedrano Lelis and date of birth 12/13/1989;
- b. Information that LELIS reserved a room for the night arriving 9/6/2019 and departing 9/7/2019;
- c. A record that LELIS checked into the room on 9/7/2019 at 1:20 A.M. (UTC-7 Mountain Time) (The Facebook login triggering the CyberTipline report occurred at 1:37 A.M. when converted from UTC to UTC-7 with daylight savings time, which was shortly after LELIS'S arrival to the hotel room);
- d. A record that LELIS checked out of the room on 9/7/2019 at 10:01 A.M. (UTC-7 Mountain Time);
- e. A record that LELIS registered with email address lelisrod@yahoo.com;
- f. The hotel uses a range of IP addresses ranging from 63.225.9.48 - 63.225.9.54, with IP address 63.225.9.50 being used by the hotel on October 25, 2019, the date of the inquiry. (This IP address matches the IP address that was used for the Facebook login recorded as the login for CyberTipline Report 54944315, indicating that the same IP address may have been in use by the hotel from approximately September 7, to October 25, 2019.)

16. The information provided by the hotel corroborated CyberTipline Report 54944315 indicating that LELIS is the Facebook user accessing the child pornography videos. LELIS was a registered guest and checked in just before the Facebook login corresponding with the child pornography videos described in ¶¶ 7 and 11, above. Additionally, the IP address provided by the hotel matches the IP address captured in the CyberTipline Report.

17. HSI Special Agents (SAs) determined that LELIS lived at 950 E Pueblo St, Española, New Mexico. On November 4, 2019, I requested and was granted a search warrant to

search the residence and the person of LELIS for evidence related to violations of 18 U.S.C. §§ 2252 and 2252A.

18. On November 5, 2019, law enforcement officers executed a search warrant at 950 E Pueblo St, Española, New Mexico. During the search, law enforcement officers located a pink Apple iPhone 7 cell phone model A1779, herein referred to as the “Device.” The Device was located in the room identified as LELIS’ bedroom on the bedside table. The search warrant authorized law enforcement to compel biometric access to LELIS’ devices. HSI SAs first asked LELIS for consent to access the device. LELIS agreed and entered a password pin, which appeared to correspond to his birthdate.

19. An HSI Certified Forensic Agent performed an on-scene preview of the Device. I recognized LELIS in several of the photos on the Device. The Device also contained photos which are consistent with the profile picture for Facebook account user dorypalmalandicho. The Device also contained records that Facebook account “dorypalmalandicho” was accessed on the Device via Facebook Messenger. The Facebook account identifiers include: username dorypalmalandicho, Facebook ID 100000095865848, and phone +639289177001, all of which correspond to the CyberTipline Report. The Device also contained records of saved a password in the Apple Keychain, which saves passwords and other information local to the Device. The saved information was for Service “AirPort” named “Baymont_Inn_&_Suites” with the data stored as “baymont1.” I know the Wi-Fi network at the Baymont by Wyndham Albuquerque Airport Hotel uses Wi-Fi Service Set Identifier (SSID) “Baymont_Inn_&_Suites” with password “baymont1”. The Device also shows several network connection timestamps on 9/7/2019 from 13:30:19 UTC to 15:32:34 UTC to Wi-Fi SSID “Baymont_Inn_&_Suites”, which is the same timeframe as LELIS’ stay at the Baymont hotel, and the same time as the login triggering the

CyberTipline Report. I know that the network connection history is not a complete record of all connections by this device or other devices that may have been used. In summary, the forensic evidence from the Device corroborates the information provided in CyberTipline Report 54944315, as well as the fact that LELIS is Facebook user "dorypalmalandicho."


20. Trademark labeling on the back of the Device states it was designed in California and assembled in China. Because the Device was manufactured outside of the District of New Mexico, I believe the statutory interstate nexus component has been satisfied through "use of any means or facility of interstate or foreign commerce."

CONCLUSION

21. Based on the above information, I believe there is probable cause to believe LELIS committed a violation of 18 U.S.C. § 2252A(a)(5)(B), possession or access with the intent to view child pornography on or about September 7, 2019, in the District of New Mexico.

22. This affidavit has been reviewed by Assistant United States Attorney Sarah Mease.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Zachary Mark Souder
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me

this 6 day of November, 2019:


UNITED STATES MAGISTRATE JUDGE
Albuquerque, New Mexico