

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas



United States Courts
Southern District of Texas
FILED

March 24, 2023

Nathan Ochsner, Clerk of Court

United States of America

v.

Daniel Byrd

Case No. **4:23-mj-568**

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 January 12, 2023 - March 23, 2023 in the county of Brazos in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 USC 2252A

Certain activities relating to material constituting or containing child pornography

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Dimitri Willis, FBI Special Agent

Printed name and title

Sworn to before me telephonically.

Date: March 24, 2023

City and state:

Judge's signature

Andrew M. Edison U.S. Magistrate Judge

Printed name and title

4:23-mj-568

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Dimitri L. Willis, being duly sworn, depose and state that:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since January 2016. I am currently assigned to the Houston, Texas Division of the FBI, Bryan Resident Agency, where I conduct a variety of investigations dealing with criminal violations. I received law enforcement training at the FBI Academy in Quantico, Virginia. Portions of my duties are dedicated to investigating cases involving violent crimes against children. Since becoming a Special Agent, I have investigated and worked with experienced Special Agents who also investigate Child Exploitation offenses. In the performance of my duties, I have investigated and assisted in the investigation of matters involving the possession, collection, production, advertisement, receipt, and/or transportation of images of child pornography. I have been involved in searches pertaining to the possession, collection, production, and/or transportation of child pornography through either the execution of search warrants or through the subject providing written consent to permit a search. I have investigated and assisted in the investigation of criminal matters involving the sexual exploitation of children that constituted violations of Title 18, United States Code, Section 2252A, as well as Texas state statutes which criminalize the production, possession, receipt, and transmission of child pornography, that is, visual images depicting minors engaged in sexually explicit conduct.

2. As a Federal Agent, I am authorized to investigate violations of the laws of the United States, and to execute warrants issued under the authority of the United States
3. The statements contained in this Affidavit are based in part on: information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that DANIEL BYRD, committed the below-described offense, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief

PROBABLE CAUSE

4. Based on the facts as set forth in this affidavit, there is probable cause to believe that the information described below will show that DANIEL BYRD knowingly distributed and possessed child pornography in violation of Title 18, United States Code, Section 2252A
5. The facts and circumstances alleged in this affidavit occurred within the Southern District of Texas.
6. On or about January 12, 2023, Kik user "vidboytraf" with display name "yago Boyy Angel" was in an online group where an Online Covert Employee (OCE) was also a member. At that time, "vidboytraf" sent the following link to the group utilizing a web link: <https://MEGA.nz/folder/MVoBEJ5b#xV3I8-8FRwtCviCh7BJEcA>. The link resolved to MEGA folder named "homo2" that contained 151.64 MB of data. The name of the Kik group in which the link was shared was Meg(boy)dub - #megboyslin.

7. When the OCE viewed the MEGA folder “homo2”, numerous thumbnail images appeared to depict child sexual abuse material (CSAM). The OCE downloaded approximately 15 videos, the majority of which appeared to depict CSAM, including numerous videos of prepubescent children engaged in oral and anal sex.
8. On January 17, 2023, MEGA furnished subscriber information for the account that hosted link <https://MEGA.nz/folder/MVoBEJ5b#xV3I8-8FRwtCviCh7BJEcA>. MEGA furnished, in part, IP addresses and the following information:
 - User handle: 273MmnY4smc
 - Email: daniel.byrd93@yahoo.com
 - First Name: Daniel
 - Last Name: Byrd
 - IP Addresses: 50.24.29.86 and 47.219.191.70
9. On February 14, 2023, Suddenlink Communications furnished subscriber information for the requested IP logs, associated with the MEGA account, after being served a subpoena on January 20, 2023. Suddenlink Communications provided the following information for IP addresses 50.24.29.86 and 47.219.191.70:
 - Subscriber: Katherine Byrd
 - Service Address: 3308 Wildrye Dr College Station, TX 77845
 - Telephone: XXX-XXX-1554
 - Account Activation Date: 8/25/2012 to present
10. FBI Special Agents reviewed the videos shared in the “homo2” folder. There were multiple videos that met the federal definition of child pornography. Below are brief summaries of three of the videos reviewed:

- A) IMG 031: An adult male utilizes his penis to penetrate a prepubescent male's anus in a video which is one minute and 24 seconds in length. The prepubescent male appears to be approximately 8-10 years of age. The prepubescent male remains on his back with his legs in the air while being penetrated by the adult male. The adult male pulls his penis out of the prepubescent male's anus and zooms the camera view in on the anus of the prepubescent male. Subsequently, the adult male resumes penetrating the prepubescent male's anus with his penis. Following the anal penetration, the prepubescent male's genitalia remain exposed while the prepubescent male assists the adult male with wiping off the adult male's penis. At the end of the video, it then appears the prepubescent male begins rubbing the adult male's penis.
- B) IMG 033: An adult male utilizes his penis to penetrate a prepubescent male's anus in a video which is three minutes and 47 seconds in length. The prepubescent male appears to be approximately 10-12 years of age. The prepubescent male is naked throughout the duration of the video. Towards the end of the video, the adult male ejaculates inside the prepubescent male's anus. A logo for "Kids Club" and "www.boyxzeed.net" was portrayed throughout the duration of the video. Through my training and experience, it is known that www.boyxzeed.net is a site used to distribute CSAM. Kids Club is a logo that is often used on CSAM that is then distributed on the internet.
- C) IMG 041: A prepubescent male is observed penetrating the anus of another prepubescent male during a video which is one minute and 25 seconds in length. The prepubescent males are both naked. (Unknown Male 1) (UM1) appears to be

approximately 9-11 years of age and UM2 appears to be approximately 8-10 years of age. UM1 utilizes his penis to penetrate the anus of UM2. At the end of the video, it appears an adult male is present and separates the two prepubescent males.

11. Special Agents with the FBI conducted physical surveillance at 3308 Wildrye Drive, College Station, TX. Special Agents identified two vehicles at the residence. The first vehicle, Texas license plate CVS2722, is registered to Katherine Byrd with an address of 3308 Wildrye Drive, College Station, TX, 77845. The second vehicle, Texas license plate DRL1793 is registered to Daniel Byrd with an address of 3308 Wildrye Drive, College Station, TX, 77845.
12. Through open-source research and physical surveillance, Special Agents were able to confirm that Katherine Byrd is employed at College Hills Elementary School in College Station, Texas, and Daniel Byrd is employed at Navasota High School in Navasota, Texas. Records checks revealed that Katherine and Daniel Byrd are married, and both reside at 3308 Wildrye Drive, College Station, TX, 77845.
13. On March 21, 2023, a search warrant was authorized by U.S. Magistrate Judge Sam S. Sheldon for the property known as 3308 Wildrye Drive, College Station, Texas 77845. Special Agents executed the warrant on March 23, 2023.
14. At the time of the execution of the search warrant, agents encountered Daniel Byrd. Byrd was read his *Miranda* Warnings and agreed to an interview.
15. Byrd admitted that he used Telegram and Kik to view and download child pornography. Byrd explained that he had joined groups dedicated to sharing pornography, to include child pornography. Byrd further explained that he had joined groups on Kik. Some of the

groups he joined started with “Meg”. Byrd explained that groups that started with “Meg” had members that shared links from the online storage site MEGA.

16. MEGA (a recursive acronym standing for MEGA Encrypted Global Access) is a cloud storage and file hosting service offered by MEGA Limited, a company based in Auckland, New Zealand. The service is offered through web-based apps.
17. Byrd admitted that he signed up for MEGA with his daniel.byrd93@yahoo.com account.
18. Byrd further admitted that he would click on the MEGA links posted in Kik groups and download the pornography, to include child pornography, to his MEGA account.
19. Byrd admitted that he had posted links from his MEGA account into Kik groups. Byrd explained that he had posted links based on the interests of other members in the group. Byrd further explained that when he posted links to his MEGA account in the Kik groups, that allowed other Kik users to access his MEGA folders that contained child pornography.
20. Byrd admitted that he had also downloaded pornography to his cellphone. Byrd further admitted that he believed that there would be child pornography located on his cellphone due to the amount of pornography he downloaded from Kik that resolved to folders that contained child pornography.
21. Based on a review of this case and based on my knowledge and experience with violent crimes against children, I, as your Affiant have probable cause to believe Daniel Byrd

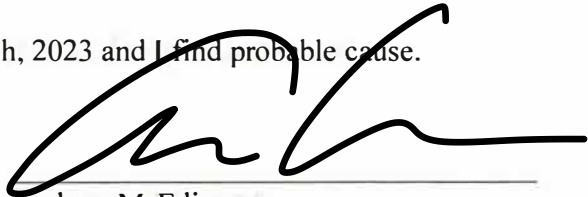
committed the offenses of Distribution of Child Pornography and Possession of Child Pornography in violation of Title 18, United States Code Section 2252A(a)(2)(B) and 2252A(a)(5)(B).

Respectfully Submitted,



Dimitri L. Willis, Special Agent
Federal Bureau of Investigation

Sworn to by telephone this 24th day of March, 2023 and I find probable cause.



Andrew M. Edison
UNITED STATES MAGISTRATE JUDGE