2014-139275

STATE OF FLORIDA

VS.

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR VOLUSIA COUNTY, FLORIDA

Mark George Pronovost

Florida Department of Law Enforcement Complaint No.: OR-20-0137

2014-100657 CFDL

Offense:

Hair: Brown Height: 5'09"

Eyes: Brown Weight: Unknown

Date of Birth: Race: White

Sex: Male

Social Security Number:

Possession of Child Pornography

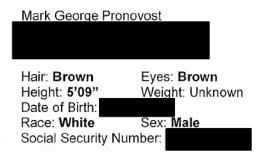
ARREST WARRANT

IN THE NAME OF THE STATE OF FLORIDA TO ALL AND SINGULAR: THE SHERIFFS OF THIS STATE AND ALL THEIR LAWFUL DEPUTIES; THE COMMISSIONER OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT OR HIS DULY AUTHORIZED SPECIAL AGENTS AND TASK FORCE AGENTS; AND/OR ANY INVESTIGATOR OF THE SEVERAL STATES ATTORNEY'S OFFICES:

An Affidavit for Arrest Warrant or sworn Complaint having this day been presented to me as Committing Magistrate, wherein it is alleged that between December of 2013 and March of 2014, in Volusia County, Florida, Mark George Pronovost, in violation of Florida Statute 827.071(5)(a) did Commit twenty (20) counts of the criminal offense of intentionally possessing child pornography,

AND this Court having found probable cause that said Mark George Pronovost did commit twenty (20) counts of the criminal offense of intentionally possessing child pornography, in Volusia County, Florida, contrary to FS 827.071(5)(a), based upon sworn Statement of Task Force Agent William Powell of the Florida Department of Law Enforcement, copies of which are attached hereto and made a part of this warrant.

NOW THEREFORE, you are hereby commanded to arrest instanter the said:



pursuant to this Arrest Warrant on the twenty (20) counts of Sexual Performance by a Child, FS 827.071(5)(a), if he be found within your jurisdiction, and bring him before the proper court to be dealt with according to the law.

Mark George Pronovost, herein described and named, shall have bail set in the following amount(s):

- Sexual Performance by a Child, FS 827.071(5)(a) a second degree felony
- 2. Sexual Performance by a Child, FS 827.071(5)(a) a second degree felony
- 3. Sexual Performance by a Child, FS 827.071(5)(a) a second degree felony

- \$ 100,000
- \$ 100,000 =
- \$ 100,000

4.	Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
5.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
6.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
7.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
8.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
9.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
10	degree felony .Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
11.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	(00,000
12.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
13.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	(00,000
14.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
15.	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	\$	100,000
	degree felony Sexual Performance by a Child, FS 827.071(5)(a) a second	Ψ \$	(00,000
17.	degree felony Sexual Performance by a Child,	•	
	FS 827.071(5)(a) a second degree felony Sexual Performance by a Child,	\$	100,000
	FS 827.071(5)(a) a second degree felony	\$	(00,000

- 19. Sexual Performance by a Child, FS 827.071(5)(a) a second degree felony
- 20. Sexual Performance by a Child, FS 827.071(5)(a) a second degree felony

- \$ 100,000

Total Bond: \$ 2,000,000

Given under my hand and seal on the day of March 2014, at Volusia County, Florida.

CIRCUIT/COUNTY JUDGE OF THE SEVENTH JUDICIAL CIRCUIT

IN AND FOR VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA

VS.

Mark George Pronovost

Hair: Brown Eyes: Brown

Hair: **Brown**Height: **5'09"**Eyes: **Brown**Weight: Unknown

Date of Birth: Race: White

Sex: Male

Social Security Number:

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR VOLUSIA COUNTY, FLORIDA

Florida Department of Law Enforcement Complaint No.: OR-20-0137

2014-100657 CFDL

Offense:

Possession of Child Pornography

FSS: 827.071 (5)(a)

AFFIDAVIT FOR ARREST WARRANT

BEFORE ME, C. Laceron, a Judge of the Seventh Judicial Circuit in and for Volusia County, Florida, personally appeared Task Force Agent William Powell of the Florida Department of Law Enforcement Cybercrimes Task Force, Affiant herein, who first being duly sworn by me, deposes and requests that an arrest warrant be issued for:

Mark George Pronovost

Hair: Brown Height: 5'09"__ Eyes: **Brown**Weiaht: Unknown

Date of Birth:

Sex: Male

Race: White Sex: Social Security Number:

for multiple charges, to wit: Twenty (20) counts of: Possession of Child Pornography, contrary to Florida Statute 827.071 (5) (a).

Your Affiant states that the facts establishing probable cause for the issuance of a warrant are as follows:

Your Affiant, Task Force Agent William Powell, is a duly sworn and certified Law Enforcement Officer in the State of Florida and has been employed as a sworn Police Officer for the Oviedo Police Department since August of 2010. Your Affiant is a certified Law Enforcement Officer by the State of Florida and pursuant to Section 943.14(1)(2) Florida State Statute and Sections 11b-7, Florida Administrative Code relating to the

Your Affiant attended Seminole State College Law Standards and Training. Enforcement Academy for basic certification as an officer. During that time, the basics of criminal investigations were taught. Your Affiant has completed Florida Police standards required by the State of Florida. Your Affiant is currently assigned to the Criminal Investigation Section of the Oviedo Police Department and has completed numerous investigations, which have led to the arrest of subjects in crimes in general. Your Affiant has attended numerous FDLE approved courses to include Interviews and Interrogations and Advanced Report Writing. Your Affiant has also taken multiple college level classes in reference to Criminal Justice and holds a bachelor's degree from the University of Central Florida. Your Affiant has completed Basic Computer Forensics Examiner training provided by The International Association of Computer Investigative Your Affiant has an understanding of the Internet and has Specialists (IACIS). completed courses about investigating computer and Internet crime including training by the Internet Crimes Against Children taskforce (ICAC) covering investigation of the distribution of child pornography through the use of peer-to-peer computer networks. Your Affiant has been assigned as a Task Force Agent of the Florida Department of Law Enforcement Cyber-Crime Task Force since October 2013.

On February 6, 2014, your Affiant determined that a computer located in Volusia County, Florida was offering to share child pornography files on the Internet using peer-to-peer software. An individual using the Internet access point located at

installed software onto a computer that allows users to share digital files with one another while connected to the Gnutella network (file sharing over the Internet).

At the time the investigation was initiated, the target computer was seen advertising all or part of at least fifty-four (54) files of known or suspected child pornography via the gnutella peer to peer network from December18, 2013 through March 11, 2014. Peer to peer networks are simply collections of computers whose users have elected to install publicly available software that facilitates the trading of files from one computer to another. Peer to peer can be thought of as computer to computer. Gnutella is the protocol, or language, by which the computers communicate with each other. It is possible for any computer anywhere in the world with gnutella software and an Internet connection to connect to any other computer in the world with the matching criteria. Nearly all of the fifty-four (54) files had a title that indicated the contents of the file would depict the sexual exploitation of children. Five (5) examples are listed below:



Affiant noted the following hash values available from this IP address: to depict sexual exploitation and sexual battery of children:

Date & Time: December 18, 2013 6:04:48 PM GMT

HASH:

File Name:

<u>Description:</u> A video file approximately 01:38 in length, featuring a juvenile girl, approximately between the ages of 7 – 10 years of age. The video starts with her standing in front of the camera dressed. A male voice gives her commands and she turns around and begins undressing. She removes all of her clothing with the exception of black stockings. She kneels in front of the camera, unbuttons his pants, and removes his erect penis. She begins stroking his penis and puts the penis in her mouth. The child was clearly and obviously under the age of 18 based on his child sized arms, legs and torso, and lack of any visible pubic hair (on the youngest subject).

Date & Time: January 20, 2014 3:18:14 PM GMT

HASH:

File Name:

Description: This video is approximately 3:23 in length. It begins by showing a prepubescent girl without any underwear on her knees with an adult male standing beside her with no underwear on. The male's penis is erect and he is holding his middle finger over the girl's anus. As the video starts the male rubs the girl's anus and then inserts the middle finger of his right

hand into her anus. One of her hands appears between her legs and rubs her vagina for a couple of seconds. The video changes to showing the girl exposing her vagina and her anus while it appears she is lying on her back. At approximately :38 in the males penis enters the picture and starts touching her anus. At approximately 1:41 the male has inserted his penis into the girl's anus. At approximately 2:59 he removes his penis from her. There is a brief glimpse of the girl's upper body and she does not have developed breasts. She appears to be a girl under the age of 10, most likely closer to 7 or 8.

Your affiant personally viewed the above noted files and has verified the content of the files meets the definition of child pornography.

On February 6, 2014, a subpoena request was sent to the Office of Statewide Prosecution in reference to the Internet service provider, CenturyLink, who leases the IP address to its customers. Requested was the account holder and associated information for the IP address from December 18, 2013 @ 0000 EST through February 5, 2014 @ 2359 EST.

On February 20, 2014 the following information was obtained in the subpoena response from CenturyLink:

Billing Name:

Billing Address:

Billing City:

Billing State:

Billing Zip:

Service Address:

Service City:

Service State:

Service Zip:

Mark Pronovost



Service Establish Date:

07-21-2012

Status:

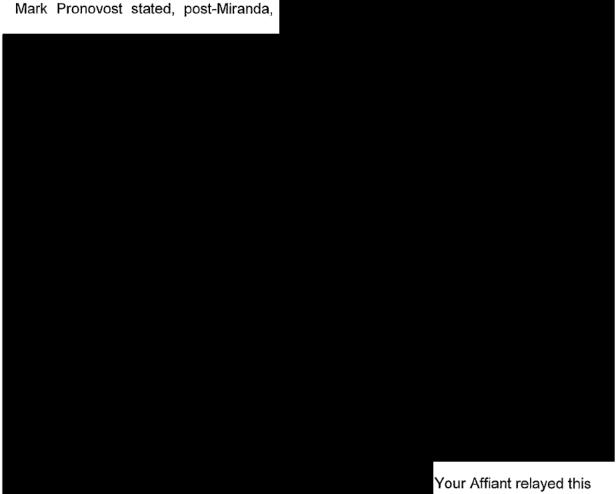
Open

On March 13, 2014, your Affiant met with The Honorable Judge Zambrano who reviewed and signed the search warrant prepared in this case for

The warrant was executed on March 18, 2014 November 26, 2013 by your Affiant along with members of the FDLE Cyber Crime Task Force and deputies from the Volusia County Sheriff's Office. At the time of the execution of the search warrant at

your Affiant checked for but did not detect any unsecure wireless networks from within the residence. Also present in the residence was Mark Pronovost and Pronovost's three juvenile children between (between the approximate ages of 1 and 4). Your Affiant advised Mark Pronovost that the search warrant is for a computer crime, but did not disclose to Mark that the specific computer crime being investigated is the possession of child pornography. Within 10 minutes of entering the residence, Mark Pronovost requested to put his 2 year old child to bed so he can speak with law enforcement. Once inside the master bedroom Mark Pronovost retrieved a black semi-automatic handgun, and while holding the handgun down at his side stated "You know who I am, you know I can't go to jail. I have no intention of hurting you guys. I'm not in the right state of mind. You know even an allegation like this can end my career." At this time officers immediately removed two of the three juvenile children; the third child was on the bed in the master bedroom, adjacent to Mark Pronovost. A few minutes later Mark Pronovost released the 2 year old child, who officers then evacuated from the residence. After several hours, Mark Pronovost voluntarily agreed to put down his weapon and comply with commands to exit the bedroom. Mark Pronovost was given the opportunity to speak about this investigation with your Affiant and stated he wished to speak about the investigation.

Your Affiant spoke with Mark Pronovost at the Volusia County Sheriff's Office substation in DeBary, Fl. Your Affiant advised Mark Pronovost of his Miranda Rights by reading aloud from a pre-printed Miranda Warnings card. Mark Pronovost stated he understood his rights and wished to speak with your Affiant. During the course of the interview,



rour randite rolayed tine

information to Task Force Agents responsible or performing the digital forensic examinations in this case.

On March 18, 2014, your Affiant received a DVD containing twenty (20) files of child pornography recovered from the Iomega brand external hard drive seized during the execution of the search warrant of

be noted this was the same external hard drive to which Mark Pronovost stated

FDLE Task Force Agent Charlie Longson

recovered these files. The description of the twenty files is as follows:

1. Name

Full Path

File Created 12/23/13 09:09:33AM

<u>Description</u>: This is a video approximately 4:52 in length and depicts a juvenile female appearing between 10 and 12 years of age. The juvenile begins on a pull out sofa, clothes, and procedes to undress until nude. The juvenile rubs her breasts and vagina with her hands, and the camera zooms in to focus on the vagina, making that the focal point of the video. This video does not appear artistic in nature.

2. Name

Full Path

File Created 02/07/14 01:06:04PM

<u>Description</u> This video is approximately 1:26 in length and depicts a young juvenile female between the ages of approximately 4 to 6 years of age. The juvenile female is being vaginally penetrated by a male's penis. The focal point of the video is the vaginal penetration.

3. **Name**

Full Path

File Created 12/23/13 10:03:28AM

<u>Description</u> This is a compilation video and is approximately 30:24 in length and depicts a young juvenile female, kneeling nude on a bed, who appears to be between the ages of approximately 6 and 8. An adult male enters the video and either vaginally or analy penetrates the juvenile female with his penis. In other scenes the video depicts a juvenile female between the ages of approximately 6 and 8 years of age, nude and wearing a cloth over her face and neck (exposing her mouth), performing oral sex on an adult male by inserting his penis into her mouth. The male then masturbates and ejaculates on the juvenile's face and in her mouth.

4. <u>Name</u>

Full Path

File Created 12/24/13 09:27:00AM

<u>Description</u> This video is approximately 6:31 in length and depicts a juvenile female wearing only a white shirt dipping her hand in a pot of water and rubbing her vagina with her hand. Later in the video an unknown finger digitally penetrates (anally) the juvenile. Later in the video an unknown adult male appears to either anally or vaginally penetrate the juvenile with his penis as she cries in pain. The video ends with the juvenile performing oral sex on the adult male by inserting his penis into her mouth.

5. Name

Full Path

File Created 01/16/14 10:09:04AM

<u>Description</u> This video is approximately 17:00 in length and depicts a juvenile female clothed on a bed undressing until she is nude. Later in the video the juvenile digitally penetrates her anus with her own finger. Later in the video the juvenile performs oral sex on an unknown adult male by inserting his penis into her mouth.

6. **Name**

Full Path

File Created 01/20/14 10:51:11AM

Description This video is approximately 4:18 in length and depicts two juvenile females who appear to be between the ages of approximately 6 and 8 years of age. One of the juvenile females is nude from the waist down and is digitally penetrating herself in her vagina with her own finger, after which the second juvenile female digitally penetrates the first juvenile's vagina with her finger.

7. Name

Full Path

File Created 01/20

01/20/14 08:40:38AM

<u>Description</u> This video is approximately 1:14:47 in length and depicts a juvenile female who appear to be between the ages of approximately 9 and 11 years of age. This video depicts an unknown adult male straddling the upper chest of the juvenile female and inserting his penis into her mouth while he hold her head to facilitate her performing oral sex on him. This appears to be a compilation video including scenes where an unknown adult male is holding an unknown, very small juvenile female on top of him while inserting his penis into her vagina.

8. <u>Name</u>

Full Path

File Created 01/21/14 06:23:09PM

<u>Description</u> This video is approximately 6:51 in length and depicts a nude juvenile female who appears to be between the ages of approximately 6 and 8 years of age. In some scenes of this video an unknown adult male is masturbating and ejaculates on the juvenile's exposed vagina. Other scenes in this video depict the juvenile female performing oral sex on an unknown adult male by inserting his penis into her mouth.

9. Name Full Path

File Created

01/21/14 06:24:08PM

<u>Description</u> This video is approximately 00:30 in length and depicts a juvenile female who appears to be between the ages of approximately 2 and 4 years of age nude from the waist down, lying face down while an unknown subject penetrates her anus with an unknown long cylindrical object commonly used for sexual gratification.

10. <u>Name</u>

Full Path

File Created

02/07/14 01:06:55PM

<u>Description</u> This video is approximately 1:46 in length and depicts a juvenile female who appears to be between the ages of approximately 8 and 10 years of age, shirtless and lying on her back. The video depicts an unknown adult male picking up the juvenile female's head while she performs oral sex on him by inserting his penis in her mouth. The male then masturbates and ejaculates on the face and chest area of the juvenile.

11. <u>Name</u>

Full Path

File Created 02/04/14 09:00:12AM

Description This video is approximately 8:19 in length and is a compilation video depicting numerous juvenile females, all of which appear to be below the age of 10 angaging in oral sex with numerous unknown adult males where the male is inserting his penis into the mouth of the juvenile females.

12. Name

Full Path

File Created

02/04/14 10:31:47AM

<u>Description</u> This video is approximately 00:53 in length and depicts a juvenile female who appears to be between the ages of approximately 7 and 9 years of age performing oral sex on an adult male who is nude and holding the hands of the juvenile female. The juvenile female appears nude at least from the waist up.

13. Name

Full Path

File Created 02/04/14 11:08:19AM

Description This video is approximately 51:09 in length and depicts a juvenile female who appears to be between the ages of approximately 8 and 10 years of age. The juvenile female undresses and bathes before lying on a bed, nude. This video depicts an unknown adult male masturbating in front of the juvenile's face, and also being masturbated by the juvenile. This video depicts the unknown adult male receiving oral sex from the juvenile female bu inserting his penis in the mouth of the juvenile.

14. Name

Full Path

File Created

02/07/14 01:07:13PM

<u>Description</u> This video is approximately 00:20 in length and depicts a juvenile female who appears to be between the ages of approximately 8 and 10 years of age nude and performing oral sex on an unknown adult male by inserting his penis into her mouth.

15. Name

Full Path

File Created

12/18/13 12:36:42PM

<u>Description</u> This video is approximately 23:01 in length and depicts a juvenile female who appears to be between the ages of approximately 8 and 10 years of age being bathed by an unknown adult male who later inserts his penis into her vagina, engaging in intercourse. The video later depicts a second juvenile female who appears to be between the ages of approximately 8 and 10 years of age, nude on a bed kneeling next to the first juvenile female when both juvenile females are bent over and spreading open their vaginas.

16. Name

Full Path

File Created

02/07/14 01:06:04PM

<u>Description</u> This video is approximately 1:26 in length and depicts a young juvenile female between the ages of approximately 4 to 6 years of age. The juvenile female is being vaginally penetrated by a male's penis. The focal point of the video is the vaginal penetration.

17. Name

Full Path

File Created

12/18/13 12:52:07PM

<u>Description</u> This video is approximately 21:19 in length and depicts a young juvenile female between the ages of approximately 10 to 12 years of age masturbating with a rubber/synthetic penis shaped object. The video later depicts the same juvenile female penetrating her vagina with what appears to be a pencil or pen type object. This video depicts the same juvenile female receiving oral sex from an unknown juvenile via mouth to vagina contact.

18. **Name**

Full Path

File Created

12/18/13 04:46:59PM

<u>Description</u> This video is approximately 13:33 in length and depicts a young juvenile female between the ages of approximately 8 to 10 years of age and a juvenile boy between the ages of approximately 8 to 10 years of age. Both children are nude, and the female child performs oral sex on the juvenile boy by inserting his penis into her mouth. The juvenile female later performs oral sex on an adult male by inserting the adult's penis into her mouth. The video later depicts the juvenile male penetrating the vagina of the juvenile female with his penis.

19. <u>Name</u> Full Path

File Created

d 12/18/13 02:33:36PM

<u>Description</u> This video is approximately 1:32 in length and depicts a young juvenile female between the ages of approximately 8 to 8 years of age being digitally penetrated by an unknown subject inserting a finger into her vagina. Near the end of the video the child appears to be in distress and attempting to remove the subject's finger from her vagina.

20. Name

Full Path

File Created

12/18/13 12:36:27PM

<u>Description</u> This video is approximately 19:55 in length and depicts a young juvenile female between the ages of approximately 2 to 4 years of age and another young

juvenile female between the ages of approximately 5 to 7 years of age. The video depicts the children lying on a bed, nude and kissing while rubbing each other's bodies. The video later depicts a young juvenile female between the ages of approximately 6 to 8 years of age nude from the waist down manipulating her vagina with her hands as the camera is centered on her vagina. This video does not appear to be for artistic expression purposes.

All of the children depicted in the videos described above were clearly and obviously under the age of 18 based on one or more of the following criteria: their child-like facial features, child-sized arms, legs and torsos, their lack of breast development in the videos with girls, lack of any visible pubic hair, their small size and stature compared to furniture, surroundings or adults in the videos.

827.071(5)(a) — It is unlawful for any person to knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation which, in whole or in part, he or she knows to include any sexual conduct by a child. The possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation includes sexual conduct by more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly possessed, controlled, or intentionally viewed is a separate offense. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Per Florida Statute 775.0847, the charges are reclassified from third degree felonies to second degree felonies. 775.0847 – A violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to the next higher degree as provided in subsection (3) if:

- (a) The offender possesses 10 or more images of any form of child pornography regardless of content; and
 - (b) The content of at least one image contains one or more of the following:
 - 1. A child who is younger than the age of 5.
 - 2. Sadomasochistic abuse involving a child.
 - 3. Sexual battery involving a child.
 - 4. Sexual bestiality involving a child.
 - Any movie involving a child, regardless of length and regardless of whether the movie contains sound.
- (3)(a) In the case of a felony of the third degree, the offense is reclassified to a felony of the second degree.

It is requested that **Mark George Pronovost**, identified hereinabove, be charged with 20 counts of possession of child pornography. These felonies were committed by **Mark George Pronovost** between December of 2013 and March of 2014, in Volusia County, Florida.

WHEREFORE, Based on the fact Mark George Pronovost did knowingly and intentionally possess over 20 images and videos which included, in whole or in part, sexual conduct by a child less than 18 years of age, and having demonstrated knowledge that the pictures and videos contained sexual conduct by a child less than 18 years of age by stating, post-Miranda, that he

commanding the Commissioner of the Florida Department of Law Enforcement (FDLE)

your Affiant prays that a warrant be issued

or any of his duly authorized Special Agents and Task Force Agents and all Sheriffs or any of their duly authorized deputies to arrest Mark George Pronovost for the above listed charges and bring him before the Court so that he may be dealt with according to law.

AFFIANT'S SIGNATURE

SWORN TO AND SUBSCRIBED BEFORE ME THIS 197 DAY OF MARCH, 2014

JUDGE

____ Affiant Personally Known

Affiant Produced Identification

Type of Identification