

**AFFIDAVIT OF ERIC S. SLATON
IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Eric S. Slaton being sworn, state:

Introduction and Agent Background

1. I have been employed as a Special Agent of the FBI for approximately nineteen years and am currently assigned to the Boston Division, Child Exploitation Task Force. While employed by the FBI, I have investigated federal criminal violations related to, among other things, the online sexual exploitation of children. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. My investigations have included the use of surveillance techniques and the execution of search, seizure, and arrest warrants.
2. The affidavit is submitted in support of a criminal complaint charging ERIC TRAN THAI (YOB 1982), of Dorchester, Massachusetts, with five counts of sexual exploitation of children, in violation of 18 U.S.C. § 2251.
3. The statements contained in this affidavit are based in part on information provided by law enforcement, written reports that I have received, directly or indirectly, from other law enforcement agencies, independent investigation and analysis by FBI agents/analysts and computer forensic professionals, and my experience, training, and background as a Special Agent with the FBI. Because this affidavit is submitted for the limited purpose of establishing probable cause to secure a criminal complaint, I have not included each and every fact known to me concerning this investigation. Where statements of others are set forth in this affidavit, they are set forth in substance and in part.

Statement of Probable Cause

4. On February 6, 2018 and February 27, 2018, two separate Boston College students reported to Boston College Police that they had been videotaped without their knowledge or consent while they were using men's restrooms on the Boston College campus. Following the February 27, 2018 report, THAI was located, using a tablet computer and a cell phone, sitting in a stall in the men's bathroom.
5. THAI was administered his *Miranda* rights and agreed to speak with investigators. THAI admitted to "taking some pictures" of a male in the stall next to him without the male's knowledge. THAI admitted to engaging in such activity for about a year, and admitted to taking images of another male, without his knowledge, in a Boston College bathroom earlier in February. THAI informed investigators that the earlier-obtained images may be located on a device at his residence at 38 Elder St., Dorchester, Massachusetts. THAI advised that he had several storage devices at his residence and that the images may be on one of them.
6. THAI was placed under arrest by Boston College Police for violations of state law. Investigators searched his bag incident to that arrest and found several covert camera devices, including faux smoke detectors, a water bottle containing a small cube recording device, and a pair of sunglasses outfitted with a built-in camera, later identified as iVue covert camera sunglasses. They also located several SD cards.¹
7. On March 1, 2018, investigators executed a state search warrant issued out of the Newton District Court at THAI's Dorchester, Massachusetts residence. They seized approximately

¹ An SD card is a type of memory card typically used in digital cameras and other portable devices.

150 items of evidence, including approximately 26 computer hard drives, 20 thumb drives, 27 covert and regular cameras, a collection of 14 computers, iPads, and cell phones, and multiple SD and SIM cards.² The devices were turned over to the Digital Lab Technician at the Middlesex District Attorney's Office (MDAO). Forensic technicians determined that the devices contained approximately 20 terabytes³ of data, apparently dating back almost 20 years. Given the amount of data contained in the devices, forensic analysis is still ongoing.

8. I am aware that, during an initial preview of one hard drive recovered at THAI's residence, the MDAO Digital Lab Technician observed several folders labeled with names including BU, MIT, Harvard, Northeastern, Bunker Hill, Boston Latin High School, Target, and several different malls, airports, and foreign country locations. THAI can be observed in some of the videos.
9. The folder labeled "Boston Latin High School" included approximately nine video files whose file names appeared to correlate with the creation dates of the videos. The videos depicted several different males, all of whom appeared to be students, using the urinals and stalls in a multi-stall bathroom. The males captured in the videos were in various state of undress.

² Removable SIM cards are used to identify and authenticate subscribers on mobile phones and similar devices. SIM cards generally contain data relevant to individuals' use of carrier networks and sometimes contain additional information, such as contacts and content of messages.

³ A terabyte is a unit of information that is equal to approximately one trillion bytes. As points of comparison, the books in the U.S. Library of Congress contain a total of approximately 20 terabytes of text, and a one-terabyte drive could typically hold approximately 1,000 hours of video.

10. On March 14, 2018, Boston College Police detectives and members of the Boston Police Department School Police Unit met at the Boston Latin High School, 78 Avenue Louis Pasteur, Boston, Massachusetts and confirmed that the décor of the various boys' bathrooms at the school matched what was visible in the videos in the "Boston Latin High School" folder. Investigators swept all bathrooms located in Boston Latin to ensure there were no recording devices present.
11. THAI was indicted in connection with the offenses committed on the Boston College campus by a Middlesex County grand jury on November 8, 2018. He was arraigned on those charges on January 22, 2019.
12. In early February 2019, I met with investigators from Boston College Police Department and the Digital Lab Technician responsible for conducting the forensic examination of the items of evidence seized from THAI's residence. I reviewed portions of the forensic analysis and observed that the videos contained in folders labeled "Boston Latin High School" within two portable hard drives contained approximately 45 surreptitiously-recorded videos of male students in various states of dress in a Boston Latin High School boys' bathroom.⁴ Based on the forensic analysis, investigators believe the videos were created over a period of approximately 10 separate dates between February and December of 2017.
13. In general, the videos show⁵ that THAI would sit within a stall of a bathroom at Boston Latin High School and record individuals in adjacent bathroom stalls or at the urinals.

⁴ During a more extensive forensic analysis of the items seized from THAI's residence, analysts discovered additional videos beyond the nine that were observed during the initial forensic preview.

⁵ THAI was captured on video as he set up the devices in preparation for recording and, in some circumstances, while he was recording the activity of students in the bathroom.

THAI would utilize different methods of secret recording. In some videos, it appears that THAI would hold a camera over the top of the partition between the bathroom stalls and videotape from an overhead perspective. In other instances, it appears that THAI would hide a small camera inside of his backpack, place the backpack on the bathroom floor and videotape individuals in the adjacent bathroom stall from under the bathroom stall partition. It appears that, while recording, THAI would simultaneously view what the camera was recording on a cellphone or a tablet device in his possession.

14. On February 15, 2019, February 25, 2019, and March 6, 2019, investigators met with administrators of Boston Latin High School in efforts to identify the minor males that were videotaped at Boston Latin High School. Investigators subsequently met with the parents of the tentatively identified students, who positively identified their sons as Minor A (YOB 2001), Minor B (YOB 2000), Minor C (YOB 2002), Minor D (2000), and Minor E (2005), in the surreptitiously-recorded videos contained in the material seized from THAI's residence, as described below:

- a. File name: 2017-05-02_15-15-54_M0262115.MP4 is a video file approximately 2:04 in length. In this video file, THAI videotaped Minor A over the partition of the bathroom stall. Minor A is observed sitting on the toilet of an adjacent bathroom stall. Minor A's penis is exposed. In the video, Minor A is observed masturbating.⁶ The video was taken on May 2, 2017, at approximately 3:15 PM.
- b. File name: 2017-05-03_14-39-04_M0052137.MP4 is a video file approximately 4:49 in length. In this video file, THAI videotaped Minor B under the partition of the bathroom stall. Minor B is initially observed sitting on the toilet of an adjacent

⁶ Still shots from this video are available for the Court's review.

stall. In the process of using the bathroom, Minor B stands up exposing his penis for approximately one minute of the video. During this time, THAI appears to adjust the recording device to a better viewing angle.⁷ The video was taken on May 3, 2017 at approximately 2:39 PM.

- c. File names: 2017-09-15_14-25-04_M0430052 and 2017-09-15_14-30-36_M0470056 are two separate video files, 1:04 and 4:03 minutes in length, respectively. In both of these video files, THAI videotaped Minor C under the partition of the bathroom stall. In the first video, Minor C is observed standing in an adjacent stall with his pants down, exposing his penis, and he can be observed masturbating. In the second video, which occurred approximately four minutes after the first, Minor C is observed sitting on the toilet with his penis exposed. During this video, Minor C is observed masturbating.⁸ The videos were taken on September 15, 2017 at approximately 2:25 PM and 2:30 PM.
- d. File name: 2017-09-29_14-30-12_M0153872 is a video file approximately 1:48 in length. In this video file, THAI videotaped Minor D under the partition of the bathroom stall. Minor D is observed sitting on the toilet of an adjacent stall. In the process of using the bathroom, Minor D's penis is exposed.⁹ The video was taken on September 29, 2017, at approximately 2:30 PM.
- e. File names: 2017-11-06_14-26-46_M0050005, 2017-11-06_14-29-06_M0060006, 2017-11-06_14-29-50_M0070007 are three video files

⁷ Still shots from this video are available for the Court's review.

⁸ Still shots from this video are available for the Court's review.

⁹ Still shots from this video are available for the Court's review.

approximately 2:18, 0:42, and 4:56 in length, respectively. In each video file, THAI videotaped Minor E under the partition of the adjacent bathroom stall. In each video, Minor E is observed standing in front of the toilet with his pants down, and his penis exposed while he is masturbating.¹⁰ The videos were taken on November 8, 2017, at approximately 2:26 PM and 2:29 PM.

15. Based on the foregoing, I submit that there is probable cause to believe that:
- a. on or about May 2, 2017, ERIC TRAN THAI did knowingly employ, use, persuade, induce, entice, and coerce a minor, “Minor A,” to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct and the visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so, in violation of 18 U.S.C. §§ 2251(a) and (e).
 - b. on or about May 3, 2017, ERIC TRAN THAI did knowingly employ, use, persuade, induce, entice, and coerce a minor, “Minor B,” to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct and the visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so, in violation of 18 U.S.C. §§ 2251(a) and (e).
 - c. on or about September 15, 2017, ERIC TRAN THAI did knowingly employ, use, persuade, induce, entice, and coerce a minor, “Minor C,” to engage in any sexually

¹⁰ Still shots from this video are available for the Court’s review.

explicit conduct for the purpose of producing any visual depiction of such conduct and the visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so, in violation of 18 U.S.C. §§ 2251(a) and (e).

- d. on or about September 29, 2017, ERIC TRAN THAI did knowingly employ, use, persuade, induce, entice, and coerce a minor, “Minor D,” to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct and the visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so, in violation of 18 U.S.C. §§ 2251(a) and (e).
- e. on or about November 8, 2017, ERIC TRAN THAI did knowingly employ, use, persuade, induce, entice, and coerce a minor, “Minor D,” to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct and the visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer, and attempted to do so, in violation of 18 U.S.C. §§ 2251(a) and (e).

Respectfully submitted,

Eric Slaton, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on March 11, 2019.

Honorable M. Page Kelley
United States Magistrate Judge

I have reviewed the still images referenced in Paragraph 14 above and I find probable cause to believe that they depict minors engaged in sexually explicit conduct. The affiant shall preserve the images provided to the Court for the duration of the pendency of this matter, including any relevant appeal process.

Honorable M. Page Kelley
United States Magistrate Judge