

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

1-09-mj-233

BRAD A. DAVIS

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

In or about February 2009, in Franklin County, in the Eastern District of Tennessee defendant(s) did,

used, persuaded, induced, enticed and coerced a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct which was produced using materials, i.e., a camera, that had been transported in interstate commerce;

in violation of Title 18 United States Code, 2251(a)

I further state that I am a Special Agent, Federal Bureau of Investigation, and that this complaint is based on the following facts:

See attached Affidavit

Continued on the attached sheet and made a part hereof: [x] Yes [ ] No

Signature of Complainant

Sworn to before me and subscribed in my presence,

June 4, 2009 at Chattanooga, TN
Date City and State

WILLIAM B. MITCHELL CARTER
U.S. MAGISTRATE JUDGE
Name & Title of Judicial Officer

Signature of Judicial Officer

## AFFIDAVIT

I, Richard H. Poff, do hereby depose and state:

For the past 20 years, I have been employed as a Special Agent of the Federal Investigation. I have extensive experience investigating various violations of federal law, to include crimes involving the sexual exploitation of children:

On June 2, 2009, an attorney in Winchester, Tennessee, provided Detective Christopher Layne of the Winchester Police Department with a TDK brand DVD computer disc. The disc was manufactured by MagicIC Technologies, Inc., in Milpitas, California. The attorney told Detective Layne he received the DVD from a family member of the victim, a minor.

The disc contains a file named, "101Nikon," which includes the following files:

1. One video file named, "DSCN 1421," depicting Brad A. Davis, date of birth May 15, 1986, engaged in vaginal and anal intercourse with the minor, date of birth xx/xx/1993.
2. Twenty-two still photo files depicting the victim posing nude in various sexually explicit positions.

Based upon several identifying features of the room appearing in the video, the Winchester Police Department determined the video was produced at Davis' former residence in Winchester, Tennessee.

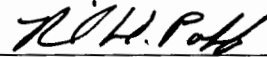
On June 3, 2009, your affiant and officers of the Winchester Police Department placed Davis under arrest for Production of Child Pornography in violation of Title 18 United States Code Section 2251(a). Davis was advised of his rights as set forth on the FD-395 Advice of Rights form. Davis elected to waive his rights and gave a statement to the interviewing officers.

Davis identified himself and the victim in the video described above and identified the victim in the still photos described above. Davis stated he made both the video and the still photos in early February of 2009 while engaging in sexual intercourse with the victim at his former residence in Winchester, Tennessee. Davis identified a Nikon CoolPix camera, serial number 33406364, as the device he used to take both the video and the still photos. The camera bears a label reading, "NIKON CORP., JAPAN MADE IN CHINA."

Davis provided a cell phone memory card which he stated contained nude images of the victim. Davis identified a video labeled, "1114081653," as a video he made with his Verizon cell phone of the victim performing oral sex on Davis at his former residence in Winchester, Tennessee, in the fall of 2008. Davis identified a Verizon Wireless Blitz

cell phone, manufactured by UTStarcom in China, as the device he used to make this video.

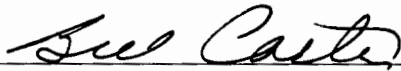
Based upon the facts set forth above, and my training and experience as a Special Agent of the FBI, I believe Davis has produced child pornography in violation of Title 18 United States Code Section 2251(a).



Richard A. Poff, Special Agent, FBI

Sworn to and subscribed before me

this 4<sup>th</sup> day of June, 2009



U.S. Magistrate Judge