



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
DEFENSE CRIMINAL INVESTIGATIVE SERVICE
KANSAS CITY RESIDENT AGENCY
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(Investigations)

REPORT OF INVESTIGATION

200701620B-10-AUG-2007-40KC-Y0/F

SEPTEMBER 7, 2009

SHAWN MULLEN
JAMES MATTES

DISTRIBUTION

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DCIS Central Field Office (40FO)

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SYNOPSIS

Immigration and Customs Enforcement (ICE) conducted a national investigation that identified over 5,000 individuals who subscribed to predicated child pornography websites. The Reporting Agent (RA) utilized information contained within the DoD Employee Interactive Data System (DEIDS) and the Joint Personnel Adjudication Systems (JPAS) to identify DoD affiliated individuals. The RA identified 14 possible subjects with a DoD nexus, and with ties to the DCIS Kansas City Resident Agency areas of responsibility. After further interviews and data checks, two individuals were named as subjects in this case, Shawn Mullen (Mullen) and James Mattes (Mattes).

A search warrant was executed at Mullen's residence. Analysis of the computers seized during the warrant identified images of child pornography. Mullen was indicted on one count receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2), and one count possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B) of which he pleaded guilty. Mullen was sentenced to 78 months confinement and 8 years supervised release.

Mattes was interviewed and consented to a search of his personal computer. Analysis of the computer identified images of child pornography. Mattes was indicted on one count receipt of visual depictions involving the use of minors engaging in sexually explicit conduct by means of computer in violation of 18 U.S.C. § 2252(a)(2), and one count possession of material involving sexual exploitation of minors, 18 U.S.C. § 2252(a)(4)(B). Mattes pleaded guilty to Count 1 of the indictment, 18 U.S.C. § 2252(a)(2), receipt. Mattes was sentenced to 65 months confinement, 5 years supervised release and \$5,000 in restitution.

The case was successfully prosecuted by the U.S. Attorney's Office, District of Kansas and District of Southern Iowa.

STATUTES

The following violations of the United States Code apply to this investigation:

- 18 USC § 2252(a)(2) (Receipt of Child Pornography)
 18 USC § 2252(a)(4)(B) (Possession of Child Pornography)

BACKGROUND

This case was initiated based on information derived from Defense Criminal Investigative Service (DCIS) Project: Operation Flicker (Case Control Number 200701199X). As background, on May 29, 2007, the DCIS, Mid-Atlantic Field Office (MAFO), initiated Operation Flicker based on information provided by Assistant United States Attorney (AUSA) Gerald Smagala, United States Attorney's Office (USAO), Eastern District of Virginia - Alexandria Division. AUSA Smagala advised that the Immigration and Customs Enforcement (ICE) conducted a national investigation that identified over 5,000 individuals who subscribed to predicated child pornography websites. AUSA Smagala specifically requested that DCIS assist in identifying Department of Defense (DoD) affiliated individuals and provide investigative assistance.

The Reporting Agent (RA) utilized information contained within the DoD Employee Interactive Data System (DEIDS) and the Joint Personnel Adjudication Systems (JPAS) to identify DoD affiliated individuals. The RA identified 14 possible subjects (listed below) with a DoD nexus, and with ties to the DCIS Kansas City Resident Agency areas of responsibility.

Search warrants and computer analysis were techniques used during the course of this investigation.

NARRATIVE

1. A search warrant was served on the residence of Shawn Mullen, DoD contractor. The computers and digital media seized from Mullen's house were submitted by the RA to the Defense Computer Forensics Laboratory (DCFL) in Linthicum, MD.

2. The RA and ICE SA [REDACTED] conducted three interviews with [REDACTED] [REDACTED] and [REDACTED] on September 4, 2007. [REDACTED] consented to an interview and a review of his laptop. [REDACTED] admitted to subscribing to the child pornography website. The RA discovered several images of child pornography on his laptop and [REDACTED] consented to [REDACTED] seizing the laptop for further forensic review. ICE will continue the investigation involving [REDACTED] without DCIS because he has since separated from the military and no longer has any DoD affiliation.

The RA and [REDACTED] interviewed [REDACTED] who denied purchasing any subscriptions to child pornography websites. [REDACTED] has since retained an attorney. The RA contacted the Federal Bureau of Investigation Innocent Images to search their database for any information on [REDACTED], his name and user name yielded no results.

[REDACTED] consented to an interview and a review of his computer. No images of child pornography were found and the agents will not continue the investigation on [REDACTED]

3. The RA and [REDACTED] interviewed James Mattes who admitted to possessing child pornography and consented to a review of his computer. The review showed that the computer

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did have child pornography on the hard drive and Mattes consented to the seizure of the computer. The RA has been conducting a forensic examination of the computer and will submit the results to the National Center for Missing and Exploited Children upon completion to identify known victims. [REDACTED] is coordinated the case with the U.S. Attorney's Office, Southern District of Iowa, which agreed to prosecute this case. Mattes was added as a subject.

4. The RA and ICE Springfield, MO interviewed [REDACTED] [REDACTED] consented to a review of his computer and no child pornography was found.

5. Mattes was indicted on January 23, 2008 on one count receipt of visual depictions involving the use of minors engaging in sexually explicit conduct by means of computer in violation of 18 U.S.C. § 2252(a)(2), and one count possession of material involving sexual exploitation of minors, 18 U.S.C. § 2252(a)(4)(B).

6. The computer analysis of Mullen's computers was completed by the Defense Computer Forensics Laboratory. Child pornography was identified. On May 21, 2008, Mullen was charged by a federal grand jury as part of a two count indictment in United States District Court, District of Kansas. Mullen was indicted on one count receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2), and one count possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B).

7. Mullen pleaded guilty to both counts of the May 21, 2008 indictment, one count receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2), and one count possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B).

8. On October 3, 2008, Mattes signed a plea agreement. Mattes pleaded guilty to Count 1 of the January 23, 2008 indictment, 18 U.S.C. § 2252(a)(2), receipt. Count 2 of the indictment, 18 U.S.C. § 2252(a)(4)(B), possession, was dismissed at the conclusion of the sentencing hearing.

9. On April 6, 2009, Mullen was sentenced by U.S. District Judge John W. Lungstrum in United States District Court, District of Kansas. Mullen was sentenced to 78 months confinement, 8 years supervised release (to include sex offender registration) and was ordered to pay a \$200 assessment fee.

10. On May 15, 2009, Mattes was sentenced by Chief U.S. District Court Judge Robert W. Pratt, in United States District Court, Southern District of Iowa. Mattes was sentenced to 65 months confinement, 5 years supervised release (to include sex offender registration) and was ordered to pay a \$100 assessment fee. Mattes was also ordered to forfeit the Dell Dimension Computer 4600, Serial Number 14PKF31 used in the commission of the crime. The victim of the [REDACTED] [REDACTED] filed for \$6 million dollars of restitution be paid.

11. On June 22, 2009, Mattes was also ordered to pay restitution in the amount of \$5,000 to the Marsh Law Firm, White Plains, New York. The Marsh Law Firm represents the victim from the [REDACTED] [REDACTED] which was among the images identified on Mattes' computer.

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IDENTITY OF SUBJECTS

IDENTIFYING DATA

Name	:	Shawn Mullen
Alias	:	UNK
Social Security Number	:	[REDACTED]
Date/Place of Birth	:	4/30/1964, UNK
Race	:	Caucasian
Sex	:	Male/Female
Height	:	6'1"
Weight	:	185 lbs
Hair	:	Brown
Eyes	:	Brown
Residence	:	[REDACTED]
Employment/Occupation	:	Former database analyst Northrop Grumman
Telephone Number	:	UNK
Home	:	UNK
Driver's License Number and Issuing State	:	UNK
Education	:	UNK

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IDENTITY OF SUBJECTS

IDENTIFYING DATA

Name : James Dean Mattes
 Alias : UNK
 Social Security Number : ██████████
 Date/Place of Birth : 7/11/1970, UNK
 Race : Caucasian
 Sex : Male/Female
 Height : 6'2"
 Weight : 200 lbs
 Hair : Brown
 Eyes : Brown
 Residence : ██████████
 Employment/Occupation : Former Navy Recruiter
 E-7
 Telephone Number : UNK
 Home : UNK
 Driver's License Number : UNK
 and Issuing State :
 Education : UNK

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LAW ENFORCEMENT RECORDS

The files of the Defense Clearance and Investigations Index (DCII) were queried for records of Shawn Mullen and James Mullen. A check did not reveal anything pertinent to this investigation. A National Crime Information Center (NCIC) query of Shawn Mullen and James Mattes revealed no criminal records, either state or Federal.

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EVIDENCE

A. Subjects

Shawn Mullen

18 USC § 2252(a)(2) (Receipt of Child Pornography)
18 USC § 2252(a)(4)(B) (Possession of Child Pornography)

James Mattes

18 USC § 2252(a)(2) (Receipt of Child Pornography)
18 USC § 2252(a)(4)(B) (Possession of Child Pornography)

B. Documents

Previously submitted

C. Witnesses

None

STATUS OF INVESTIGATION

This investigation was successfully prosecuted by U.S. Attorney's Office, District of Kansas, Kansas City, KS and Southern District of Iowa, Des Moines, IA.

Shawn Mullen was indicted on one count 18 USC § 2252 (a)(2) and one count 18 USC § 2252(a)(4)(B). He pleaded guilty both counts and was sentenced to 78 months confinement, 8 years supervised release (to include sex offender registration) and was ordered to pay a \$200 assessment fee.

James Mattes was indicted on one count 18 USC § 2252 (a)(2) and one count 18 USC § 2252(a)(4)(B). He pleaded guilty to one count of 18 USC § (a)(2) and sentenced to 65 months confinement, 5 years supervised release (to include sex offender registration) and was ordered to pay a \$100 assessment fee. Mattes was also ordered to forfeit the Dell Dimension Computer 4600, Serial Number 14PKF31 used in the commission of the crime. The victim of the [REDACTED] filed for \$6 million dollars of restitution to be paid. An amended judgment was filed and ordered Mattes to pay \$5,000 in restitution.

PROSECUTIVE CONSIDERATIONS

There are no prosecutive considerations to date.

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EXHIBITS

Previously submitted.

Prepared by: [REDACTED], Kansas City Resident Agency

APPR: [REDACTED]

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