

BishopAccountability.org

Affidavit in Support of Federal Complaint

March 2005

STATE OF NEW YORK)

COUNTY OF MONROE)

CITY OF ROCHESTER)

I, **MICHAEL PREISSER**, having been first duly sworn, do hereby depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI). I have been a Special Agent for over 9 years. I am currently assigned to investigations involving crimes against children, as well as other criminal investigations.

2. I make this affidavit in support of a criminal complaint charging MICHAEL VOLINO, with a date of birth of February 24, 1964, with violations of Title 18, United States Code, Section 2252A(a)(2), which prohibits interstate receipt of child pornography, (as that term is defined in Title 18, United States Code, Section 2256(8)(A)), and Title 18, United States Code, Section 2252A(a)(5)(B), which prohibits possession of child pornography.

DETAILS OF INVESTIGATION

3. On January 28, 2005, the United States Attorney's Office for the Western District of New York was advised that a computer being used by Father MICHAEL VOLINO at St. John the Evangelist

Church of Greece, 2400 West Ridge Road, Greece, New York, 14626, may contain images of child pornography. Specifically, the United States Attorney's Office was advised of the following: On January 28, 2005, VOLINO contacted the Diocese of Rochester Information Technology (IT) Help line regarding his computer, a Dell GX270 computer, bearing Serial Number 00045-478-230-812. VOLINO stated that his hard drive was not working properly. Shortly thereafter, an IT specialist from the Diocese of Rochester picked up the Dell GX270 computer, bearing Serial Number 00045-478-230-812 from VOLINO and brought it back to the Diocese of Rochester Pastoral Center for review. As the IT specialist began his exam of the Dell GX270 computer, bearing Serial Number 00045-478-230-812, he noticed what he thought to be child pornography in the temporary Internet files of the computer. The IT specialist then contacted his supervisor and informed him of the situation. The government was then contacted.

4. On January 31, 2005, the FBI obtained a CD-ROM containing copies of some of the temporary Internet files located on the Dell GX270 computer, bearing Serial Number 00045-478-230-812. Upon conducting a preliminary review of this CD-ROM, the following images, among others, were noted:

(Image 1) 1R7NRUrcastCvmio35u6iKmwcaY1UaZW[1].jpeg, which depicts two males engaging in sexual activity. One male, clothed and approximately 16-18 years of age is masturbating the other nude male, approximately 10-12 years old;

(Image 2) 7eeb1d5f42[1].jpeg, which depicts a male, approximately 10-12 years old, performing oral sex on another male;

(Image 3) 12[5].jpeg, which depicts two nude males, approximately 10-12 years old, masturbating

each other; and

(Image 4) tn135[1].jpeg, which depicts two nude males, approximately 8-10 years old, engaging in sexual activity.

5. As a result of the examination of the CD-ROM, VOLINO'S computer was seized from the Diocese of Rochester by the FBI.

6. On or about February 1, 2005, an examination of the computer was commenced. The examination revealed that there were approximately 28,000 temporary Internet files stored on VOLINO'S hard drive. Hundreds of these files contained images of child pornography; specifically images of boys under the age of 18. Some of the images were found in video clips. For example, a few of the images are described as follows:

(Image 1): tn00323[1].jpeg, which depicts two nude males, approximately 12-15 years old, engaging in oral sex;

(Image 2): tn_15[1].jpeg, which depicts two nude males, approximately 10-12 years old, engaging in sexual activity;

(Image 3): thumb139[1].jpeg, which depicts a nude male, approximately 10-12 years old, exposing his genitalia in a sexual manner; and

(Image4): thumb163[1].jpeg, which depicts two nude males, approximately 10-12 years old, engaging in anal intercourse.

7. Further, some of many hundreds and hundreds of websites visited by VOLINO included names "boys on your screen", "modelteens", "boyhoodparadise", "boylove", "gayboysstop", "free 3 gay boys pics" and "sweetest boys". The computer examination revealed that VOLINO visited these websites from at beginning in at least May 2004 to January 2005.

8. On February 7, 2005, VOLINO was interviewed by myself and another FBI Special Agent at VOLINO's residence at 2400 West Ridge Road, Greece, New York. In the interview, VOLINO stated the following:

a. VOLINO stated that he had brought his computer into the Catholic Diocese of Rochester for repair because the hard drive had "crashed". He stated that the computer from which the images were taken was his and that he used the network provided by the Diocese to access the Internet.

b. After being advised that his computer had in excess of 28,000 jpeg images, VOLINO stated that he had sexual issues for which he was seeking professional help. He advised that he had been seeking help on the sexual issues for approximately three years. VOLINO further stated that he had told his counselor about his desire to view sexually explicit pictures of boys younger than eighteen years old. VOLINO admitted that concurrent with the counseling, he had continued to view images of boys under the age of 18 years, knowing that it was wrong. VOLINO further admitted that he knew it was wrong to view such images via the Internet.

c. VOLINO indicated that at one time he would never have believed that he would be drawn into an addiction of this nature, but that he would never take his fixation to the level of touching underage boys.

8. I have learned that VOLINO'S internet service provider (ISP) is Time Warner Road Runner. An employee of Time Warner Road Runner stated to me that to gain access to internet websites and to retrieve images from such websites an individual using Time Warner Road Runner as their ISP must go through Time Warner Road Runner's servers located in the State of Virginia. Thus, the images received and possessed by VOLINO traveled in interstate commerce.

9. WHEREFORE, based on the foregoing, there is probable cause to believe that MICHAEL VOLINO received child pornography in violation of Title 18, United States Code, Section 2252A(a)(2), which prohibits interstate receipt of "child pornography," (as that term is defined in Title 18, United States Code, Section 2256(8)(A)), and Title 18, United States Code, Section 2252A(a)(5)(B), which prohibits possession of child pornography.

MICHAEL PREISSER
Special Agent
Federal Bureau of Investigation

Sworn to before me this
day March 2005

Hon. JONATHAN W. FELDMAN
United States Magistrate Judge

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