

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 24-8152-BER

UNITED STATES OF AMERICA,

v.

KEITH DUANE MCINTOSH,

Defendant.

_____ /

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek M. Maynard)? No
2. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to October 3, 2019 (Mag. Judge Jared M. Strauss)? No
3. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No
4. Did this matter involve the participation of or consultation now Magistrate Judge Marta Fulgueira Elfenbein during her tenure at the U.S. Attorney's Office, which concluded on March 5, 2024? No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

Gregory Schiller

By: _____

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UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America
v.
KEITH DUANE MCINTOSH,
Defendant(s)

Case No. 24-mj-8152-BER

FILED BY TM D.C.
Mar 28, 2024
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - WPB

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2018 to November 2022 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section 18 U.S.C. § 2251(d) and (e)
Offense Description Conspiracy to advertise child pornography

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.

David J. Backlund
Complainant's signature

FBI Special Agent David J. Backlund
Printed name and title

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (FaceTime).

Date: 03/28/2024

Bruce Reinhart
Digitally signed by Bruce Reinhart
Date: 2024.03.28 14:55:34 -04'00'
Judge's signature

City and state: West Palm Beach, Florida

United States Magistrate Bruce E. Reinhart
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT

I, David J. Backlund, a Special Agent with the Federal Bureau of Investigation (“FBI”) being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since September 2008, and am currently assigned to the FBI’s Child Exploitation Operational Unit within the Criminal Investigative Division. As part of my duties as a Special Agent, I am assigned to investigate violations of federal law, including the online exploitation of children. This includes violations pertaining to the illegal trafficking, production, transmission, possession, and receipt of material depicting the sexual exploitation of minors.

2. I am submitting this affidavit in support of a criminal complaint and arrest warrant for KEITH DUANE MCINTOSH, year of birth: 1959, social security number: XXX-XX-6109. I submit there is probable cause to believe that beginning at least in or March 2018, and continuing through in or about November 2022, in the Southern District of Florida and elsewhere, MCINTOSH conspired with others to advertise child pornography in violation of 18 U.S.C. §2251(d) and (e). The term “child pornography,” as used in this affidavit, refers to the definition set forth in 18 U.S.C. § 2256(8)(A).

3. Title 18 U.S.C. § 2251(d) and (e) prohibit any person from conspiring to knowingly make, print, or publish, or cause to be made, printed or published, any notice or advertisement seeking or offering to receive, exchange, buy, produce, display, distribute, or reproduce, any visual depiction, if the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct and such visual depiction is of such conduct, when such person knows or has reason to know that such notice or advertisement will be transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any

means including by computer, or when such notice or advertisement was transported using any means or facility of interstate or foreign commerce or in or affecting interstate commerce by any means including computer. Here, I submit that there is probable cause that MCINTOSH violated 18 U.S.C. § 2251(d) and (e) because, as described more fully below, he was an administrator and facilitator of a website that was dedicated to the advertisement, distribution, and exchange of child pornography, and on which, in accordance with the rules of the website, users advertised and distributed child pornography via notices and advertisements in the form of URL links and descriptive text.

4. The statements contained in this affidavit are based in part on information provided by FBI Special Agents; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by FBI agents and computer forensic professionals; and my experience, training and background as a Special Agent with the FBI. Since this affidavit is being submitted for the purpose of securing a Criminal Complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe MCINTOSH has violated 18 U.S.C. § 2251(d) and (e).

5. The FBI is investigating a website (hereinafter referred to as the “TARGET WEBSITE”) that until November 2022, allowed users to engage in online communications with other users. The TARGET WEBSITE consisted of at least 100 registered members. The TARGET WEBSITE consisted of a number of chat rooms, one of which was freely available and some of which were restricted to “members” of the website. Some of these rooms were dedicated to

specific types of child pornography and child exploitation, including a room dedicated to infants and toddlers and another dedicated to children being tortured, humiliated, or otherwise subjected to pain or distress. Until approximately July 2022, a high-ranking administrator of the TARGET WEBSITE resided in Palm Beach County, Florida, within the Southern District of Florida, and advertised child pornography and took acts to help manage the website from his home.

6. Users of the TARGET WEBSITE trafficked in child pornography images and videos via the posting of web links within messages. These links allowed a user to navigate to another website, such as a file-hosting website, where images and/or videos were stored in order to download these images and videos. When posting the links, users of the TARGET WEBSITE also generally included descriptive text that provided information about the sexual acts and age and gender of the child victim depicted in the linked-to child pornography files. The TARGET WEBSITE provided rules that instructed users to share child pornography in this manner. Examples of child pornography files shared over the TARGET WEBSITE include the following:

- a. On or about December 9, 2021, a user posted a link in a “Members Only” room tagged “[tween],” “[girl],” and “[toys],” and the comment “*Girl shows off in the shower and uses different objects in her ass*” and a preview of a video. The preview, which consisted of a collage of 16 screenshots from the video, depicted a prepubescent girl estimated to be between the ages of seven and nine. The girl who is fully nude in all the screen shots is standing or sitting in the bathtub. The girl inserts multiple objects into her anus and vagina in the various screen shots from the video. The girl has young facial features as well as no noticeable pubic hair or breast development.

- b. On or about September 27, 2022, a user posted a link in a “Members Only” room tagged “[hebe],” “[girl],” and “[fingering],” and the comment “*girl gets her pretty slit toyed,*” to a contact sheet with eight images from the video depicting a fully nude, prepubescent girl, estimated to be between the ages of eight and 10. An adult man is inserting phallic objects into the girl’s anus and/or vagina in seven of the screen captures. In the eighth image, the adult male is digitally manipulating the girl’s vagina.
- c. On or about October 13, 2022, a user posted a link in a “Members Only” room tagged “[tween],” “[girl],” and “[bj],” and the comment “*he has a cute lil playmate :-P,*” to a contact sheet containing 16 images depicting a prepubescent girl estimated to be between the ages of seven and nine. In multiple images, the girl performs oral sex on an adult man’s penis. In one of the images, the girl’s legs are spread wide apart and her vagina is prominently exposed for the camera. The girl has no noticeable pubic hair and young bodily and facial features.

7. The FBI’s investigation has further revealed that one particular user of the TARGET WEBSITE, acting under a particular online alias and referred to here as the “SUBJECT USER,” acted in a position of leadership on the website. According to communications made over the TARGET WEBSITE, the SUBJECT USER attained the rank of Administrator that made him one of a handful of individuals who made the decisions related to the operations of the website. The SUBJECT USER also was the primary Administrator of TARGET WEBSITE’s room dedicated to role playing the sexual abuse of children (the “role-playing room”). The FBI has determined that the SUBJECT USER had been active on the TARGET WEBSITE from at least March 2018, until the website ceased operating in November 2022.

8. On July 1, 2022, the FBI executed a search warrant in the Southern District of Florida that resulted in the FBI gaining access to the TARGET WEBSITE's server. A review of that evidence revealed the following:

- a. The SUBJECT USER registered on the TARGET WEBSITE on March 28, 2018.
- b. The SUBJECT USER was promoted to an Administrator on the TARGET WEBSITE. Generally speaking, an Administrator is one of the highest-ranking members of a website.
- c. According to the SUBJECT USER's profile on the TARGET WEBSITE, as of June 28, 2022, he had posted several thousand messages on the TARGET WEBSITE.

9. The FBI also gained access to the TARGET WEBSITE's email service. A review of emails sent by the SUBJECT USER revealed instances of the SUBJECT USER performing administrative functions and coordinating with the TARGET WEBSITE's other senior leaders. For instance:

- a. On or about April 5, 2021, the SUBJECT USER sent a message to another TARGET WEBSITE administrator. In this message, he explained the standards for users within the role-playing room to be promoted to a higher status on the TARGET WEBSITE.
- b. The SUBJECT USER identified TARGET WEBSITE users for potential promotion and had the power to promote unilaterally.
- c. The SUBJECT USER monitored the TARGET WEBSITE's two network-based email accounts for donations and forwarded the donation information to the TARGET WEBSITE's head administrator (hereinafter referred to as "HEAD ADMINISTRATOR").

- d. The SUBJECT USER developed the TARGET WEBSITE's "Frequently Asked Questions," section with input from other TARGET WEBSITE senior leaders.

10. As a result of the July 1, 2022, operation in the Southern District of Florida and a subsequent search warrant, the FBI gained access to a private room on the TARGET WEBSITE where the top TARGET WEBSITE administrators, which included the SUBJECT USER, HEAD ADMINISTRATOR, and others discussed the operations of the TARGET WEBSITE.

11. The SUBJECT USER had access to this private room and was an active participant. In this private room, the SUBJECT USER corresponded directly with the HEAD ADMINISTRATOR and other high-level administrators of the TARGET WEBSITE about administrative matters pertinent to the functioning of the website. Below are excerpts of conversations between TARGET WEBSITE leadership (original spelling and grammar) in this private room:

- a. On or about August 27, 2021, TARGET WEBSITE leadership held discussions related to the operations of TARGET WEBSITE. In these discussions, the SUBJECT USER stated that his administrative duties included "checking empty rooms and email accounts and backing up rooms to store on my local flash drive." The HEAD ADMINSTRATOR told the SUBJECT USER that "u carry a big load & have a lot of responsibilities - ur not simply replaceable." The SUBJECT USER stated that he was thinking about leaving his position as administrator in part because "Most of the 'fun' has been sucked right out of coming here. Some -- maybe most -- days it feels like I leave my 8-hour job to put in another 6 here. It's tiring."
- b. On or about September 15, 2021, TARGET WEBSITE leadership held discussions related to the operations of TARGET WEBSITE. In these discussions, the HEAD

ADMINSTRATOR told the SUBJECT USER that “maybe you're too ... friendly(?) w/ the troops...” and “u do have a free-reign style of leadership.” The SUBJECT USER responded to say “You're free to disagree, but I feel I have a good working relationship with the rest of the staff.”

- c. On or about May 27, 2022, TARGET WEBSITE leadership held discussions related to the operations of TARGET WEBSITE. In these discussions, the SUBJECT USER told the HEAD ADMINISTRATOR, with regard to a TARGET WEBSITE user that wanted a promotion, to “Have them post some pthc they’ve down/up loaded and get them to show some proficiency in making content postings...” “pthc” is an abbreviation for “Pre-Teen Hard Core,” which generally refers to prepubescent children being sexually penetrated.
12. An FBI Online Covert Employee (hereinafter referred to as “OCE-1”) maintained a presence on the TARGET WEBSITE and collected evidence to include:
- a. On or about November 3, 2020, the SUBJECT USER made a post in one of the TARGET WEBSITE’s Members Only rooms stating that a former TARGET WEBSITE member had contacted law enforcement and that “This should also serve as a reminder to always treat everybody as though they could be LEA or could be providing information to LEA. Never share personal information with anybody!!” “LEA” stands for “Law Enforcement Agent” or “Agency.”
 - b. On or about October 25, 2021, the SUBJECT USER made the following post on the TARGET WEBSITE’s staff page: “We are creating [a TARGET WEBSITE] FAQ. Please mail me any questions (and, hopefully, the associated answers!) you feel should be included. Thanks!”

IDENTIFICATION OF KEITH DUANE MCINTOSH AS THE SUBJECT USER

13. On or about March 28, 2024, the FBI executed a search warrant at KEITH DUANE MCINTOSH's residence in the Western District of Michigan. MCINTOSH has a prior conviction for receipt of child pornography in 1994 in the United States District Court for the District of New Jersey. During the execution of the search warrant, after being advised of his rights, KEITH DUANE MCINTOSH admitted the following:

- a. He was the SUBJECT USER on the TARGET WEBSITE;
- b. He was part of a small group of top administrators who managed the TARGET WEBSITE;
- c. In his capacity as a TARGET WEBSITE administrator, he voted on the promotions of other TARGET WEBSITE users;
- d. In this same capacity, he also created backups of the TARGET WEBSITE onto his own personal electronic devices;
- e. He posted child pornography to the TARGET WEBSITE, although he claimed that he was more interested in role-playing the sexual abuse of children on the website and that he made posts to child pornography to maintain his status.

14. During this interview, MCINTOSH also stated that he participated in a different website dedicated to role-playing the sexual abuse of children ("Website 2"). He described this website as a successor site to the TARGET WEBSITE's role-playing room. MCINTOSH's username on Website 2 was the same username used by the SUBJECT USER on the TARGET WEBSITE.

15. During the execution of the search warrant, FBI agents previewed MCINTOSH's digital devices and discovered saved text documents describing the sexual abuse of children.

Agents also discovered a computer program that would have allowed MCINTOSH to access the computer network on which the TARGET WEBSITE operated.

CONCLUSION

16. For these reasons, your Affiant respectfully submits that there is probable cause to believe that beginning at least in or about March 2018, and continuing through in or about November 2022, KEITH DUANE MCINTOSH violated 18 U.S.C. § 2251(d) and (e) in the Southern District of Florida and elsewhere. I therefore respectfully request that the Court authorize a Criminal Complaint and Arrest Warrant for KEITH DUANE MCINTOSH.

Respectfully submitted,



David J. Backlund
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me by applicant by telephone (Facetime) per the requirements of Fed. R. Crim. P. 4(d) and 4.1 on this ___ day of March 2024.



Digitally signed by
Bruce Reinhart
Date: 2024.03.28
14:55:01 -04'00'

HON. BRUCE E. REINHART
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: KEITH DUANE MCINTOSH

Case No: 24-mj-8152-BER

Count #1:

Conspiracy to advertise child pornography

18 U.S.C. § 2251(d) and (e)

* **Max. Term of Imprisonment:** 30 years

* **Mandatory Min. Term of Imprisonment (if applicable):** 15 years

* **Max. Supervised Release:** Life (mandatory minimum term of 5 years)

* **Max. Fine:** \$250,000 fine and a \$5,000 special assessment

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**