

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States of America
v.
Tong Sun
COB: CHINA; YOB: 1977

Case No. 7:23-mj-0900

Defendant(s)

United States Courts
Southern District of Texas
FILED

May 08, 2023

Nathan Ochsner, Clerk of Court

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 May 8, 2023 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2252A(a)(5)(B)

Knowingly possess any book, magazine, periodical, film, videotape,
computer disk, or any other material that contains an image of child
pornography that has been mailed, shipped, or transported using any
means or facility of in or affecting interstate or foreign commerce,
including by computer

This criminal complaint is based on these facts:

See Attachment A

[X] Continued on the attached sheet.

Approved by AUSA M. Alexis Garcia

/s/ Jordan W. Green

Complainant's signature

Jordan W. Green, HSI Special Agent

Printed name and title

[ ] Sworn to telephonically and signed electronically
per Fed.R.Cr.4.1

Date: 05/08/2023 @ 8:27 p.m.

Juan F. Alanis (Handwritten signature)

Judge's signature

City and state: McAllen, Texas

Juan F. Alanis, U.S. Magistrate Judge

Printed name and title

## ATTACHMENT A

I, Jordan W. Green, am a Special Agent of the United States Homeland Security Investigations (HSI) and have knowledge of the following facts. The facts related in this attachment do not reflect the totality of information known to me or other agents/officers, merely the amount needed to establish probable cause. I do not rely upon facts not set forth herein in reaching my conclusion that a complaint should be issued, nor do I request that this Court rely upon any facts not set forth herein in reviewing this attachment in support of the complaint.

1. On May 08, 2023, Tong SUN (hereinafter SUN), a citizen of China, currently detained by the United States Border Patrol (USBP) at the Central Processing Center (CPC) in McAllen, Texas, was found to possess videos that contained child pornography pursuant to 18 United States Code Section 2256
2. Agents with the USBP Sector Intelligent Unit (SIU) requested consent to search the cellular telephones found in SUN's possession. SUN signed a USBP Consent to Search Electronic Devices form.
3. A USBP Evidence Collection Team (ECT) analyst located videos that contained child pornography on SUN's primary cellular telephone.
4. A Homeland Security Investigations (HSI), Special Agent (SA) responded to the USBP CPC to assist in the investigation. HSI SAs interviewed SUN who stated he was aware the videos of child pornography were on his phone and the videos in his possession were illegal. SUN further stated he intended to delete the videos in Mexico, prior to crossing into the United States illegally, but did not get the opportunity.
5. SUN stated he purchased the cellular telephone that contained the child pornography seven (7) to eight (8) years ago and has had it in his possession the entire time. SUN stated he maintained possession of the cellular telephone as he illegally entered the United States from Mexico and no one else has had access to it.
6. HSI SAs viewed two (2) videos depicting sexual acts between a minor and an adult. The first video, VIDEO 1, depicts an adult male and a minor female believed to be younger than five (5) years of age. The duration of VIDEO 1 is approximately three (3) minutes and five (5) seconds. The second video, VIDEO 2, depicts an adult male and a minor female believed to be younger than thirteen (13) years of age. The duration of VIDEO 2 is approximately one (1) minute and nineteen (19) seconds.