

Lab Activity

Cybercrime in the Media

This lab activity has two purposes:

1. Analyze affidavits for search warrants
2. Evaluate media descriptions of cybercrimes

A **search warrant** is an order signed by a judge that gives law enforcement the authority to search for particular objects or materials at a specified location and time. An **affidavit** is a written statement produced under oath by an officer.

What you will be working with today are affidavits for search warrants written by law enforcement officers. The affidavits provide evidence to a judge establishing **probable cause** for a search of a person's property.

Select one of the affidavits and complete these tasks below.

The Affidavit

1. What is the full name of the officer(s)?
Andrew D. Willmann
2. What agency did the officer work for?
FBI
3. What is the offense (or the alleged violation) that suggests to the officer that devices need to be searched?

Sexual exploitation of a Child

Threats to an Use of Explosive Device

Threats to Injure

- Sometimes officers give the specific act in which the person may have violated (e.g. Computer Fraud and Abuse 18 U.S.C. §1030). You can use a law library to look up laws <https://www.law.cornell.edu/>
 - However, give the answer in everyday terms – hacking, revenge porn, cyberstalking, etc.
4. What training and/or experience did the officer have?
 - **Crimes Against Children Conferences in Dallas, Texas**
 - **Other classes related to online sexual exploitation of children**
 - **Member of the Indiana Internet Crimes Against Children Task Force. Which includes numerous federal, state and local law enforcement agencies**
 5. Did the officer have to explain certain terms to the judge? What are some of them?
Internet, Internet Protocol Addresses and the Tor anonymity network
 6. What items are to be searched?

- Facebook accounts, and social media accounts
- ISP records
- Laptop

7. What are some facts that support the officer asking for a search warrant? (this could be written in the affidavit as “facts supporting probable cause” or “investigation” or “evidence”)

Count 1: Sexual Exploitation of a Child, from on or about between September 4, 2014, to on or about January 22, 2016, within the Southern District of Indiana, and elsewhere, Hernandez, sexually exploited Victim 1, a child who is less than 12 years of age, by using her to create visual depictions of a minor engaging in sexually explicit conduct.

Count 2: Threats to an Use Explosive Device, on or about December 17, 2015, within the Southern District of Indiana, and elsewhere, Hernandez, used an instrument of interstate commerce, willfully made a threat, or maliciously conveyed false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate, any individual or unlawfully to damage or destroy any building, or other real or personal property by means of fire or an explosive

Count Three: Threats to Injure, on or about December 17, 2015, Hernandez, transmitted in interstate commerce a communication containing a threat to injure the person of another

The Media

8. What outlet(s) covered the case?
 - Some of the major websites that discuss cybercrimes are Ars Technica, Wired, the FBI website, major newspapers like the *New York Times* and the *Washington Post*
9. Pick one news story. What is your interpretation of the coverage? (e.g. Was it “matter-of-fact”, was there some opinion presented by the writer? Was the criminal put in a bad light, was the officer or agency put in a bad light?)

WRTV:

<https://www.wrtv.com/news/local-news/crime/suspect-in-brian-kil-threats-case-pleads-guilty-to-all-federal-charges>

My interpretation of the coverage was “Matter of Fact”

10. You have analyzed the affidavit, which is in the early stages of an investigation. In the news stories you read, can you tell what was the outcome of the case? (Was there a trial? Acquittal? Conviction?)
More than likely a trial and a life-sentence in prison.

11. Submit your responses online via the Canvas portal.