

2nd Judicial District Court
County of Bernalillo

ARREST WARRANT
&
AFFIDAVIT

74FR2024-6202
Warrant No. 74FR2024-6202 - 1

New Mexico Department of Justice Case Number 202402-00566

◆ AFFIDAVIT ◆

Special Agent Mariah Gonzales swears under oath that the facts expressed within the attached and incorporated Affidavit are true and that based on them, they have probable cause to believe and do believe that the person described below is lawfully arrestable as indicated below. Wherefore, the Affiant requests that this arrest warrant be issued.

NIGHT SERVICE REQUESTED

- Felony:** The declarant requests this felony warrant to be executed at any hour of the day or night.
- Misdemeanor:** Declarant requests this misdemeanor warrant to be executed at any hour of the day or night pursuant to good cause for night service having been established in the supporting declaration.

Mariah Gonzales
Signature of Affiant

◆ ARREST WARRANT ◆

The People of the State of New Mexico to Any New Mexico Peace Officer:

Arrestee's Name: Perry Joe Pool, hereinafter "Arrestee."

Declarant's name and agency: Mariah Gonzales, New Mexico Department of Justice

ORDER: Proof by Declaration of Probable Cause having been made to me on this date by Declarant, I find probable cause to believe that Arrestee committed the crime(s) listed below. You are therefore ordered to execute this warrant and bring Arrestee before any magistrate in this county.

Crime(s): NMSA 1978, Section 30-6A-3 (A) - Sexual Exploitation of Children (Possession)(under the age of 13)

Bail: No bail
NO BOND; NO CCP

NIGHT SERVICE APPROVED: YES NO

September 4, 2024 8:54am

Date and time warrant issued:

Lucy Salimon

Judge of the 2nd Judicial District Court

◆ ARRESTEE INFORMATION ◆

Name: Perry Joe Pool

AKA's:

Sex: Male

Race: White

Height: 506 Weight: 174

Hair: Gray Eyes: Brown

Other information:

Scars, marks, tattoos:

Vehicle(s) linked to Arrestee:

Last known address (es): 4004 Bermuda Dr. NE, Albuquerque, New Mexico 87111

**DECLARATION IN SUPPORT
OF WARRANT OF ARREST**

The undersigned hereby declares:

That they are a Peace Officer employed as a Special Agent for the New Mexico Department of Justice; that pursuant to their employment, they have been assigned to investigate allegations that the offense(s) of NMSA 1978, Section 30-6A-3 (A) to wit: **Sexual Exploitation of Children (possession)(under the age of 13)** committed by: **Perry Joe Pool** DOB 07/22/1952,

That your Declarant has personal knowledge as herein stated and has obtained information from various other persons not herein stated regarding the above alleged offense(s); and that as to those matters which are not within your Declarant's personal knowledge, your Declarant is informed and does believe that the matters stated and set forth herein are true;

Your Affiant has not included every fact related to this investigation but included only those facts your Affiant believes are necessary to establish probable cause for the issuance of this arrest warrant.

On 02/06/2024, Microsoft - Online Operations submitted a report to the National Center for Missing and Exploited Children (NCMEC) regarding an incident of child sexual abuse material being possessed or transmitted using their service. The report was received by NCMEC staff on 02/06/2024. The report was subsequently assigned to the New Mexico Department of Justice ICAC Task Force under CyberTip number 186424997 on 02/15/2024.

Microsoft - Online Operations provided information for the suspect user related to CyberTip 186424997. The suspect user information was provided by the IP address used:

IP Address: 67.0.37.140
02-05-2024 22:59:32 UTC
IP Address: 67.0.37.140
02-05-2024 22:58:47 UTC
IP Address: 67.0.37.140
02-05-2024 22:59:36 UTC
IP Address: 67.0.37.140
02-05-2024 22:58:42 UTC

Additional Information: BingImage (referred to as Visual Search) is a service that provides images similar to those provided by the user. This image can be provided either via upload or as a URL. The DateTime provided indicates the time at which the image was received and evaluated by the BingImage service.

There were four files reported on the Cybertip. Special Agent D. Park viewed the following file.

File Name: c9fb03a1-ae3d-4de8-927d-0c5d1e257ef1.jpg'd76bdc60-28dc-4455-8fd6-585b32fee7e1.jpg File

Hash: 0fdafc295b0cbe4ce7941d7f4fc79838

File Description: This picture depicts an infant and an adult male. The adult male is holding the left foot of the infant with his left hand and holding his penis in his right hand. The adult male is inserting his penis into the infant.

Microsoft - Online Operations also recorded the IP address related to this incident of 67.0.37.140 on 02/05/2024 at 22:59:32. This IP address has been determined to be serviced by CenturyLink, now known as Lumen, with service to an unknown person in the Albuquerque, New Mexico area.

On 05/22/2024, Special Agent D. Park submitted a search warrant to Lumen Technologies for subscriber records for the IP address: 67.0.37.140. On 05/28/2024, Special Agent D. Park received certified records from

Lumen with the requested records. The subscriber for the IP address was assigned to:

Peggy Pool
4004 Bermuda Dr. NE, Albuquerque, New Mexico 87111

The CyberTip was ultimately assigned to your affiant for further investigation. Your affiant viewed the following files, which were reported in CyberTip 186424997. The CyberTip reported four files. However, it was a duplicate of two files. The files are described below:

Filename	MD5	Categorization
c9fb03a1-ae3d-4de8-927d-0c5d1e257ef1.jpg	0fdafc295b0cbe4ce7941d7f4fc79838	Apparent Child Pornography
d76bdc60-28dc-4455-8fd6-585b32fee7e1.jpg	0fdafc295b0cbe4ce7941d7f4fc79838	Apparent Child Pornography
cb209877-77a7-48e8-8fa6-48c250b9cac2.jpg	f1ba2423b1ddaa64bca8be414098d808	Apparent Child Pornography
c0a85090-fd59-4801-ae34-bd867e020fb8.jpg	f1ba2423b1ddaa64bca8be414098d808	Apparent Child Pornography

Filename: d76bdc60-28dc-4455-8fd6-585b32fee7e1.jpg

MD5: 0fdafc295b0cbe4ce7941d7f4fc79838

This file is the same image as [Filename: c9fb03a1-ae3d-4de8-927d-0c5d1e257ef1.jpg]

File Description: The file contains a still image depicting an infant, appearing to be under the age of 1 year old, based on the child's size and brown adipose tissue, also known as baby fat. The child is placed lying on its back, fully nude, and a larger, mature male is holding the child's left ankle, pulling the child's legs up. The male appears to have no pants on and has his hand and what appears to be his penis near the child's genitalia.

Filename: c0a85090-fd59-4801-ae34-bd867e020fb8.jpg

MD5: f1ba2423b1ddaa64bca8be414098d808

This file is the same image as [Filename: cb209877-77a7-48e8-8fa6-48c250b9cac2.jpg]

File Description: The file contains a still image depicting a prepubescent female, appearing to be under the age of 8 years, based on the child's juvenile face, lack of pubic hair, and genitalia development. The child is fully nude and posing in a sexually explicit manner. The child's genitalia is exposed.

Affiant deconflicted the IP address 67.0.37.140 and identified seven (7) related CyberTips. CyberTip numbers: 190006531, 187129433, 187212043, 187696199, 187455838, 188746875, and 187312710. All the related CyberTips were identified, and each CyberTip utilized the IP address 67.0.37.140. All of these were submitted by Microsoft - Online Operations. The following is a description of the related CyberTips:

CyberTip number: 187312710

Reported on: 02/13/2024

Uploaded file information: 2 files

CyberTip number: 188746875

Reported on: 03/02/2024

Uploaded file information: 2 files

CyberTip number: 187455838

Reported on: 02/14/2024
Uploaded file information: 1 file
CyberTip number: 187696199
Reported on: 02/17/2024
Uploaded file information: 2 files
CyberTip number: 187212043
Reported on: 02/12/2024
Uploaded file information: 1 file
CyberTip number: 187129433
Reported on: 02/11/2024
Uploaded file information: 1 file
CyberTip number: 190006531
Reported on: 03/17/2024
Uploaded file information: 4 files

Affiant utilized open-source intelligence/investigative tools (OSINT) and law enforcement tools and identified that Peggy Pool lives with her spouse, Perry Pool, who lives at 4004 Bermuda Dr. NE, Albuquerque, New Mexico.

On August 9, 2024, the affiant conducted surveillance at 4004 Bermuda Dr. NE to establish a pattern of life for the residence. Your affiant observed a tan Honda CR-V displaying a New Mexico license plate [MXD289]. After a records search, the vehicle is registered to Perry J or Peggy D Pool, with the listed address of 4004 Bermuda Dr. NE, Albuquerque, New Mexico. The MVD records also provided that the address has a Trike and Cargo Trailer for a motorcycle registered to Perry J Pool. Your affiant observed a black and orange cargo trailer for a motorcycle parked in front of 4004 Bermuda Dr. NE.

On August 14, 2024, the affiant conducted surveillance at 4004 Bermuda Dr. NE. Your affiant observed an older individual leave the residence in the tan Honda CR-V. Your affiant conducted surveillance on the vehicle and identified that the individual drove and parked at the YMCA near the residence at 12500 Comanche Rd NE. Your affiant only determined that the occupant was an elderly individual, approximately the age of Mr. and Mrs. Pool.

On September 4, 2024, the New Mexico Department of Justice served a residential search warrant at 4004 Bermuda Dr. NE, Albuquerque, New Mexico 87111. Special Agents executed the search warrant and detained two residents, Peggy Pool and Perry Pool.

Affiant read Peggy Pool her Miranda rights, and Mrs. Pool verbally waived her rights. Affiant informed Mrs. Pool of the investigation and the purpose of the search warrant. Mrs. Pool noted that only she and her husband, Mr. Pool, live at the residence. During questioning, Mrs. Pool stated that she owns an Android Samsung with a purple sparkle case, a personal laptop, and a computer in the office area of the home. Mrs. Pool stated that she does not use the computer in the office and that only her husband uses the computer. Mrs. Pool noted that she does not know their internet service provider and that her husband typically takes care of the internet service. Mrs. Pool stated that she is not aware of any contraband images related to child sexual abuse material (CSAM) being present on any of her devices. Mrs. Pool said that her husband does have access to her phone, but she is the only one who can use it. Mrs. Pool noted that she is not very "tech savvy" and uses the internet to look up maps for places they are going to travel and for other things she wants to know. Mrs. Pool stated she wanted to stop answering questions.

Special Agent Dennis Park read Perry Pool his Miranda rights before questioning him. Mr. Pool verbally waived his rights. SA D. Park informed Mr. Pool of the investigation and the purpose of the search warrant

related to Internet Crimes Against Children. Mr. Pool stated he was aware that Special Agents "were after his computer." When asked if Special Agents would find anything on his computer, Mr. Pool stated, "It is a possibility." Mr. Pool stated that he is the only person inside the home that uses the computer. SA D. Park explained how the NMDOJ received Cybertips from the National Center for Missing and Exploited Children (NCMEC). SA D. Park further explained that Microsoft Bing reported that CSAM was viewed at the residence. SA D. Park asked if Mr. Pool uses Microsoft Bing and Mr. Pool said he did. SA D. Park asked when he last used Microsoft Bing, and Mr. Pool stated, "last night." SA D. Park asked what Mr. Pool searched for and he said, "Young girls, but not necessarily for porn." SA D. Park asked if the search was not for porn what was the search for. Mr. Pool replied, "Just young girls."

During a forensic review of the computer in the home office, Special Agent Benjamin Zwiebel provided information that he located Edge browser internet tabs open on the computer. Affiant viewed the open tabs included the following:

- A still image of a prepubescent female, appearing to be under the age of 8 years old, based on the child's size in comparison to the adult male in the image. The image depicts the female child performing fellatio on the adult male. The male is standing over the child with his penis in the child's mouth.
- A still image of a prepubescent female, appearing to be under the age of 8 years old, based on the child's juvenile face, lack of pubic hair, and genitalia development. The child is partially nude, and her genitalia is exposed.
- A still image of two children fully nude. One child is a female infant, and the second child is a prepubescent male appearing to be under the age of 8 years old based on the child's juvenile face, lack of pubic hair, and genitalia development. The image depicts the male child touching the infant child's genitalia with his fingers.

Your Declarant knows that the arrest warrant for Perry Joe Pool, once entered into law enforcement databases, will be available to law enforcement officers across New Mexico. Your Declarant cannot reasonably predict where Perry Joe Pool may be contacted or what time during the day or night when that contact and arrest will occur. As such, your Declarant requests that Night Service be authorized allowing the arrest warrant to be active at anytime allowing officers to facilitate the arrest and service of the arrest warrant.

REQUEST

Based on the aforementioned facts, I respectfully request a warrant be issued, upon probable cause, for the arrest of Perry Joe Pool.

Mariah Gonzales

Mariah Gonzales, Special Agent
New Mexico Department of Justice

Electronically approved by A.A.G Jennifyr Vickery

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
IN THE DISTRICT COURT

No. TV-9R2024-0202

Case Number: 202402-00566

STATE OF NEW MEXICO
Plaintiff,

v.

Name: Perry Joe Pool
[REDACTED]
[REDACTED]

Race: W Sex: Male

Height: 5'06" Weight: 174

Hair: Gray Eyes: Brown

Residence: 4004 Bermuda Dr. NE, Albuquerque, New Mexico 87111

Defendant,

CRIMINAL COMPLAINT

The undersigned, under penalty of perjury, complains and says that on or about the 4th day of September 2024, in the City of Albuquerque, County of Bernalillo, State of New Mexico, the above-named defendant did:

COUNT I

Sexual Exploitation of Children (under the age of thirteen) (Possession)(7080)

in that on the 4th day of September 2024, in Bernalillo County, State of New Mexico, the above-named defendant Perry Pool, intentionally possessed an obscene visual or print medium depicting any prohibited sexual act or simulation of such an act and had reason to know that one or more of the participants in that act is a child under thirteen years of age, a special penalty fourth-degree felony, contrary to NMSA 1978, Section 30-6A-3(A).

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Mariah Gonzales

Mariah Gonzales (Affiant)

New Mexico Department of Justice
ICAC Task Force Special Agent

Approved as to legal sufficiency for
probable cause by:
A.A.G. Jennifyr Vickery

If Probable Cause Determination Required:

Probable Cause Found

Probable Cause Not Found, and Defendant Released from Custody

Judge: Lucy Salimon

Date: September 4, 2024

Time: 8:54am