

The Honorable Robert J. Bryan

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

JAY MICHAUD,

Defendant.

NO. CR15-5351RJB

**DECLARATION OF FBI SPECIAL
AGENT DANIEL ALFIN IN SUPPORT
OF GOVERNMENT’S SURREPLY TO
DEFENDANT’S THIRD MOTION TO
COMPEL**

I, Daniel Alfin, declare as follows:

1. I am a Special Agent of the Federal Bureau of Investigation. I am currently assigned to FBI Headquarters, Criminal Investigative Division, Violent Crimes Against Children Section, Major Case Coordination Unit. My duties involve the investigation of individuals using various types of technology to produce, distribute, and trade child pornography.

2. I have been involved in the FBI investigation of the Playpen website since it came online in approximately August 2014. Playpen was a website that existed on an anonymous network and was dedicated to the advertisement and distribution of child pornography. My duties have involved the review of Playpen on multiple occasions, engagement in undercover activities on Playpen, and the coordination of investigative

1 activity with regard to identified members of Playpen such as the defendant, Mr.
2 Michaud.

3 3. In preparing this declaration, I have reviewed evidence and spoken with
4 FBI personnel familiar with the facts and circumstances outlined below. I provide the
5 following summary of the information I have learned as a result.

6 4. A query of an FBI database containing the information gathered as part of
7 this investigation through the use of the NIT revealed the following: 1) there are no
8 duplicate unique identifiers within the database, meaning that each identifier assigned to
9 an individual Playpen user is in fact unique; 2) the identifier associated with the username
10 "Pewter" was in fact unique; and 3) there are no identifiers in the database other than
11 those generated by the deployment of a NIT as part of this investigation.

12 5. The NIT computer instructions provided to the defense on January 11,
13 2016, comprise the only "payload" executed on Michaud's computer as part of the FBI
14 investigation resulting in his arrest and indictment in this case. Accordingly, the defense
15 has been given access to the only "payload" as that term is used by the defense in its
16 Third Motion to Compel, accompanying Declaration.

17 6. The government has advised the defense that it is willing to make available
18 for its review the two-way network data stream showing the data sent back-and-forth
19 between Michaud's computer and the government-controlled computer as a result of the
20 execution of the NIT.

21 7. Review of this data stream reflecting the information transmitted to the FBI
22 from Michaud's computer as a result of the deployment of the NIT confirms that the data
23 sent from Michaud's computer is identical to the data the government provided as part of
24 discovery. Additionally, that data was contained within the Cygnus report which was
25 entered as Government exhibit 15 during the January 22, 2016, hearing in this matter.

26 8. Review of the network data stream also confirms that that no images were
27 transmitted from Michaud's computer to a government-controlled computer or from a
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1 government-controlled computer to Michaud's computer as a result of the execution of
2 the NIT.

3 9. After the NIT collected the information that it was permitted to collect via
4 the computer instructions sent to Michaud's computer, there was nothing that resided on
5 Michaud's computer that would allow the government (or some other user) to go back
6 and further access that computer.

7 EXECUTED: February 16, 2016.

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11 DANIEL ALFIN
12 Special Agent, FBI
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